Keeping the Peace in a Late-Medieval Polity.

Conflict and Collaboration in Bologna in the Age of Dante (13th-14th Centuries)



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Thesis submitted for the degree of *Doctor of Philosophy* in History

Michaelmas Term 2020

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ACKNOWLEDGMENTS

This thesis would simply not exist without the support and generosity of many people who believed in the potential of my project and enabled me to bring it to completion.

The Arts and Humanities Research Council and All Souls College, Oxford provided me with a full DPhil Bursary. Balliol College, Oxford, and the Oxford Clara Florio Cooper Memorial Bursary funded many research trips to the archive of Bologna, and covered travel expenses for local and international conferences. My parents Lucia and Carlo, my dear aunt Clara, and my uncle Ivo have always been ready to help, knowing well that a student in his early to mid-twenties is still to learn how to manage his finances effectively. I thus joined a long tradition of scholars who, at least since the twelfth century, wrote home in times of need – although my requests for additional funds were in the form of WhatsApp messages and not eloquent Latin epistles.

Researching and writing this thesis has been an extremely rewarding intellectual journey of discovery, which has taken me far from my initial (and confused) ideas with which I started back in 2016. For this, I wish to express my endless gratitude to my wonderful supervisors Gervase Rosser and Hannah Skoda. Together with offering their continuous support – academic, pastoral, and personal – they encouraged me to venture into new areas of research, and to ask challenging questions to the evidence which I was slowly digging up from the archive. Gervase and Hannah helped me to put my ideas into shape, and spurred me to think harder in order to really bring out the full potential of my discoveries. They did all of this with unfailing kindness, patience, and intellectual honesty. I hope that this thesis repays the passion and interest with which they have supported me over the last four years.

The development of my ideas has also benefited from many fruitful discussions with a number of academics. In particular, I would like to thank Chris Wickham, who supervised me when I first started as a postgraduate student in Oxford in 2015, and has been enthusiastic about my ideas and research ever since. Andrea Zorzi, whose scholarship has been tremendously influential for my own work, welcomed me in his cohort of students and gave me very helpful advice. In 2017, he also invited me to join a research team based in Florence. Participating in this

(on-going) project has been a hugely beneficial experience, and yet another great reason (if any are needed) to visit that beautiful city regularly. I am thus enormously grateful to Zorzi and the other members of the research team, many of whom have become dear friends: Alessandro Caprilli, Antonio Musarra, Daniele Bortoluzzi, Enrico Faini, Federico Lattanzio, Francesco Barbarulo, Francesco Poggi, Maddalena Moglia, Pierluigi Terenzi, Piero Gualtieri, and Stefano Bernardinello. If I have managed to carry out a detailed study of late-medieval Bologna and its system of peace-keeping, this has been possible thanks to the kind assistance provided by the staff of the Archivio di Stato di Bologna; and thanks to the previous work carried out by a number of unrivalled experts of this particular context and its rich sources: Armando Antonelli, Giovanna Morelli, Giuliano Milani, Massimo Giansante, Massimo Vallerani, Rossella Rinaldi, and Sarah Rubin Blanshei. These academics have offered their help, support, and expertise, have shared their published and unpublished work with me, and have listened to what I had to say with interest and great patience. I thank them very much indeed, and hope that my work will be at least partially useful for their own on-going studies. The final year of my DPhil has also been made possible – and enormously enriched – by Ambrogio Camozzi Pistoja of Harvard University, who hired me to work as his research assistant. This invaluable opportunity has allowed me to explore new areas of research, to develop new exciting ideas for future projects, and to finish my thesis in wonderful locations across Tuscany and Umbria. During this journey, I met many colleagues and professors with whom I have had many inspiring conversations: Alberto Cotza, Alma Poloni, Carol Lansing, Daniel Lord Smail, Daniele Dibello, Diego Zancani, Edward Dettman, Elena Lombardi, Eric Nemarich, Filippo Ribani, George Dameron, Giacomo Vignodelli, Giorgio Tamba, Henry Tann, Ian Forrest, Irina Mattioli, Jean Claude Maire Vigueur, Julia Smith, Laura Righi, Marco Gentile, Miri Rubin, Oren Margolis, Paolo Grillo, Riccardo Rao, Stephanie Leitzel, and Sumner Braund. Finally, I would like to thank Loek Luiten, a fellow DPhil historian and scholar of the Italian Renaissance, and one of my closest and very best friends. These years at Oxford would have been a lot less cheerful (and a lot sleepier) without the thousands of coffees had at the Weston Cafe, the matches of (bad) ping pong and (worse) tennis, the games of risk, the

spritzes, the visits to Renaissance castles, and the endless conversations about anything ranging from medieval lords with ridiculous names to our own adventures.

Thankfully, this period has not all been about researching, writing, and presenting at conferences. My *carissimi amici* Brando Fornaciari, Edoardo Pricolo, Leonardo Magnani, Massimo Bricchi, Michele Costa, and Stefano Mazzocchi made sure, with the greatest zeal, that I did not always think about my DPhil. In fact they have achieved this task with great success, so that the last four years have also been filled with many non-academic – but definitely highly enjoyable – events. Alberto Corrado, Alexander Gebhardt, Andrew Tzavaras, Anna Agnello, Antonio Marson Franchini, Beatrice Faleri, Carl Seeman, Daniel Lucy, David Kaufman, Flaminia Pischedda, Geri Della Rocca De Candal, Giulia Maria Paoletti, Hadrien Montanelli, Kieran Ball, Lara Booth, Marc Gillis, Matteo Brunelli, Nicola Pinzani, Roberto Binetti, Roman Rothaermel, Sara Bicknell, and Sean Heelan are some of the great people who made my stay at Oxford – and, in particular, in the wonderful Balliol graduate community of Holywell Manor – one filled with enough happy memories for a lifetime. If I have managed to get to the end of this journey, it is also their merit.

Finally, I would like to thank my amazing family for always encouraging me to pursue my dreams and do it to the best of my abilities. This thesis is dedicated to my *nonna* Umbertina, whose war-time stories made me fall in love with history at a very young age.

NOTES

All transcriptions from unedited documents and all translations from Latin, Italian, and other languages are mine, unless indicated otherwise.

Footnote references have been abbreviated to surname of the author(s), abbreviated title of book or article, and page number(s). References do appear in full format in the bibliography.

Where possible, Latin names and surnames have been rendered into modern Italian (i.e. Girardus de Galluçiis becomes Gerardo de Galluzzi), while famous names have been kept in their Anglicised form (i.e. Emperor Frederick II).

SHORT ABSTRACT

My thesis investigates the dynamics which made it possible for the conflict-ridden polities of late communal-age Italy (*c.*1250-1350) to keep the peace and experience relative political stability, using Bologna and its surrounding countryside (*contado*) in *c.*1265-1307 as case study. The aim is to analyse the ways in which European and Mediterranean late-medieval polities could function in what was a period of unprecedented institutional and legal growth, but also one of deepening pluralism and rising inequality. By doing so, my thesis addresses a number of key debates linked to the study of this important historical period. These are the question of the relationship between the growth and development of polities and the control of 'private' violence; and the ways in which new administrative, legal, and judicial developments – but also the circulation of new intellectual ideas – affected the functioning of society and its internal power relations. As I argue, deeply divided late-medieval polities could actually achieve an internal balance which secured peaceful coexistence between enemy families and factions. During these periods, civic governments managed to carry out more or less coherent political programmes. This was not only the consequence of new advances in the fields of law, bureaucracy, and administration, but it was also – and mainly – possible thanks to formal and informal collaboration between different sections of society. In particular, I demonstrate the existence of a restricted network made of 161 elite urban families whose members appeared in a mediating capacity in thousands of disputes and in the most delicate conflicts. This system of peace-keeping also came at a cost, however, as it produced many side-effects and did not completely eradicate the problem of internecine divisions. The underlying argument is that the growth of public institutions around 1300 did not replace an older political system made of interpersonal relations but, rather, was built onto it.

LONG ABSTRACT

My thesis investigates the dynamics which made it possible for the conflict-ridden polities of late communal-age Italy (*c.*1250-1350) to keep the peace and experience relative political stability, using Bologna and its surrounding countryside (*contado*) in *c.*1265-1307 as case study. The aim is to analyse the ways in which European and Mediterranean late-medieval polities could function in what was a period of unprecedented institutional and legal growth, but also one of deepening pluralism and rising inequality. By doing so, my thesis addresses a number of key debates linked to the study of this important historical period. These are the question of the relationship between the growth and development of polities and the control of 'private' violence; and the ways in which new administrative, legal, and judicial developments – but also the circulation of new intellectual ideas – affected the functioning of society and its internal power relations. As I argue, deeply divided late-medieval polities could actually achieve an internal balance which secured peaceful coexistence between enemy families and factions. This was not only the consequence of new advances in the fields of law, bureaucracy, and administration, but it was also – and mainly – possible thanks to formal and informal collaboration between different sections of society. The system of peace-keeping uncovered in this thesis also came at a cost, however, as it produced many side-effects and did not completely eradicate the problem of internecine divisions. The underlying argument is that the growth of public institutions around 1300 did not replace an older political system made of interpersonal relations but, rather, was built onto it.

While the nature of conflict and violence in medieval polities has been investigated in many studies, historians have only recently begun to realise that despite their internal divisions, these societies strove towards and often managed to achieve (relative) internal peace and political stability. Nevertheless, what exactly peace meant and the dynamics which made its achievement possible are questions which still need to be explored in detail. This is particularly true for the Italian self-governing cities of the thirteenth and fourteenth centuries.

For a long time, conflict (in all its forms) has been understood as a defining – and inevitable – characteristic of this historical context. The communal age was presented as a lively although

ultimately ruinous parenthesis of Italian history. According to a narrative which first emerged between the eighteenth and early-nineteenth centuries, because of their inability to overcome internal divisions, the 'democratic' communes eventually gave way to the rise of despotic authoritarian governments (*signorie*). Although with important differences, this narrative of progressive decline was inherited and upheld by many generations of scholars. This endured until the second half of the twentieth century, when some historians postulated that the self-governing cities were doomed to succumb because of their internal differences, and thus entered a phase of irreversible institutional crisis. As was argued, this process culminated in the age of Dante – himself a victim of political conflict – when the final blow to the communal system was given by the emergence and consolidation of the *popolo*. This was a new, broad-based political organisation made of non-noble (but well-off) artisans, notaries, merchants, and bankers, which was however interpreted as simply another group of pressure involved in endless clashes for political power. Despite the fact that they were produced in different historical contexts and led to (even radically) different interpretations, many of the studies produced between the eighteenth and twentieth centuries shared some common points. Conflict (whether between socio-economic classes, factions, or enemy families) was seen as a disruptive phenomenon which hindered the development of the state; communal governments sought but were unable to overcome pluralism because of institutional weakness; the main section of society responsible for this ruinous fate were the aristocracy, presented as a group of self-righteous and bellicose clans involved in destructive and endless cycles of vendetta in order to achieve political supremacy.

In the last few decades, a number of historians have challenged this bleak reading of communal history and have, in particular, completely reconsidered the political experience of the *popolo*. This has been praised for promoting unprecedentedly broad political participation, important judicial, legal, and institutional reforms, and the pursuit of peace, justice, and the common good. The perception of the final moments of the communal age has thus been completely retransformed, as this period is now presented as a turning point in pre-modern Italian history. While the rule of the *popolo* was relatively brief, its achievements had a long afterlife, as they informed political ideas and practices for the following centuries. According to what is the

new dominant narrative, under the guidance of *popolo* regimes, the Italian cities witnessed a radical shift from a previous political system made of interpersonal friendship and coercion, to a new one based on institutions and formal legal relations. As has been observed, the centralisation of political and judicial powers, the growth of accountability and of the importance and sophistication of the law were, more generally, phenomena experienced throughout Latin Europe. Nonetheless, even these studies said little about internecine conflict and its resolution. The discussion of inter-familial clashes found little space in the reappraisal of this historical moment. As a consequence, internecine violence continued to be read in largely negative terms and to be ascribed to the unruly nobility, who could only be kept in check by tougher laws and empowered civic magistrates. In line with this institutional approach, recent studies on this topic have suggested that in the period around 1300, public order and peace-keeping became matters of law-enforcement exclusively in the hands of civic officers, then invested with new prosecuting powers and supported by growing numbers of 'police forces'.

By contrast, thanks to the growing influence of social and legal anthropology on the study of the middle ages, other historians reconsidered pluralism not as a negative element which hindered the formation of state structures, but as a characteristic of late-medieval societies. As a consequence, conflict ceased to be considered as a necessarily disruptive and chaotic phenomenon, and began to be considered as a natural by-product of these societies. This was driven by its own logic, followed a series of norms (whether implicit or explicit), and could actually have an ordering social and political role. The 'processual' approach has been adapted to the study of the communal period. In the last twenty years, various studies have argued that conflict and vengeance violence were employed throughout the social scale. Rather than being antithetical to the development of public powers, feuding, vendetta, and private peace-making were tools of dispute resolution tolerated and sanctioned by the statutes of many city-communes. As has been proposed, conflict was not an alternative to the law but, rather, was absorbed by the system of public justice. Provided that enemy parties respected the norms of the *Ius ad bellum* and did not exceed with their actions, they were allowed to fight each other, as – historians have argued – the re-balancing of offences and the restoration of honour would eventually lead to a reconciliation.

While these various studies have made important contributions to the topic and have shed light on many aspects which were previously disregarded, they have left a number of open questions and have generated new debates. Among these, for example, is the question of the dynamics and legitimacy of feuding and vendetta, with which this thesis engages directly. At the same time, while the nature of pluralism (social, political, legal, jurisdictional) has been profoundly reconsidered, this continues to be treated as an almost inevitable source of instability and volatility. The fact that the various actors at play within these stratified spaces could also cooperate has been almost completely disregarded. The theme of collaboration in pre-modern societies is only beginning to be explored: in the context of late-medieval Italy, this has only been explored for the larger Milanese, Florentine, and Venetian states which developed from the late 1300s onwards. Finally, while it has been accepted that conflict was an unfaltering part of everyday life, both the institutional and processual approaches mentioned above do not account for the reasons why communal cities alternated moments of stability – during which regimes managed to promote coherent political programmes and enjoyed wide consensus – with moments of severe instability, city-wide revolts, and regime changes. Even recent studies on private peace-making – which have taken a historiographical middle ground between the institutional and processual approach – have focused on the procedural logic of reconciliations, their place within the system of public justice, and their theological and spiritual underpinnings. Yet the dynamics which enabled these reconciliations to work – and, conversely, the reasons why at times these failed – are still to be uncovered.

As I argue, while the Italian self-governing cities remained characterised by high levels of internecine fighting, they were not doomed to succumb to civil strife, nor did this engender an irreversible institutional and political crisis. In order to understand how this was the case, however, it is necessary to look beyond the study of institutional developments and norms, and to consider the wider set of socio-economic, legal, and political processes which supported the functioning of society. Even if conflict was not a chaotic phenomenon necessarily disruptive of social order, this could lead to destabilising effects and could produce dangerous city-wide fractures: contemporaries were aware that these had to be kept under control at all costs. Rather than being

a prerogative of law-enforcement authorities, I show that in the late 1200s, peace-keeping continued to see the direct involvement of hundreds of citizens, and depended on various forms of collaboration between different sections of society. Through prosopography and network analysis, I demonstrate the existence of an informal web of trusted members of the community who intervened – both formally and informally – as mediators in over 70 per cent of all disputes and in virtually all the major conflicts (both in the city and *contado*). By means of a series of complex processes which are reconstructed in detail in chapter IV, these men fulfilled an essential intermediary role, effectively supporting (and controlling) the functioning of judicial mechanisms: they obtained acquittals for those who turned to them and exposed ostracised members of the community to punishment. Then, the same men organised both formal and informal reconciliations between the disputants, and supported the coercive measures taken by civic authorities to contain the most dangerous enmities. The pacification of society was beneficial both in economic and political terms, and fulfilled a Christian civic ideal which saw the peaceful city as an anticipation of the Heavenly Jerusalem. While vengeance violence and its language were appropriated across society by anyone (including the peace-makers) ranging from urban and rural lords to working-class women, peace-keeping remained, almost exclusively, the prerogative of a restricted network of lay, elite males. Together with securing a condition of material and spiritual tranquillity, acting as mediators was, therefore, also a means through which peace-makers enhanced their status and defended their elite position in society. Violence and peace-making were two faces of the same coin, as both served to secure – and defend – social and political power.

While this system made it possible for the most dangerous conflicts to be kept under control – provided that peace-makers maintained a united front and left their own rivalries behind them – it also created many side-effects. The most dangerous of these was that since the intervention of peace-makers virtually always resulted in the acquittal of the defendants, well-connected and strategically-minded actors could get away with violence, provided that this was not out of control. Therefore, even if the right of feud was not contemplated by the statutes and all instances of violence could be prosecuted in the criminal courts, many conflicts were indirectly tolerated, so

that even in a society as obsessed with peace as that of late communal-age Italy, the spectre of factional divisions could never really be warded off.

Bologna is an ideal case study for three main reasons. First, its archive preserves what is arguably the richest collection of judicial, notarial, and governmental records to survive from this period in Italy (if not in Europe). As I show, the combined analysis of these documents makes it possible to reconstruct dozens of unedited conflicts in unprecedented detail, and to uncover the socio-economic, legal, and political dynamics which, in turn, enabled their resolution (or containment). Second, the *popolo* regime which governed the city at the end of the thirteenth century was one of the most accomplished in Italy. In 1280-1296 (the main focus of my thesis), the government enjoyed great consensus, managed to pursue a coherent programme aimed at securing the material and spiritual well-being of the polity, and promoted a series of important judicial and institutional reforms. Thanks especially to the Bolognese *Studium*, the regime paid the utmost importance to formal procedure, and a number of university-trained jurists were consulted in order to secure the full legitimacy of governmental operations. None the less, I argue that even in a polity as institutionally advanced as this, the functioning of society – and, in particular, justice and peace-keeping – continued to depend on both formal and informal interpersonal relations. My thesis therefore nuances the picture – presented by many historians of the *popolo* in recent years – of this period as one of epochal socio-political change, and argues for continuity with previous systems (even if these processes were informed by contemporary developments and ideas). Finally, as mentioned, Bologna was one of the most important cultural and intellectual centres of Latin Europe. Undoubtedly, the crown jewel of the university was its law faculty, which attracted thousands of students from all over Italy and Christendom, and which contributed to the circulation of legal knowledge across learned and non-learned sections of society. However, Bologna was also an important centre for the reception and study of Aristotelian philosophy and Galenic medicine. As I will argue, these new ideas contributed directly to urban political thought. This city was at the centre of a regional and international economic, political, and cultural network, so that the processes and ideas developed in this context may have circulated far and wide across Italy and Europe. While the history of Bologna was unique in many regards, this also

shared many similarities not only with other Italian self-governing cities, but also with European and Mediterranean polities more generally. As a consequence, the significance of this study will reach beyond the geographical and chronological boundaries of Bologna and its *contado* in the age of Dante.

This thesis is divided into six chapters plus an introduction and epilogue. The introduction summarises the rich historiography which exists on the interconnected themes at the heart of my discussion: the study of conflict, violence, and peace-making, the political history of the late communal age, and the debate on the development of the state. Then the introduction presents the main argument of the thesis and explains the structure. Chapter I introduces the reader to the historical and material settings of Bologna in the age of Dante, and discusses the political ideology and programme pursued by the *popolo*, with a special focus on the common good, then identified as the *bonus et pacificus status*. Chapter II explains the functioning of public justice by focusing on the criminal courts of the *podestà*, shows how and why contemporary men and women had recourse to litigation, and argues for a widespread legal consciousness across city and *contado*. More generally, I here introduce the two main sources used throughout the thesis, trials and reconciliations. Through the combined study of these sources, chapter III reconstructs a series of interpersonal and interfamilial conflicts fought in the city and *contado* between the thirteenth and fourteenth centuries, and analyses their protagonists, causes, and dynamics. These same conflicts will then be used as case studies in the remainder of the thesis. Chapter IV shows that the functioning of justice – and peace-keeping – rested directly on collaboration between different sections of society. In this chapter, I demonstrate the existence of a restricted and informal network of 161 families whose (male) members acted as mediators (hence the term peace-makers) in the majority of disputes and conflicts. Chapter V shows the dynamics of peace-keeping in action through the analysis of two well-documented case studies: a feud fought between two powerful urban houses, and a long war waged between powerful rural lords in the mountains south of the city. As is argued, these conflicts were kept from producing wider fractures and from causing devastating effects for the regime and the whole polity. Then this chapter questions the meaning of peace-keeping in contemporary thought, and shows the limits and side-effects of this system.

Chapter VI shows that the system of peace-keeping analysed in the previous chapters presented the same forms of dynamic equilibrium found in the scholastic reception and re-elaboration of the Galenic system. In those same years, a number of intellectuals directly involved in civic government produced corporeal analogies of their polities, explicitly comparing conflict to disease and, thus, medicine to peace-keeping measures. This suggests that even if the practices of peace-keeping analysed here were never explicitly conceptualised, by the late Duecento, a number of moral and legal thinkers were aware that these worked as and were part of a system. The epilogue summarises the main argument and discoveries of the thesis, before providing a new explanation as to why at times, factional divisions could not be prevented.

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Introduction
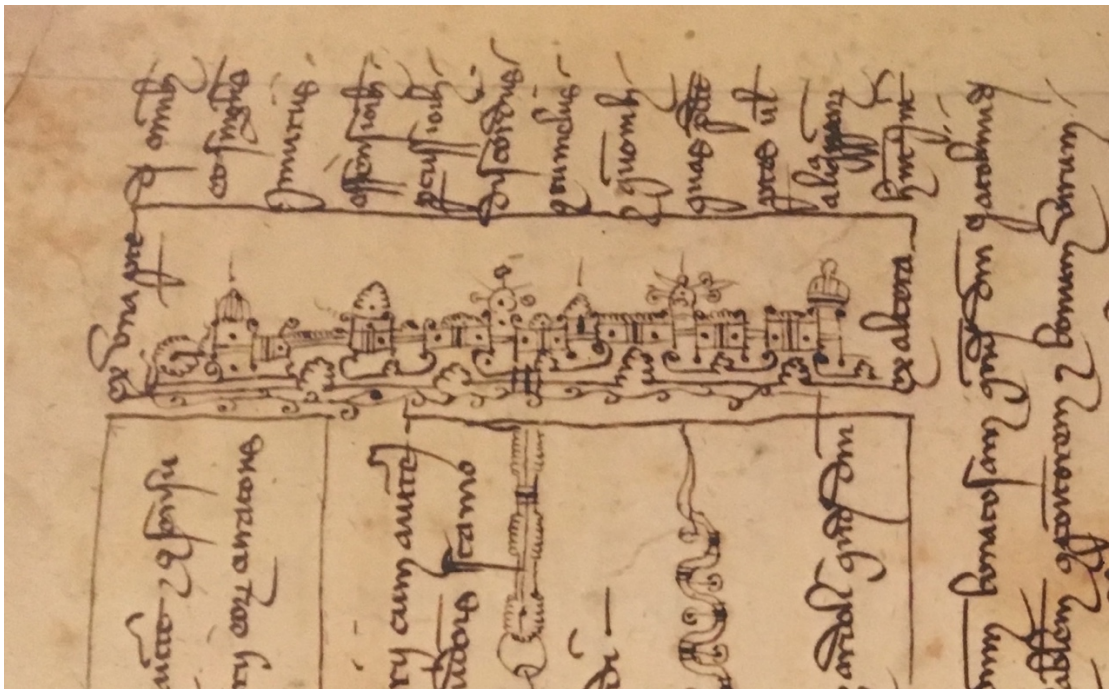


Figure 1. Profile of a city drawn by Enrichetto delle Querce of Bologna (August 1287). ASBo—*Memoriali*, Reg.69, 261v.

Was peace possible in the conflict-ridden cities of late communal-age Italy? At the turn of the fourteenth century, this question was asked directly and indirectly by many poets, preachers, chroniclers, jurists, and writers of political treatises, as internecine divisions were an unfaltering part of everyday life.[1] Towards the end of his life, Dante Alighieri of Florence (d.1321), arguably the most famous political exile of this period, denounced the hopeless state of urban strife in both verse and prose.[2] As the poet wrote in his *Monarchia* (*c.*1315-1321), peace could have only been restored by the intervention of a higher power, which he initially identified with Emperor Henry VII (d.1313).[3] Thanks to moral rectitude, divine legitimation, and coercive force, the emperor could suppress factional divisions and their disruptive effects on society once and for all. Yet others

[1] See Hyde, 'Views on Factions and Civil Strife'. For a definition and understanding of peace in this period, see p.6 below. The question of whether peace-making was effective is explored in chapter V of this thesis.
[2] The main political cantos of Dante's *Comedy* are Inferno VI, Purgatorio VI, and Paradiso VI, although references to civil strife abound throughout. See also Honess, ed., *Four Political Letters*; Dante, *Convivio*, III. For an overview, see Najemy, 'Dante and Florence'.
[3] Bowsky, *Henry VII in Italy*; Till Davis, 'Dante and The Empire'. For the dating of this treatise, see Dante, *Monarchia*, tr. and ed. P. Shaw, xl.

thought that despite their political turbulence, the cities of central and northern Italy could function even without the intercession of external actors. Among them was Dante's friend Enrichetto delle Querce of Bologna.[4] In July 1287, Enrichetto was appointed as notary of the *Memoriali*. These were official communal registers which reported a copy of all transactions worth £20 or more. Among a multitude of dowries, sales, receipts, and other documents, were also thousands of private reconciliations. As I will argue, these documents are one of many proofs that while communal society was characterised by many conflicts, contemporaries were also engaged in a continuous quest for internal peace and stability.[5] On 16 August, the members of two middling-status artisanal families – the Nappari and Campanari – went to Enrichetto's desk and announced the arbitration which had formally put an end to their violent enmity. The *notarius* copied the act in a clear and elegant cursive hand, and adorned it with a vertical drawing (figure 1 above). The letters 'e' of the words *ex* (*una parte*) and *ex* (*altera*), which indicated the two sides about to be reconciled, give shape to the profile of a city defended by magnificent towers and gates. This was hardly a simple marginal doodle. Enrichetto had taken his job as keeper of official civic memory with the utmost seriousness. Indeed, he included a careful description of the contents of his *Memoriale* and reported the beginnings of each *quaternus*, in order to avoid any illicit interpolations. Each and every minor mistake and misplaced pen stroke were listed with editorial precision at the end of the register.[6]

Given this setting, it is possible that Enrichetto sought to represent the city as an ideal political community forged by peace. Having left their hatred behind, the former enemies were now parts of the same harmonious whole. For many late-medieval Christian Italian city-dwellers, the *civitas* could be seen as the greatest and most advanced of human achievements. On earth, the peaceful city approximated the heavenly Jerusalem described in the Book of Revelation (21-22).[7]

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[4] In 1287, Enrichetto transcribed Dante's 'Garisenda sonnet' (*Non mi poriano zamay*). This is the earliest surviving attestation of a work by Dante, and one of many indirect proofs that the Florentine poet visited Bologna in his youth. See Antonelli, 'Rime estravaganti'; Putini, 'Enrichetto delle Querce'.

[5] For a discussion of the Memoriali and their reconciliations see chapter II.

[6] ASBo–*Memoriali*, Reg.69, f.402r. Antonelli, 'Rime estravaganti', 104-5. This interpretation of Enrichetto's drawing is my own.

[7] Renna, *Jerusalem in Medieval Thought*. See also Lilley, 'Imagining the City', for an idealised vision of medieval Chester.

This analogy was particularly dear to Enrichetto's fellow citizens: the urban Benedictine monastery of S. Stefano was modelled after the Holy Sepulchre, and was used to re-enact the Passion of Christ during the Holy Week.[8] (The nearby church of S. Maria in Monte, built on top of the only uphill part of Bologna, was used as the Calvary.) The social, political, and religious centrality of the city as a symbol of peace and human accomplishment did not only reflect the urban character of central and northern Italy. For educated people like Enrichetto, this was also and most importantly one of the core values inherited from Aristotle, Cicero, and St Augustine. These authors were at the heart of the political ideology of the *popolo*, a political organisation made of non-noble merchants, bankers, notaries, butchers, and wealthy artisans in which Enrichetto participated actively.[9]

The notary's enthusiasm was justified. In the last two decades of the Duecento, the Guelf *popolo* regime of Bologna was living its political apogee after more than half a century of political conflicts with the urban aristocracy. The Nappari and Campanari were middling-status families, so that the resolution of their conflict was not, in itself, particularly important. However, this reconciliation took place at a very delicate moment, as the regime had just overcome a perilous threat. Only two weeks earlier, four powerful civic aristocrats had conspired to abrogate the *Ordinamenta sacrata et sacratissima*. These were a set of anti-magnate laws instituted in 1282 and 1284 which restricted the legal and juridical rights of the aristocracy, and symbolised the political triumph of the *popolo*.[10] By means of a fake letter, the conspirators had pretended that a group of Ghibelline rebels (in exile since the mid-1270s) were planning an imminent attack against the city. The *conspiratores* requested a suspension of the Ordinances, in order to assume control during the military emergency and overthrow the regime. The plot was discovered in time. On 13 August, the two highest magistrates of the city, the *podestà* of the commune and the *capitano* of the (*del*) *popolo* began the legal proceedings against the plotters, who were found guilty and sent into exile.[11]

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[8] In 1282, S. Stefano was referred to as *Jerusalem Bononie*: ASBo–*Memoriali*, Reg.47, 4r.
[9] For this political organisation, see Zorzi, 'Popolo'. Urban political culture is discussed in chapter I.
[10] Fasoli, 'Legislazione antimagnatizia'; *eadem*, 'Ricerche sulla legislazione'; Blanshei, *Politics and Justice*, 59-60; Zorzi, 'Politica e giustizia'.
[11] For the conspiracy, see Milani, 'Bologna's Two Exclusions'.

Enrichetto and his peers could thus breathe a sigh of relief. In the following decade, the reinforced *popolo* regime was sufficiently stable to pursue a political programme aimed at securing the *bonus et pacificus status*. This was an idealised condition which corresponded to the material and spiritual well-being of the polity (for which, see chapter I). This state, however, could not be achieved by chance, as it was continually threatened. The conspiracy of 1287 was only an acute manifestation of underlying political tensions, while the enmity between the Nappari and Campanari was only one of many others recorded in those days. In the last two decades of the Duecento, Bologna and its rural district (*contado*) remained characterised by dozens of violent conflicts which cut across the social spectrum (chapter III). If left unchecked, these could potentially create widening fractures and pose serious threats to the governing body's hold. How was it possible, then, to keep the peace and achieve that harmonious community evoked by Enrichetto in his drawing?

At first sight, setting out to analyse the dynamics of peace-keeping in a context famous for its blood vendettas, factional divisions, and mass exiles might seem paradoxical. As is explained in greater detail in section 1, conflict was a defining characteristic of late-medieval Italy. For a long time, historians assumed that the Italian cities were unable to overcome their internal divisions, and that these were the ultimate cause of the failure of the communal experience. While recently, many studies have profoundly reconsidered the nature of conflict, the fact that these polities could also experience periods of peace and stability has gone almost unnoticed, and the dynamics which made this possible have been only partially analysed.

The analysis of the extremely well-documented case study of Bologna in the age of Dante will show that the Italian city-communes were not doomed to succumb to civil strife. Between regime changes and great factional divisions, these polities also managed to achieve long periods of relative peace and political stability. One of these moments of prosperity was experienced under popular regimes (*c.*1250-1330), a period which has recently been reconsidered and presented as a turning point in the history of pre-modern Italy (section 1.2 below). By exploring the dynamics of peace-keeping in this particular context, it will be possible to engage with a number of questions which are central to the historiography of communal-age Italy but which are also relevant for late-

medieval Europe more generally. How did the developments of the thirteenth century – and, in particular, the growing importance of the law – affect the functioning of society? Did the growth of new formal institutions replace previous systems? Did this period witness a shift in the relationship between governmental authorities and subjects? And, more generally, how could pluralistic late-medieval polities function and grow despite their internal conflicts? Peace-keeping was an ethical, political, and religious concern shared throughout Western Christendom. Therefore, the significance of my argument – although specific to Bologna and communal Italy – will reach beyond the geographical and chronological boundaries of this particular context.

Bologna is an ideal case study for a number of reasons. First, its archive preserves what is arguably the richest collection of thirteenth- and early fourteenth-century judiciary, notarial, governmental, financial, and administrative acts in Italy (if not in Europe). While these sources (with the exception of the *Memoriali*) have received great attention from economic, legal, political, and social historians, this is the first attempt to study them together in order to reconstruct the dynamics of conflict and peace-keeping. Second, the *popolo* of Bologna was one of the liveliest and most accomplished in Italy, and experienced its political apogee between 1280 and 1296 (the focus of this study). Moreover, thanks to the presence of strong popular governments and its famous *Studium*, Bologna was at the forefront of the legal and judicial developments of this period. At the same time, as is explained in chapters I and VI, the university enabled a high degree of intellectual exchange between jurists, doctors, and their surrounding community. Together with hosting the most prestigious law faculty of its time, Bologna was also one of the most important centres for the early reception of Aristotelian philosophy and Galenic medical thought. As I will argue, the circulation of new ideas had a direct impact on urban political culture, and might have also provided an intellectual context for some of the practices of peace-keeping analysed here. In turn, the developments, ideas, and practices developed in Bologna might have spread to the rest of Europe, as the university city welcomed scholars and dignitaries from all over Christendom. Finally, while in the last few decades, pre- and early-modern Bologna has received increasing attention from international scholars, this city remains remarkably less explored than those more favoured destinations for Renaissance studies, that is, Florence, Siena, and Venice.

Four definitions are required at the outset. The first is about the meaning of the term 'peace'. In the period under analysis here, peace had multiple and interconnected meanings.[12] Following St Augustine, thirteenth-century intellectuals like Enrichetto believed that a complete eradication of violence and internecine fighting would only be experienced in the heavenly Jerusalem.[13] The aspiration for peace meant, in reality, the containment of conflict and violence so that they did not disrupt the social and political order of the polity. Whether this could actually be achieved (and whether contemporaries believed it was effective) is a question addressed in chapter V. Communal-age society was deeply infused with Christian values, so that earthly peace also depended on the conduct of an ethical and virtuous lifestyle, and on the ability of individuals to make their own peace with God through penance.[14] Therefore, peace was not simply a state of material well-being, but also – and most importantly – a condition defined by moral, philosophical, and spiritual connotations. As is explained in greater detail chapter I, this condition was indicated with the formula *bonus et pacificus status*. While this was a political aspiration and a mark of good government, its achievement depended on a collective effort by many different sections of society. Nevertheless, while the spiritual dimension must never be neglected and the Christian importance of forgiveness will be stressed throughout, this is not a study of the idea of peace in Christian thought, but of the system of peace-keeping which, as I argue, made it possible to keep conflicts under control. More generally, this is an investigation of how society as a whole (and not just civic lay or religious authorities) dealt with the problem of internecine divisions.

As a second point, 'political stability' is a modern concept. While this term has been occasionally used for the study of medieval and early-modern societies,[15] its connotations remain anchored in twentieth- and twentieth-first-century understandings of (mostly Western) political systems.[16] Of course, seeking to analyse the supposed stability of a late-medieval polity through frameworks conceived for, let us say, modern-day Western democracies would be anachronistic.

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[12] For a discussion of the meanings of peace, see Kumhera, *Benefits of Peace*, 16-18.
[13] Augustine of Hippo, *Civitas Dei*, book 19. Renna, 'Idea of Peace', 108.
[14] Jansen, *Peace and Penance*, 2-3. See also Thompson, *Religion of the Italian Communes*.
[15] e.g. Plumb, *Origins of Political Stability*; Dibello, 'Stabilità delle istituzioni veneziane'.
[16] As has been recently argued, stability does not depend on the type of government itself but, rather, on its strength and ability to appropriate natural resource rents: see Bjorvatn and Farzanegan, 'Political Stability'.

Nevertheless, a looser definition of stability without modern ethical and political connotations could also be applied to the reality of the thirteenth and fourteenth centuries. I will therefore take stability to mean a condition in which the regime could not only overcome challenges, but also act in pursuit of political goals.[17] This was, indeed, what was experienced by the civic government of Bologna (and other cities) in the last two decades of the Duecento and at various intervals throughout the pre-modern period.

Third, I will use the term 'regime' (*regimen*) to refer to the hold of a specific governmental body, and not a system of political institutions. So, for example, while the *popolo* of Bologna was politically active for almost 100 years (1228-1327), it did not constitute a unitary regime. Succeeding governments which used similar – if not the same – political structures could pursue different political objectives and be inimical to one another. Traditionally, the history of the Italian self-governing cities has been presented as a series of linear institutional developments: from the regime of the consuls (*c.*1130-1180) to the *podestà* (*c.*1180-1250), *popolo* (*c.*1250-1320) and, finally, *signori* (*c.*1330 onwards). However, if this institution-centred perspective is abandoned in favour of an understanding of the word 'regime' in the terms explained above, it will then become apparent that the communal age was much more dynamic. Between the twelfth and fourteenth centuries, virtually every Italian city experienced dozens of non-linear regime changes (as will be shown for the case of Bologna in chapter I).[18]

Finally, in the course of this thesis, there will be many discussions about the significance, working, and importance of 'institutions'. The word institution has multiple meanings, and could refer to virtually any social practice or system.[19] Nevertheless, by this term, I will here mean a formal organisation or body equipped with infrastructures regulated by existing and enforceable

[17] A definition based on that given by Eckstein, *Regarding Politics*, 183-84, minus the need for functioning democratic processes, which obviously do not apply to the medieval context.
[18] This reading of communal history is being developed by the research project 'Il sistema politico delle città comunali e signorili' coordinated by Professor Andrea Zorzi of the University of Florence, in which I have participated since its beginning in July 2017. See also Faini and Maire Vigueur, *Sistema politico*.
[19] For an understanding of institutions as 'the rules of the game in a society', see North, *Institutions, Institutional Change*, 1-10. Forrest, *Trustworthy Men*, 5, considers institutions as 'the sum of multiple actions and habits of thought'.

laws, as this is the common meaning given by historians of the communal age. (Further definitions will be given in section 2 below, where I explain the structure and main aims of this thesis.)

1 HISTORIOGRAPHY

The analysis of peace-keeping dynamics in thirteenth- and fourteenth-century Italy lies at the intersection of three major and interconnected historiographical themes. These are the analysis of conflict, violence, and peace-making in late-medieval Europe (sections 1.1 and 1.3-1.5); the study of the communal age and, in particular, of the period of *popolo* rule (1.2); the debate on state-formation, with a special focus on public justice and the growing importance of the law (1.3-1.4). The following five sub-sections explain how my thesis contributes to the debates existing on these various, interconnected themes.

1.1 *Types of conflict in late-medieval Italy*

Generally speaking, late-medieval cities were characterised by two different – although often interconnected – kinds of conflict: political and interpersonal or interfamilial. Patrick Lantschner has defined the former as a 'collective interaction between opposing groups [whose] actions affected [at least] one of the areas of urban public organisation'.[20] The protagonists of political conflict were governmental bodies (commune, *popolo* and its corporations, university); jurisdictional authorities (*podestà* of the commune, *capitano* of the *popolo*, consuls of the corporations, bishop); factions and coalitions; external actors such as inter-civic leagues, foreign kingdoms, the papacy, and the empire. These various groups competed not only for the control of the civic government, but also for the various economic, political, and jurisdictional spaces (or areas) of the polity.[21] Political conflict often resulted in violent street clashes and urban battles, but was also carried out through protests, constitutional reforms, opposition, and the juridical and political

[20] Lantschner, *Logic of Political Conflict*, 9. For a definition of terms such as conflict, feud, and vendetta, see chapter III.
[21] For the idea of political space, see Zorzi, 'Spazio politico'.

exclusion of unwanted groups.[22] Conflict also existed on a lower interpersonal and interfamilial level, as local resources were contested by rival individuals, families, sworn-groups, and parish-wide networks. These enmities often gave way to street assaults and vendettas, but were also carried out on other platforms, such as civic councils, and lay and ecclesiastical courts of law.[23] The practice of vendetta and its social, legal, and religious underpinnings have been discussed in much recent literature.[24] Yet other aspects of interpersonal and interfamilial conflict still need to be analysed in depth. One of the aims of this thesis is to fill this gap. Analysing the nature, protagonists, causes, and dynamics of these lower-level enmities will be paramount in order to understand how these could be prevented from disrupting the *bonus et pacificus status*. Even if interpersonal and interfamilial rivalries did not aim to take control of the government, they could generate wider fractures and transform themselves into political conflicts.[25] A famous example (and one of the few which has been analysed in detail) was the feud between the Cerchi and Donati families in late thirteenth-century Florence, whose most famous political victim was Dante.[26] As we shall see, many of the conflicts fought in late thirteenth-century Bologna could have led to similarly destabilising factional divisions, but were prevented from doing so thanks to the system of peace-keeping which will be discussed in the following chapters.

Political conflict has been a key theme in the study of the communal age ever since the mid-eighteenth century, when the Jesuit intellectual Ludovico Antonio Muratori published a series of important essays on this topic.[27] The two main and most studied conflicts of the thirteenth and fourteenth centuries – which defined the history of virtually all the city-communes – were the factional wars between the Guelfs and Ghibellines, and the clashes between the *milites* (later defined magnates) and *populares*. In the last 250 years, these two conflicts have generated various

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[22] Key works on this are Lantschner, *Logic of Political Conflict*; *idem*, 'Fragmented Cities'. Also Cohn, *Lust for Liberty*; Lori-Sanfilippo, ed., *Lotta politica*. For the development of exclusion as a tool for political conflict, see Milani, *L'esclusione*; Blanshei, *Politics and Justice*.
[23] For an overview, Büchert-Netterstrøm, 'Study of Feud'; Carroll, ed., *Cultures of Violence*.
[24] This is discussed at length below. For medieval Italy, see Cohn and Ricciardelli, (eds), *Culture of Violence*.
[25] As also recognised by Lantschner, *Logic of Political Conflict*, 10.
[26] Zorzi, *Quadro politico*, 95-120; *idem*, 'Dante tra i Bianchi e i Neri'; Canaccini, 'Bonifacio VIII'; Milani, 'Bando di Dante'; Diacciati, 'Dante nella politica'. The Cerchi-Donati feud is discussed in chapters III and V.
[27] Muratori, 'Origine et Progressu'; Raveggi, *Guelfi e ghibellini*, 15-6.

debates and have been analysed through many different interpretative frameworks, which reflected the socio-political concerns and historical contexts of the scholars who studied them.[28]

1.2 *Conflict and the debate on the* popolo

Arguably the most important debate on the nature of conflict in communal-age Italy was that between Gaetano Salvemini and the 'economic-juridical school' on one side, and Nicola Ottokar and the 'oligarchic school' on the other.[29] While both scholars used late thirteenth-century Florence as a case study, their positions were then inherited by following generations of historians, with long-lasting – and on-going – effects on the study of the late communal age more generally. In particular, two themes which have emerged from this debate – the question of the importance of the institutional reforms promoted by *popolo* regimes, and the nature, protagonists, and causes of internecine conflict – are central to the discussion of this thesis. It is necessary, therefore, to sketch out the main points held by these various schools of thought, and show how these have affected the study of the period under analysis here.

On the one hand, Salvemini – a politically-active socialist influenced by Marxian literature and by the political unrest of the late 1800s – adopted class struggle as a framework for the interpretation of all instances of political conflict. In his famous work published in 1899, this scholar read references in historical sources to *magnati* and *popolani* as opposed classes of, respectively, aristocratic rentiers and proto-bourgeois who pursued different economic (and, therefore, political) objectives. All other divisions were thus seen as by-products of class tensions.[30] In particular, Salvemini was the first historian to highlight the significance of the *popolo* and to praise its efforts to support the development of the state. In his view, the success of this organisation depended on its ability to contain the violent lifestyle of the oppressive nobility through the anti-magnate laws and on its focus on legal and institutional innovation.[31] As is explained below, this

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[28] For a historiographical overview: Milani, *L'esclusione*, 10-13; Raveggi, *Guelfi e Ghibellini*, 18; Tabacco, 'Latinità e germanesimo'; Vallerani, 'Modelli di comune'.
[29] For a summary, see Milani, *L'esclusione*, 14-22.
[30] Salvemini, *Magnati e popolani*, 39-42, 100-4. See also Artifoni, *Salvemini e il Medioevo*.
[31] This interpretative framework was also adopted by Volpe, *Studi sulle istituzioni comunali*; Luchaire, *Rivolgimenti politici*; Schevill, *Siena;* Heywood, *History of Perugia*.

positive reading of the *popolo* has been recently re-evaluated, and will also be discussed in the course of this thesis.

In the aftermath of the First World War, class-conflict became an uncomfortable topic. The political turbulence of the inter-war period, the changing nature of parliamentary politics, and the growing dissatisfaction with the liberal state which led to the rise of fascism affected political and human sciences, and contributed to the development of elitist political theories.[32] Within this context, various historians turned their attention to the authoritarian regimes which emerged at the end of the communal period. The factions which took part in the turbulent political life of the Duecento were now seen less as distinct party-like institutions, and more as pressure groups made of vertical clienteles.[33] In turn, these new trends contributed to the perception of conflict as a disruptive and largely negative phenomenon, an idea which would endure for many decades. In his study published in 1926, Ottokar rejected the Marxian interpretations advanced by Salvemini. Ottokar demonstrated that there were no real socioeconomic distinctions among the Florentine priorate (the highest legislative and executive office of that city) thereby arguing against the significance of class conflict as a motor of change and as a theoretical framework through which to understand the communal age. The ruling elite of Florence was thus presented as a socioeconomically cohesive (if politically divided) party at the head of a totalitarian state (this choice of vocabulary was not casual).[34] This was a convenient argument to make in fascist Italy. In 1930, Ottokar replaced Salvemini as professor of medieval history at the University of Florence, as in 1925, the latter had fled the country to pursue the antifascist cause abroad. The *popolo* thus began to be seen as an amorphous mass moved around by elite actors, and it lost its historical significance. If anything, after Ottokar, historians wrote that the *popolo* put a further strain on the precarious balance of the commune and accelerated its final collapse.[35] In addition, the

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[32] Michels, *Political Parties*; Pareto, *Sociologia Generale*. Discussed by Blanshei, *Politics and Justice,* 69-70.
[33] Anzillotti, *Crisi costituzionale della repubblica fiorentina*; Chabod, 'Età comunale e signorile'. Discussed by Vallerani, 'Città e le sue istituzioni'.
[34] Ottokar, *Il comune di Firenze alla fine del Dugento*.
[35] Ottokar's elitist interpretation of communal society was immediately accepted by other scholars, and found new vigour after the Second World War: Plesner, *L'emigrazione dalla campagna*; Fasoli, 'Legislazione antimagnatizia'; Fiumi, *San Gimignano*; Cristiani, *Nobiltà e popolo*; Bertelli, *Potere oligarchico*; Bowsky, *Siena Under the Nine*; Waley, *Medieval Orvieto*; *idem*, *Italian City-Republics*; Larner, *Lords of Romagna*; *idem*, *Italy in the Age of*

proponents of the oligarchic school focused on the ruling classes and paid little attention to the institutions or the language of politics. Rather, it was held that the real foundations of power lay in webs of vertical clientelist links. In this light, the institutions were presented as legitimising façades for the ruling elite, divided by disruptive internal rivalries and endless cycles of vendetta.[36]

While this negative reading of the late communal period endured until the 1970s,[37] in those same years, a number of historians began to radically reconsider the significance of this historical moment. In turn, this would then lead to a profound re-evaluation of the experience and legacy of the Italian *popolo*, and to a return to some aspects of Salvemini's scholarship. This reappraisal had different matrices. From the 1960s and 1970s onwards, for example, David Herlihy, Marvin Becker, Sarah Blanshei, and other historians argued that the turbulent political life of the communes could not simply be reduced to either class struggle or private rivalries among the elite. Rather, these were attributed to the intensity and fast pace of socioeconomic change, which created a continuous in-flow of new actors who challenged older residents through violent action as well as institutional reforms.[38] Conflict was no longer seen as a directionless struggle between rival families, but assumed a much more dynamic and complex nature. In addition, these studies also began to highlight the broadening of political participation engendered by *popolo* regimes and the growth and centralisation of the judiciary – themes which would then be fully explored a few years later.[39]

Another important contribution was made by a group of Anglo-American historians led by Hans Baron who, after the disaster of the Second World War, turned to the Italian city-republics of the Renaissance as sources of optimism and inspiration. In particular, their focus was on civic political culture and on the origins of the ideology of republicanism, which was seen as one of the

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Dante; Racine, 'Le popolo'; Jones, 'Communes and Despots', *idem*, 'Leggenda della borghesia'; *idem*, *From Commune to Signoria*.

[36] Poloni, 'Comune di Popolo', 14; Blanshei, 'Conflict and Change', 10.

[37] See section 1.3 below.

[38] Herlihy, *Pisa in the early Renaissance*; *idem*, *Medieval and Renaissance Pistoia*; *idem*, *Cities and society in medieval Italy*; Becker, 'Florentine Magnates'; *idem*, *Florence in Transition*; *idem*, *Medieval Italy*; Blanshei, 'Conflict and Change'; Raveggi *et al.*, *Ghibellini, guelfi e popolo*. For socioeconomic and political changes within the *popolo*, see also Poloni, *Popolo a Pisa*; *eadem*, *Lucca nel Duecento*.

[39] Blanshei, 'Conflict and Change', 11; *eadem*, 'Crime and Law Enforcement'; *eadem*, 'Criminal Justice'.

defining traits of Western culture.[40] These various studies showed that the analysis of political discourse and rhetoric was fundamental for a fuller understanding of past societies and, in particular, of state formation.[41] Following this approach, John Najemy proposed a completely new reading of the political experience of the (Florentine) *popolo*, which he presented as the main protagonist of the late-medieval history of that city. Thanks to its weight, the *popolo* could tip the scale of civic politics, so that the elite – which Najemy understood as both magnates and the members of the major corporations – continuously sought the support of the minor guildsmen. The main legacy of the *popolo* was thus the formulation of a discourse on the legitimacy of power based on consensus, representation, delegation, and accountability. By the 1400s, the actual extent of political participation had been greatly reduced, and office-holding was mostly restricted to elite families and their clients. However, the fact that fifteenth-century elites were still employing the language of legitimation created more than a century earlier was a testament to the long-term achievements of the *popolo*.[42]

Finally, in the last three decades, another group of scholars fully and openly rejected the oligarchic school and analysed the political experience of the *popolo* (even beyond Florence) in an overwhelmingly positive light. From the 1980s onwards, attention moved from the elites to the different institutional frameworks through which new groups (and not just the elites) sought to gain and maintain socio-political hegemony.[43] This shift in focus was a consequence of the historiography of state formation of those years, which highlighted the importance of centralisation (in the fields of administration, bureaucracy, the judiciary, etc.) experienced in the 'long thirteenth century' (*c.*1180-1320).[44] The period of *popolo* rule has thus been presented as a significant moment of discontinuity with the groups which had governed the cities until the mid-1200s. According to Enrico Artifoni, the main achievement and legacy of popular governments

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[40] Baron, *Early Italian Renaissance*; Rubinstein, 'Political Ideas in Sienese Art'; Kristeller, *Renaissance Thought*; Skinner, *Modern Political Thought*, 1-65; *idem*, *Artist as Political Philosopher*; *idem*, 'Renaissance Republicanism'. See also Chittolini, ed., *Storici americani e Rinascimento italiano*.

[41] Brett, 'Scholastic political thought'; Genet, 'L'état moderne'; Cammarosano, ed., *Forme della propaganda*; Watts, *Making of Polities*, 27.

[42] Najemy, *Corporativism and Consensus*; *idem*, 'Dialogue of Power s'; *idem*, *History of Florence*.

[43] Tabacco, *Egemonie sociali*; Poloni, 'Comune di Popolo', 8.

[44] Clanchy, *From Memory to Written Record*; Maire Vigueur, 'Révolution documentaire'. More on the debate on state-formation is said below.

was the creation of an 'institutional mindset' (*cultura delle istituzioni*): the *popolo* gave birth to a new political system (the *res publica*) which fostered collective interests (the common good) according to formal and recognisable processes regulated by the law.[45] In addition, historians have also highlighted that *popolo* regimes can be credited with many positive achievements: these included the enabling of broad-based political participation, the reform of the judiciary,[46] and the construction of a political ideology based on the pursuit of peace and the *bonus et pacificus status* – the thirteenth-century conception of the common good (analysed more thoroughly in chapter I).[47] Even if the political experience of the *popolo* eventually came to an end in the course of the Trecento, for a long time thereafter, successive political systems (whether *signori* or republican oligarchies) continued to base the legitimisation of their power on the terms set by popular governments (as also argued by Najemy for Florence).[48]

These studies have revived Salvemini's theory that the *popolo* (although itself internally stratified and polymorphous) was radically different from the magnates, and pursued opposed socioeconomic and political interests to those of that class.[49] According to what is now the dominant narrative, in the twelfth and early-thirteenth centuries, the *milites* had based their social and political hegemony on vertical relations of clientelism and fealty, and had pursued their interests through violence and coercion (a point which is further commented on below).[50] By contrast, the new-comers engendered a radical shift from this previous political system to one based on formal relations and on the rule of the law (Artifoni's *cultura delle istituzioni*).[51] The idea according to which the thirteenth century witnessed a radical transition towards institutionalism,

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[45] Artifoni, 'Tensioni sociali e istituzionali'; *idem*, 'Governi di Popolo'. See also Tanzini, *Governo delle leggi*; idem, Delibere verbali'; Vallerani, 'Città e le sue istituzioni'; Milani, 'Regimi di popolo'; Poloni, 'Comune di Popolo'; Gualtieri, *Comune di Firenze*; Pini, *Comuni e corporazioni*.
[46] Vallerani, *Medieval Public Justice*.
[47] Giansante, *Retorica e politica*; *idem*, 'Rolandino e l'ideologia'; Mineo, *Popolo e Bene Comune*; Andrews, 'Rhetoric of Legitimation'; Andres and Pincelli, (eds), *Churchmen and Government.*
[48] Gamberini, *Clash of Legitimacies*.
[49] Koenig, *Popolo dell'Italia del nord* and Grundman, *Popolo at Perugia* remained closer to Salvemini's framework of class struggle, although this interpretation has been criticised for being too simplistic: see Maire Vigueur, 'Comune popolare'.
[50] Lansing, *Florentine Magnates*, 192ff; Maire Vigueur, *Cavalieri e cittadini*, 359-426; Artifoni, 'Governi di Popolo'; Sposato, 'Chivalry and Honour-Violence'; *idem*, 'Chivalry in Late Medieval Tuscany'.
[51] In addition to Najemy and Artifoni, a similar argument has also been made by Menzinger, Giuristi e politica'; *eadem*, 'Lawmen and Italian Popular Governments'; Pini, 'Maestri dello studio'. For my definition of formality and informality see p.29 below.

formality, lawfulness, and accountability is not specific to the Italian cities, as this narrative has been applied to Western Europe more generally.[52] As has been argued, the main motor of this transformation was the emergence of a new class of legal professionals who systematised Roman and Canon law and applied it to the government of their polities. But did the *popolo* really witness such a radical transformation? And did the legal and judicial developments of this period alter significantly the ways in which late-medieval governments operated?

While the most recent developments in the study of the *popolo* have been widely accepted, there have also been some dissenting voices. In particular, Andrea Zorzi has contested the alleged novelty of *popolo* regimes. In his view, the *popolo*'s political programme of peace, justice, and pursuit of the common good was little more than a rhetorical device aimed at legitimising its take-over of the government. This historian has also criticised the 'institutional turn' of recent studies: in reality, the processes of administrative and judicial centralisation ascribed to the *popolo* would only take place at a later period. Rather, the success of this group rested on its inclusion of less formalised mechanisms and practices. In particular, Zorzi highlighted the social and legal importance of vendetta as a sanctioned tool of dispute resolution which permitted the maintenance of social order (see the discussion below).[53]

The present thesis engages directly with this debate. The evidence will show that while the importance of institutional and legal developments of this period should not be underestimated, their growth and effectiveness continued to rest on a series of interpersonal and largely informal practices. This, in turn, will provide a new and more nuanced explanation as to how sophisticated late-medieval polities such as Bologna could function on a daily basis.

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[52] Bisson, *Early Institutional History*; *idem*, *Crisis of the Twelfth Century*; Sabapathy, *Officers and Accountability idem*, 'Accountable *rectores*'; *idem*, 'Quality of accountability'; Taylor, *State in Medieval Scotland*. For an overview, see Wickham, *Medieval Europe*, 141-69.

[53] Zorzi, 'Conflits et pratiques infrajudiciaires ; *idem*, 'Negoziazione penale'; *idem*, 'Politica e giustizia'. For a response, see Milani, 'Regimi di popolo', 13.

1.3 *Internecine fighting and the crisis of the commune*

Conflict, then, has been a central theme in studies of the communal age, in a range of interpretative frameworks. These have shed light on different aspects of contemporary politics and society. Nevertheless, an idea which was shared by generations of historians from at least the mid-1700s to very recently was that the Italian cities were unable to overcome their destructive divisions. As a consequence, conflict (in all its forms and manifestations) was perceived to be the main reason for the passage from commune to *signoria* and the loss of municipal liberties by the early-fourteenth century. Therefore, the political experience of the city-communes was depicted as a lively although ultimately ruinous parenthesis of Italian history.[54]

In particular, in the aftermath of the Second World War, a number of historians wrote that in the late Duecento, the self-governing cities entered a phase of irreversible crisis, as these were unable to contain their internal violence and to overcome the pluralism which afflicted late communal society. In addition to the theories of the oligarchic school, this reading was also influenced by two other historiographical developments which were not specific to the study of medieval Italy.

The first of these was the development of criminal history – itself a result of the growing interest in the history of the subaltern classes which arose from the climate of renovation of the sixties. Criminal records became subjects worthy of historiographical attention, although these were originally treated as accounts of factual data, and many historians took for granted that high numbers of criminal trials were symptomatic of violent and unruly societies.[55] Many of these studies deduced that late-medieval governments – among which were those of the Italian cities – were too weak and inefficacious to contain internecine fighting.[56]

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[54] After Muratori, this view was reinforced by the Genevan patrician Jean-Charles Léonarde Sismonde de Sismondi, *Républiques italiennes*, and subsequently upheld by Risorgimento-age historians. See Meccarelli, 'Giustizia e vendetta', 18-20; Schiera, 'Presentazione'; Urbinati, 'Sismonde de Sismondi'; Milani, *L'esclusione*, 6-18.

[55] For the Italian context, see Brucker, *Society of Renaissance Florence*; Cohn, 'Criminality and the State'; Zorzi, 'Prospettive di ricerca'. See footnote 72.

[56] Larner, 'Order and Disorder'; Hale, 'Violence in the Late Middle Ages'; Hyde, 'Views on Factions and Civil Strife'; Heers, *Parties and Political Life*; *idem*, *Città nel medioevo*; Bellamy, *Crime and Public Order*; Griffiths, *Reign of King Henry VI*.

This interpretation arose from the second, interconnected historiographical development, that is the question of the medieval origins of the modern state, which was measured in terms of administrative, fiscal, institutional, and judicial developments.[57] In particular, the achievement of a monopoly of violence was taken as *a conditio sine qua non* for the existence and effectiveness of rising states. This idea was first conceptualised by the German sociologist and historian Max Weber in the early-twentieth century, at a time when European intellectuals were providing different theories on the working of the state.[58] While Weber was referring to a model and not a precise historical situation, his work became enormously influential in the second half of the twentieth century, and was applied to the study of the state throughout history.[59] At the same time, in line with Norbert Elias's theory of the civilising process (originally formulated in the late 1930s but based on an understanding of modernity which dated back to the 1700s), a number of historians also suggested that this propensity for violence was a consequence of contemporaries' inability to suppress their emotions. Containment would only become possible with the rise of stronger state structures in the early-modern period, and with the refinement of manners enabled by the growth of Renaissance princely courts.[60]

In the context of late-medieval Italy, growing interest in the rise of the state led to the investigation of the larger regional formations which developed from the early Trecento onwards under the rule of *signori* (like the Visconti of Milan) and hegemonic republics (like Florence and Venice). These new studies challenged the older nineteenth-century interpretation of *signorie* as disruptions of political and moral order.[61] However, this new positive reading of *signoria* worsened the image historians had of the late commune. Indeed, this shift continued to be attributed to the supposed inability of communal institutions to control internecine fighting.[62] Therefore, scholars like Ovidio Capitani, Giorgio Chittolini, and others wrote that in the late-thirteenth century, the

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[57] Strayer, *Medieval Origins of the Modern State*; Bonney, ed., *Rise of the Fiscal State*.
[58] Weber, 'Politics as Vocation'.
[59] Schiera, 'Legittimità, disciplina, istituzioni', 24; Bourdieau, 'Rethinking the State'; Giddens, *Nation-State and Violence;* Mann, *Sources of Social Power,* vol.1; Tilly, *Coercion, Capital, and European States*; *idem*, ed., *Formation of National States*.
[60] Elias, *Civilizing Process*; Herlihy, 'Violence in the Tuscan Cities'; Gurr, 'Historical Trends in Violent Crime'; Stone, 'Interpersonal Violence in English Society'; Muir, *Mad Blood Stirring*.
[61] Sestan, *Origini delle signorie cittadine*.
[62] Jones, *From Commune to Signoria*; Capitani, 'Dal comune alla signoria'; Bowsky, 'Anatomy of Rebellion'.

commune entered a period of irreversible institutional crisis.[63] At the same time, the narrative of crisis and recovery remained a key framework for the analysis of state-formation on a European level more generally.[64] According to this narrative, the regional states developed stronger fiscal, judicial, and military institutions, so that they were better equipped to deal with pluralism. New rulers managed to create a condition within which inter-civic and interregional collaboration between different forces could finally be achieved.[65]

The theme of collaboration is a key aspect of my analysis. As I explain in greater detail below (section 2.1), one of the main arguments made here is not only that peace and political stability could be achieved at a time previously understood as one of institutional and political crisis: the processes which made this possible depended on cooperation between different sections of society.

As has been explained above, many of the older assumptions about the late communal age have been challenged in the last few decades. Recently, a number of historians have also begun to reconsider the nature of the passage from commune to *signoria*. This is no longer presented as a drastic and irreversible change but, rather, as a slow and non-linear phase of political experimentation. In *c.*1250-1330, many cities alternated between republican and seigneurial forms of government. As *signori* derived their power and legitimation from below, they included the merchants, bankers, and artisans in the government of the city and secured their economic and political interests (and usually remained in power so long as they did so). Therefore, for many decades, the rule of *signori* rested on shaky political grounds, so that this prevented radical changes to the constitutional structure of the cities.[66] This scenario changed from the 1330s onwards, when *signori* began to receive legitimisation from above in the form of imperial and papal investitures, so that they could carry out more radical changes and suppress older municipal privileges.[67]

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[63] Chittolini, *Stato regionale*, 1-24, indeed spoke of a 'crisis of communal liberties'; *idem*, ed., *Crisi degli ordinamenti comunali*; Cognasso, 'Origini della signoria lombarda'; Capitani, 'Città e comuni'.
[64] Watts, *Making of Polities*, 11-26.
[65] Chittolini, *Stato regionale*, 10-15; *Idem*, 'City-States and Regional States'.
[66] Zorzi, ed., *Signorie cittadine in Toscana*; Rao, *Signori di Popolo*; *idem*, 'Signorie di popolo' (and the other essays in Maire Vigueur, ed., *Signorie cittadine*); Grillo, *Milano guelfa*.
[67] Zorzi, *Le signorie cittadine in Italia*, 108-46, a process which this historian defined as the 'seigneurial mutation' (*mutazione signorile*).

Therefore, the narrative according to which the rise of *signori* was a consequence of internecine fighting has been nuanced. Other factors have been taken into consideration, such as economic and financial concerns, and the transforming nature of interregional and international politics more generally.[68] Nevertheless, as Chittolini remarked a few years ago, the question of the nature of this transition (which he still defined in terms of 'crisis') remains open.[69] Therefore, this thesis will contribute to this on-going debate, as it will show that urban regimes could indeed survive and even prosper despite their internal divisions.

1.4 *Conflict and violence reconsidered*

In the last few decades, the nature of conflict and violence in late-medieval Europe has been profoundly reconsidered, and the long-lasting image of medieval societies as defined by helpless and senseless brutality has been challenged.[70] Historians have questioned the validity of the civilising process theory, and have argued that the employment of violence in the medieval period often had concrete political and socioeconomic causes, and could follow a precise logic.[71] Nonetheless, a number of questions remain open: by analysing the nature and dynamics of conflict – and not only its resolution – this thesis will therefore make an original contribution to this vibrant field of studies.

The re-evaluation of the phenomenon of conflict has been the result of two main scholarly developments. The first has been a shift in the study of criminal history and the approach to criminal records: these are no longer perceived as objective accounts of factual data but as documents which reflect more or less precise power relations between different actors.[72] In the last few decades, criminal registers have thus been mostly used in order to study the narratives

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[68] Milani, *Comuni italiani*, 129. For the Bolognese context, see the discussion in chapter I.
[69] Chittolini, 'Crisi e lunga durata', 141.
[70] Finch, 'Nature of Violence'; Maddern, *Violence and Social Order*; Skoda, *Medieval Violence*.
[71] Schwerhoff, 'Criminalized Violence'; Spierenburg, *History of Murder*; Blanshei, 'Introduction'; White, 'Inheritances and Legal Arguments'; *idem*, 'Politics of Anger'; Smail, 'Hatred as a Social Institution'; *idem*, *Consumption of Justice*; Lantschner, *Logic of Political Conflict*. For the relationship between violence and the emotions, see also Rosenwein, 'Worrying About Emotions'; Gilbert and White, (eds), *Emotion, Violence, Vengeance and Law*. For a critique of the narrative that Renaissance courtly manners ended vengeance violence, see Nassiet, 'Vengeance in Sixteenth and Seventeenth-Century France'; Carroll, *Blood and Violence.*
[72] Rosaldo, 'Fieldworker and the inquisitor'; Farge, *Goût de l'archive*; Ginzburg, 'Judge and the historian'. See also Dean, *Crime and Justice in Late Medieval Italy*.

created by plaintiffs, defendants, petitioners, and witnesses – and, more generally, as means through which it is possible to study judicial responses to violence and shifting attitudes towards crime in all its forms.[73] This methodology will also be followed here, as judiciary and notarial records will be used to reconstruct the dynamics of peace-keeping. However, as I demonstrate in chapters II and III, a careful analysis of the available sources will also make it possible to analyse patterns of conflict and violence in great detail. By doing so, I will combine two approaches which have been often kept separate by criminal justice historians: the analysis of judicial mechanisms and reactions to violence on the one hand, and the study of individuals, social groups, and practices on the other.[74]

The second development has been the growing influence of social and legal anthropology on medieval studies. The idea that conflict – and, in particular, feuding – is not a process necessarily disruptive of social order was first enunciated in the 1950s by the proponents of the 'Manchester school of anthropology', whose work investigated the tribes of colonial and post-colonial central Africa. These scholars held that human behaviour is governed by rules (whether normative or customary), and that these could eventually restore harmony between the parties and bring conflict to a natural end.[75] This interpretation was after a lapse of time borrowed by historians and applied to the study of early-medieval 'stateless' European societies, but did not initially influence scholars of later periods.[76] From the 1970s onwards, however, a new generation of anthropologists theorised that behaviour is not actually rule-governed but, rather, often self-seeking and opportunistic. Rules, whatever their nature, could be broken repeatedly and employed strategically by conscious actors. These new studies shifted the attention from rules and

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[73] Zemon Davis, *Fiction in the archives*. For recent studies of criminal justice which have followed new approaches to the sources, Dean, *Crime in Medieval Europe*; *idem*, *Crime and Justice in Late Medieval Italy*; Dean and Lowe, (eds), *Crime, Society and the Law*; Gauvard, *"De grace especial"*. For an overview, Blanshei, 'Conflict Resolution', 335-6.

[74] Vallerani, *Medieval Public Justice*, has also paid some attention to the kinds of conflict which emerge from the sources, but has not reconstructed them in detail.

[75] Gluckman, 'Peace in the Feud'; *idem*, *Ideas in Barotse Jurisprudence*. See also Falk Moore, 'Fifty Turbulent Years of Legal Anthropology'.

[76] i.e., Wallace-Hadrill, *Bloodfeud of the Franks*; Miller, *Bloodtaking*; White, 'Settlement of Disputes'; *idem*, 'Inheritances and legal Arguments'; *idem*, 'Discourse of Inheritance. For an overview, see Halsall, *Warfare and Society*.

institutions to practices inserted within wider social and legal processes, thus rejecting straightforward legal history.[77]

The 'processual turn' – as this was defined – found fertile ground in the study of complex late-medieval and early-modern polities.[78] In particular, this was applied to the study of criminal justice and disputing, a field which was growing in those same years.[79] This made it possible to abandon a previous narrative which saw the development of criminal justice systems as a conscious effort of state building and as an attempt at imposing public over private practices.[80] As historians pointed out from the 1990s onwards, social, legal, and political pluralism were characteristic of late-medieval societies, and not necessarily a symptom of governmental weakness.[81] Conflict thus came to be seen as a by-product of these pluralistic societies.[82] Recourse to violent action – whether legal or not – was one of many 'extra-judicial' tools of dispute settlement which were available to litigants.[83] In fact, as many historians have pointed out – and as will also be suggested here – the widespread use of conflict and the high level of litigiousness experienced in this period supported the growth of 'state' institutions and infrastructures, as litigants believed that bringing their cases to court would benefit them in various ways: conflict, violence, and recourse to the law were not opposed, but closely interrelated.[84]

Following these studies, Zorzi has made the case for the legitimacy of feuding in the Italian self-governing cities. In particular, he argues that vendetta was a sanctioned (and even officially

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[77] Moore, *Law as Process*; Roberts, *Order and Dispute*; Comaroff, *Rules and Processes*; Rouland, *Anthropologie Juridique*.
[78] For a criticism of the processual turn, see the discussion at p.23 below.
[79] Roberts, 'Study of Disputes', (and the other essays in Bossy, (ed), *Disputes and Settlements*); Davies and Fouracre, (eds), *Settlement of Disputes*; Wickham, *Courts and Conflict*; Kuehn, 'Conflict Resolution'; Brown and Gorecki, 'What Conflict Means'. The new focus on processes also made it possible to revalue Brunner, *Land und Herrschaft*, in which the author had made a case for the legitimacy of feuding in the late-medieval German empire: see Algazi, 'Social Use of Private War'; Skoda, 'Collective Violence and Popular Justice', 30.
[80] See, for example, Mollat and Wolff, *Popular revolutions*; Guenée, *States and rulers*. For a discussion, see Lantschner, *Logic of Political Conflict*, 2-4. For a rejection of the evolutionistic interpretation of legal procedure in the thirteenth century, see Vallerani, *Medieval Public Justice*.
[81] Watts, *Making of Polities*; Gamberini, *Clash of Legitimacies*. For an anthropological perspective, see Benda-Beckman, 'Legal Pluralism, Social Theory and the State'.
[82] A classic study on this is Niremberg, *Communities of Violence*.
[83] Kaminski, 'Noble Feud'; Hyams, *Rancor and Reconciliation*; Kaeuper, (ed), *Violence in Medieval Society*; Kagay and Villanon, (eds), *Imprint of Violence*; Wickham, *Courts and Conflict*; Smail, *Consumption of Justice*.
[84] A point made for Marseille by Smail, *Consumption of Justice*. For similar dynamics in late-medieval England, see also Carpenter, *Bastard Feudalism*. For the Bolognese evidence, see my discussion in chapter II.

encouraged) system of dispute resolution employed across the social scale.[85] By making this argument, Zorzi challenged another aspect of recent *popolo* historiography, as he showed that conflict and violence remained key practices in the social and political life of the late communes. Within the positive re-evaluation of the period of *popolo* rule (discussed above), the study of these themes became an uncomfortable topic, as this represented the dark side of an otherwise praiseworthy moment of Western history.[86] Therefore – argued Zorzi – many historians suggested that feuding and vendetta were the prerogative of unruly magnates, presented as incompatible with the values of peace and legality pursued by *populares*.[87] In this view, the anti-magnate laws promulgated in Bologna, Florence, and other cities were seen primarily as aimed at restraining the destructive character of the aristocracy.[88] By contrast, according to Zorzi, this negative image of the magnates was constructed by *popolo* intellectuals and policy-makers, and has been accepted uncritically by many modern historians. Rather, the anti-magnate laws should be understood as instruments of political negotiation, which forced the magnates to accept the social and political hegemony of new power groups in order to keep their position in society.[89]

While Zorzi's idea that feuding was not a prerogative of the magnates has been widely accepted and has generated many studies new studies on this topic,[90] his contention that vendetta was a legitimate and legally sanctioned tool of dispute resolution has, in turn, generated some criticism.[91] The following chapters engage directly with this key debate. As I will show in chapter

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[85] Zorzi, 'Legal Sanction of Vendetta'.

[86] The period between the fall of the Soviet Union and the economic crisis of 2007-8 saw a renewed enthusiasm for the potential of the Western liberal state, as exemplified by Fukuyama, *End of History*. In this context, the profound reconsideration of the period of *popolo* rule inspired comparisons between communal-age politics and modern-day Western democracies. See, for example, Artifoni, 'Repubblicanesimo comunale'; Ascheri, 'Italian City-State and its Inheritance'; Muir, 'Sources of Civil Society in Italy'. Not everyone agreed, however: Brucker, 'Civic Traditions in Premodern Italy' highlighted the negative sides of the communal period. A link between the early Renaissance and the twentieth century which went too far (and which was not based on any historical evidence) was made by (the political scientist) Putnam, *Civic Traditions in Modern Italy*; see also the response to Putnam by Epstein, 'Rise and Decline of Italian City-States'.

[87] Lansing, *Florentine Magnates*, 192ff; Maire Vigueur, *Cavalieri e cittadini*, 359-426; Artifoni, 'Governi di Popolo'; Sposato, 'Chivalry and Honour-Violence'; *idem*, 'Chivalry in Late Medieval Tuscany'.

[88] Najemy, 'Civilizing Process'; Poloni, 'Disciplinare la società'; Sposato, 'Reforming the Chivalric Elite'.

[89] Zorzi, 'Negoziazione penale'; *idem*, 'Politica e giustizia'. A similar argument has also been made by Klapisch-Zuber, *Ritorno alla politica* for the construction of the Florentine state in *c.*1340-1440.

[90] i.e., Guarisco, *Conflitto attraverso le norme*; *idem*, 'Pratiche della vendetta'; Gardoni, 'Vendette e aggregazioni'; Del Punta, 'Percezione della vendetta'.

[91] Dean, 'Violence, Vendetta, and Peacemaking'; Kumhera, *Benefits of Peace*, 7; Roberts, 'Vendetta and Police Power'.

II, in Bologna, vendetta was illegal, and the 'right of feud' was not recognised by the *Ius proprium*. Nevertheless, in chapter V, I show the limitations of the dichotomy of 'legal' and 'illegal' as an analytical framework for understanding these practices. Indeed, despite being illegal, vengeance violence was sometimes tolerated, although this depended on a complex series of socio-political and extra-judicial considerations. In addition, the evidence from Bologna nuances the picture of stark opposition between the opposed lifestyles of magnates and *popolani*. Not only did the latter engage in violent conflict and uphold the values and logic of vendetta (as argued by Zorzi and others). Many magnates who were classified as socially dangerous actually played a fundamental peace-keeping role, without which the *popolo* regime could have hardly remained in power. The relationship between the use of the law and recourse to violence was much more complex than a simple dichotomy between, respectively, 'good' and 'bad' behaviour. In fact, as I will argue, violence and peace-keeping were two faces of the same coin, through which elite actors accrued, displayed, and defended their status and position in society.

Despite its success, the processual turn has also generated some criticism. For example, Trevor Dean has questioned the extent to which legal pluralism actually enabled late-medieval perpetrators of violence to pick and choose from different judicial forums: while civil litigation could be carried out across different platforms, cases of violence were tried by fewer adjudicating authorities.[92] Others have accused the processual approach of failing to bring out the complexity, meaning, and moral connotations of the law, and the ways in which these could affect the objectives and self-perception of both litigants and legal practitioners.[93] Following these studies, Paul Dresch and other scholars have recently turned to the study of legalism – that is, a conceptualisation of the law distinct from practice, and which rises above each individual act in its particularity.[94]

This thesis seeks to combine both approaches. The judiciary and notarial evidence from thirteenth-century Bologna will be analysed within a processual framework in order to reconstruct

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[92] Dean, *Crime and Justice*, 16-7. For a criticism, see also Kuehn, *Law, Family, and Women*, 76-7.
[93] See Coss, (ed), *Moral World of the Law*.
[94] Dresch, 'Legalism', 1-2. See also the other essays in Dresch and Skoda, (eds), *Legalism: Anthropology and History*.

the formal and informal dynamics of conflict and peace-keeping. At the same time, however, the analysis of the courtroom defences presented by the protagonists of conflict will show that recourse to the law and the employment (or absence) of legal discourses was not simply a matter of winning or losing court cases. These choices were also linked to the construction and defence of legal and social reputation (*fama*), an element which, as will emerge throughout the thesis, played a crucial role in everyday life.[95]

1.5 *Peace-making and peace-keeping*

Finally, in the last few years, a growing number of studies have highlighted that the ubiquity of violence in late-medieval society was counterbalanced by a powerful and enthusiastic desire for peace.[96] In the context of medieval Italy, intellectual, religious, and art historians have analysed the different concepts and representation of peace in theological discourses, sermons, frescoes, and the political treatises produced between the thirteenth and fourteenth centuries.[97] However, until very recently, the actual practices of peace-making and peace-keeping received very little attention.[98] Even those studies which have reconsidered the final moments of the communal experience have not really explained the ways in which *popolo* regimes managed to remain in power, prosper, and even experience periods of political stability despite the conflictual and internally-divided nature of these societies. To bring these dynamics to light is one of the main aims of this thesis, so that I will here make an important contribution to a fundamental – and yet little explored – aspect of thirteenth- and fourteenth-century history.

In line with the processual approach discussed above, recent studies have showed that in many Italian polities, private reconciliations were fully recognised by the *Ius proprium*, and had the power to interfere with civil and criminal justice.[99] In particular, Glenn Kumhera and Katherine

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[95] For the social and legal importance of *fama*, see Fenster and Smail, 'Introduction', and the other essays in *idem*, (eds), *Politics of Talk*.
[96] In addition to the works discussed below, see also Wolfthal, (ed), *Peace and Negotiation*; Kershaw, *Peaceful Kings*; Lambert and Rollason, (eds), *Peace and Protection*.
[97] Dessì, 'Pratiques de la parole de paix'; *eadem*, *Spectres du Bon Gouvernement*; Gazzini, 'Pace cittadina'; Thompson, *Great Devotion of 1233*; Hutton, *Themes of Peace*. See also Tanzini, (ed), *Pace e guerra nel basso medioevo*.
[98] As also observed by Benham, *Peacemaking in the Middle Ages*, 1-2.
[99] Vallerani, *Medieval Public Justice*, 174-227; Onori, 'Pace privata'; Wray, 'Instruments of Concord'; Dean, 'Violence, Vendetta and Peacemaking';

Jansen have carried out a detailed analysis of private reconciliations in thirteenth- and fourteenth-century Siena, Rome, and Florence. These important works have stressed the social and spiritual importance of peace-making in late-medieval Italy, and have analysed the influence of religion on the development and administration of justice.[100] Nevertheless, these studies have been mostly limited to the analysis of formal peace-acts and (to a lesser degree) arbitrations, but have not really examined the wider set of factors which enabled the functioning of these reconciliations. In other words, their analysis has focused on the final stage of a longer process (provided that conflicts effectively came to an end when the parties were reconciled – an assumption which shall be challenged by the evidence presented in this thesis). For example, Jansen analysed one of the sermons composed by the Dominican preacher Remigio dei Girolami (d.1319) for the occasion of the pacification between the Guelfs and Ghibellines of Florence made by Cardinal Latino Malabranca (d.1294) in 1279-80. The author carefully analysed the language employed in the sermon and the rituals of peace-making supervised by the cardinal. However, nothing is said about the fact that these reconciliations were very short lived, as the Ghibellines were exiled shortly thereafter.[101] The pacifying attempt made by the same cardinal between the Guelfs and Ghibellines of Bologna in September 1279 was even more short-lived: the latter were exiled only two months after the sumptuous pacification held in the communal square (this episode will be discussed in the conclusion of the thesis).[102] Clearly, peace-acts and arbitrations represented only one stage within wider and more complex processes. Otherwise, there would be no logical explanation as to why formal reconciliations were successful at times and failed at others. Similarly, the idea that communal society could function because its internal conflicts were governed by clear rules and (almost) automatically brought to peace is engaging, but is perhaps a little too simplistic.[103] Indeed, as I will show in chapters III and V, many of the internecine wars waged in the city and *contado* of Bologna posed serious threats to the stability of the government,

[100] Kumhera, *Benefits of Peace*; Jansen, *Peace and Penance*; *eadem*, '*Pro bono pacis*'. For the influence of theology and religion on peace-making see also Zanetti Domingues, 'Religion, Conflict, and Criminal Justice'.
[101] Jansen, *Peace and Penance*, 69-73. See also Sanfilippo, 'Pace del Cardinal Latino'.
[102] Fasoli, 'La pace del 1279'.
[103] As argued in Zorzi, (ed), *Conflitti, paci e vendette*; *idem*, 'Legal Sanction of Vendetta'; Guarisco, *Conflitto attraverso le norme*. See my discussion in chapters II and V.

and required continuous interventions on part of the civic authorities and other sections of society.[104]

So, if conflicts did not actually restore peace and reconciliations were not enough by themselves, what were, then, the other forces which secured internal peace and political stability? As we have seen, many recent studies have presented the hold of popular governments as the result of the creation of new and more stable institutions, and the promulgation of new laws such as the anti-magnate ordinances of Bologna and Florence. However, how exactly and if these worked has not really been explained.[105] A more detailed account has been provided by Gregory Roberts in his recent studies on 'police forces' in the communal age. Together with Dean and Kumhera, this historian has questioned Zorzi's functionalist understanding of vendetta (and its legitimacy). By contrast, Roberts has written that the citizens of thirteenth-century Italy perceived internal divisions as dangerous, so that they passed more restrictive laws. In particular, Roberts has showed that legislation on weapons-bearing intensified in the course of the thirteenth century, while many governments also outlawed the practice of vendetta. In this period, *popolo* regimes also enhanced the coercive power of centralised magistrates and raised the number of armed officers (*berroerii*) who patrolled the city and arrested the violators of weapons-bearing, sumptuary, and curfew laws. According to Roberts, the late Duecento witnessed a radical shift in the repression of criminality. Until that point, the arrest of outlaws and the policing of the community had been carried out by local inhabitants through the practice of the 'hue and cry'. By contrast, from the late 1200s onwards, law enforcement became more and more a top-down process in the hands of civic authorities. Roberts has specified that rather than a conscious attempt at state-building, this transformation should be read the result of increasing concerns about the maintenance of public order.[106]

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[104] Kumhera, *Benefits of Peace*, 7, has also questioned this idea.
[105] Lansing, *Florentine Magnates*, 203 ff wrote that the enforcement of the Ordinances was not always successful, yet she did not ask why that was the case.
[106] Roberts, 'Policing and Public Power'; *idem*, 'Vendetta, Violence, and Police Power'; *idem*, *Police Power in the Italian Communes*. For a similar argument about the transforming nature of policing around 1300, see Grillo, *L'ordine della città*. Earlier on, a similar argument had been made by Bowsky, 'Medieval Commune and Internal Violence'.

I share Roberts' idea that violence had to be kept under control. However, his contention that this period witnessed a radical shift in the nature of peace-keeping will be contested, as the available evidence tells a very different story indeed. It is difficult to imagine how a handful of armed officers commanded by a foreign magistrate in charge for a term of six months (the *podestà*) could, by themselves, effectively keep the peace in cities which counted tens of thousands of inhabitants. Moreover, this does not really explain why civic authorities managed to keep some conflicts under control, but failed to prevent others from transforming into wider destabilising divisions. In the same way as the studies discussed above, these institution-based approaches are unsatisfactory. Indeed, if analysed through this framework, every instance of socio-political change (in this case, the formation of deep fractures and the fall of regimes) would appear as a consequence of a sudden and inexplicable institutional crisis. However, while politics did have long-term effects on the administration of justice, radical institutional reforms were not carried out every few years, so that judicial institutions did not alter significantly. Therefore, in order to overcome the narrative of the 'crisis of the commune' and to provide a more convincing explanation of what enabled cities to function, it is necessary to seek deeper explanations.

2. Argument and structure

2.1 *Main argument and definitions*

As I argue, while conflict (in both its forms) was hardly irrational and chaotic, contemporaries believed that peace must be maintained at all costs, lest destabilising divisions form and threaten the *bonus et pacificus status*. In a way, Enrichetto not only depicted the image of an ideal peaceful community, but also (perhaps unconsciously) conveyed a realistic image of what peace-keeping actually entailed. In his drawing, the city-walls arose from reconciliation, but their foundations rested on a precarious balance between former enemies. The ethical, political, and religious duty of Enrichetto and his peers was to prevent that order from falling apart.

In order to understand how this was achieved, it is imperative to look beyond formal institutions, and to consider the wider set of economic, legal, political, and social practices which supported the functioning of public justice and, in turn, enabled peace-keeping. As will be

demonstrated, these practices may be uncovered thanks to a combined analysis of judiciary, notarial, financial, and governmental acts, which in Bologna survive in their thousands. This kind of analysis is indispensable in order to fully understand the reasons why late-medieval polities like Bologna did or did not manage to overcome internal divisions. As we shall see, a major conspiracy in 1287 did not disrupt society, not only because it was discovered in time, but also because the same system which prevented on-going conflicts from transforming into wider divisions could also attenuate the social and political impact of the plot. Conversely, the failure of Cardinal Latino's pacification campaign of 1279 was not a consequence of institutional malfunctioning. This outcome depended on the break-up of those deeper socioeconomic mechanisms which had enabled the coexistence between enemy factions in previous decades.

As I argue, by the late Duecento, peace-keeping continued to see the active participation of citizens and local communities. These two processes – centralisation and participation – were not mutually exclusive. Peace and stability depended on formal and informal collaboration between different sections of society (for the definition of 'formal' and 'informal' see below). Among them were both lay and religious civic authorities and councils, and an informal network made of around 160 middling to elite families (both from the *popolo* and aristocracy). If on the one hand, disagreement between these groups produced conflict and turbulence, on the other, their cooperation could result in long periods of peace, prosperity, and stability.

The idea that in order to function effectively, the institutions of criminal justice require the support and trust of local communities has been recognised by many legal anthropologists, sociologists, and historians alike.[107] In turn, these considerations were derived from the study of 'social control', a concept first theorised in the early 1900s.[108] The argument made here builds on and goes beyond this notion. In the context of late-Duecento Bologna, citizens' participation was not limited to providing information and arresting outlaws. As we shall see, by means of a complex series of interpersonal processes, citizens directly and indirectly supported the functioning of the

[107] Falk Moore, *Law as Process*, 105. For this idea in the social sciences Lafree, *Losing Legitimacy*; Cooney, *Warriors and Peace-Makers*; Somon, 'Deviance and Criminal Justice'; Smail, *Consumption of Justice*, 18; Forrest, *Detection of Heresy*; Blanshei, 'Homicide in a Culture of Hatred'.
[108] Alsworth-Ross, *Social Control*; Spierenburg, 'Social Control'.

institutions and enabled the coercive measures taken by civic authorities. Collaboration and dialogue were fundamental not only for the policing of local communities, but also for the functioning of society as a whole. These processes brought together centralised civic authorities and local networks, so that their collaboration directly and indirectly sustained the growth of the *res publica*.

By formality and informality, I do not imply a dichotomy between, respectively, a public and private dimension or between sophistication and unsophistication. Rather, a formal process will be here understood as an action codified by the *Ius proprium* and thus regulated by objective, enforceable, and recognisable laws. Examples of formal processes of collaboration could be the granting of arbitrary powers to a magistrate by a civic council, coordination between different jurisdictional authorities, or pledging on behalf of a disputant. By contrast, an informal process will here denote an action *not* codified by statutory laws, even if recognisable by contemporaries and regulated by custom. Informal processes, as we shall see, could be highly sophisticated and complex, for they were built on interpersonal trust and reputation, and could have economic, legal, and political connotations. Examples of this are the use of the pledge system and fake witnesses in order to lead disputants to accept an out-of-court settlement (explained in chapter IV); or the ways in which powerful families who controlled urban and rural spaces used these areas to support the coercive measures taken by civic authorities (chapter V). In turn, in order to avoid confusion, the combination of these different practices will be called a *system* and not a 'social institution'.

By investigating these dynamics, this thesis contributes to the study of collaboration in medieval societies. With the exception of Ian Forrest's investigation of the mediation role played by local networks of trustworthy men in English episcopal government, this kind of analysis has received little attention.[109] In turn, the debate on the relationship between the state and citizens' associations has deep roots in Western political and philosophical thought, and has been recently explored in great detail through the case study of the medieval guilds.[110] The study of collaboration

[109] Forrest, *Trustworthy Men*.
[110] For a discussion, see Rosser, *Art of Solidarity*, 1-35.

has been favoured by historians of the early-modern period, as complex internal cooperation was long associated with the transition towards modernity (an assertion now challenged by many medievalists).[111] From the 1990s onwards, the reconsideration of the pluralistic nature of late-medieval societies has shed light on the importance of dialogue and political negotiation. Following the 'linguistic turn' of the late twentieth century, a number of studies have indeed begun to consider politics not simply as a series of top-down processes ordered by state authorities but, rather, as the result of formal and informal interactions between different parts of political society.

In the Italian context, however, this has been mostly done for the complex regional states which emerged from the fourteenth century onwards.[112] The dynamics of cooperation in the earlier period remain largely unexplored. The only exceptions to this are a few studies on minor towns such as Faenza, Todi, and San Gimignano where Guelfs and Ghibellines managed to coexist. Nevertheless, the historians who investigated these realities focused on the institutional and constitutional aspects of these phenomena (i.e., the statutory laws which regulated office sharing) and failed to investigate the wider socioeconomic underpinnings which made this coexistence possible. Moreover, these have been treated as exceptional cases, as a demonstration of the fact that internal cooperation would only be experienced at a later stage.[113] This idea will here be challenged, for it will be demonstrated that even in the absence of clear laws which regulated and enabled coexistence and collaboration, these practices were the pillars which supported the functioning of communal society even in complex and stratified polities.

Of course, to assume that all societies regardless of time and place have an innate tendency to collaborate and seek an internal equilibrium would be dubious.[114] Collaboration and the search for equilibrium are historically and culturally contingent. As I will argue, the processes which supported the system of peace-keeping around 1300 were deeply rooted in contemporary political

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[111] Forrest *Trustworthy Men*, 11-14.
[112] Gamberini, *Legittimità contesa*; Gentile, *Fazioni al governo*; *idem*, '*Postquam malignitates*'; Martoccio, 'International Cooperation and the Renaissance State'.
[113] Waley, 'Guelfs and Ghibellines at San Gimignano'; Maire Vigueur, 'Comacio Galluzzi podestat de Todi'; Lazzari, 'Esportare la democrazia?'; Milani, 'Podestà, popolo e parti'.
[114] This was one of the criticisms levied against the Manchester school of anthropology: Strathern, 'Kinship and Economy'; Dresch, 'Legalism', 10.

thought, and might have reflected new developments in the study of medicine and natural philosophy.

To expose the importance of the informal processes which enabled peace-keeping and supported the functioning of the institutions does not mean that the latter were mere façades for the real machinations of power (as was held by the oligarchic school). I agree with recent studies that *popolo* regimes enhanced the use and importance of public institutions. In fact, as will be demonstrated, law and procedure were extremely important. These gave meaning and legitimacy to actions both in official and unofficial settings, and played key roles in the construction and negotiation of personal reputation.

As this is a study of socio-economic, legal, and political interpersonal interactions (both conflictual and cooperative) – rather than a history of legal and other organisational developments – gender will be a useful category of analysis. Late-medieval Italian society was strictly gendered and, in many regards, misogynistic and patriarchal, as the subordination of women was supported in theory and practice by religious, philosophical, medical, and legal texts. Many of the practices analysed here were male gendered, by virtue of the ideological framework of patriarchal honour, and the predominance of men in the courtroom. In addition, the sources employed in this study were almost exclusively written by men.[115] A more careful analysis, however, will reveal that the gender dynamics were more complex and intertwined. In the last few decades, historians have pointed out that women actually took part in many parts of life previously seen as exclusive to males.[116] The evidence presented here will shed more light on this aspect: in chapter III, for example, I will show that some women took active part in many conflicts and often appropriated the (male gendered) language of retribution and vendetta. Despite the fact that gendered categorisations played a central role and often underpinned individual identity marks, not all women had similar experiences, and they should thus not be analysed as a unitary and cohesive

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[115] Although this was not always the case: Antonelli, 'Riflessi autobiografici', has highlighted the case of a 1315 Bolognese tax return written by Lady Bonaventura Arrighi, in which she denounce her enemies.
[116] Herlihy, Family and Society, 68-95; Dumont, 'Women and Guilds in Bologna'; Chester Jordan, *Women and Credit*; Varanini, 'Donne e potere'; Kuehn, *Family and Gender*, 52-66; *idem*, *Law, Family, and Women*, 197-258; Phipps, *Medieval Women and Urban Justice*; Kuehn, *Family and Gender*, 60; Cohn, *Women in the Streets*, 1-15; Bennett and Karras, 'Women, Gender, and Medieval Historians', 1-5.

historical group.[117] To analyse the politics of gender at play will also help us to better understand the ways in which some sections of society managed to acquire and defend their dominant position.[118] As I will argue, this was not simply a matter of using violence – something available to virtually anyone across the social scale – but depended on the ability to act as an intermediary between different sections of society. This aspect will emerge with clarity in chapter IV, which shows that in Bologna, mediation and intercession – more 'feminine' actions increasingly associated with the cult of the Virgin Mary – were almost completely monopolised by a restricted group of lay elite men.

By analysing the mechanisms that enabled peace-keeping, this thesis will argue that the emergence and growth of new public institutions did not replace a previous political system made of informal and interpersonal relations but, rather, built upon it. The case of public justice is particularly illuminating: historians have often written that people had recourse to civil and criminal courts when other informal attempts at mediation failed.[119] However, the evidence presented here will show that the very functioning of the tribunals relied on and intersected with such informal practices. These processes were carried out by those very same 'men of law' who, as remarked, have often been depicted as the main protagonists of the transition from informality to formality. This was not a peculiarity of contexts which experienced little institutional development. Indeed, the case of Bologna – a polity which as we shall see was characterised by a huge concentration of legal expertise and which was served by one of the most legally sophisticated systems of public justice of pre-modern Europe – will show that informal and interpersonal relations remained key.

By analysing the processes which supported the functioning of judicial institutions, this thesis also indirectly contributes to the on-going debate on state-formation. The fact that previous teleological assumptions have been challenged does not meant that the study of the emergence of the state should be dismissed altogether. As John Watts has suggested, historians should focus on

[117] As remarked by Skinner, *Women in Medieval Italian Society*, 1-2.
[118] Scott, 'Gender', 1070-73.
[119] Spierenburg, 'Social Control', 16.

this historical period as one of transformation, growth, and open-ended processes, bearing in mind that this was when many of the structures which were later part of early-modern states first emerged.[120] Therefore, analysing how society worked at a time of growth and deepening internal divisions will, in turn, contribute to the understanding of later historical developments.

If on the one hand, this system enabled peace-keeping and made it possible for the *popolo* regime of Bologna to remain in charge for two decades, on the other, because of its informality, it also produced many side-effects. As we shall see, disagreements on which course of action to take could result in the growth of further tensions and even lead to more episodes of violence. Moreover, as will be explained, the fact that the functioning of the judicial machinery effectively depended on the intercession of a restricted group of citizens meant that some illegal actions could be tolerated. Those who knew the system and were well-connected could use violence with near impunity, while outsiders and ostracised members of the community were exposed to the brutal coercive side of public justice. Finally, collaboration was, at once, the main force behind the maintenance of the *bonus et pacificus status* and, paradoxically, also its Achilles' heel. As we shall see, when this system broke down, civic authorities were no longer supported by a cohesive web of socioeconomic relations, so that their measures were bound to be ineffective. In this scenario, wider divisions could no longer be contained, so that local fractures could grow out of control and transform into city-wide political conflicts.

2.2 *Structure*

Chapter I introduces the reader to the historical and material context of thirteenth-century Bologna, and argues that in the 1280s and 1290s, the government of this city experienced a period of relative stability and internal peace. Then the focus moves on to the thirteenth-century idea of the common good (the *bonus et pacificus status*). A new explanation is provided as to why peace was so important for the political programme pursued by contemporary *popolo* regimes.

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[120] Watts, *Making of Polities*, 35-6; *idem*, 'Conclusions', 274. See also Chittolini 'Privato, pubblico, lo stato', 580; Gamberini, *Stato visconteo*, 11 on the necessity for new studies of state-formation.

Chapter II sets the scene for the study of conflict and peace-keeping by analysing the functioning of public justice and presenting the two main types of sources employed throughout the thesis: trial records and formal reconciliations. At the same time, this chapter explores the reasons why and the ways in which contemporary men and women had recourse to justice.

Chapter III shows that even during this period of stability, city and *contado* remained characterised by dozens of violent interfamilial conflicts. Their reconstruction and analysis are indispensable in order to understand how, in turn, these enmities were kept more-or-less under control. Therefore, I then assess the nature, protagonists, causes, and dynamics of these enmities.

Chapter IV finally turns attention to the 'people behind the peace': that is, those mediators (here defined as 'peace-makers') who supported the functioning of the institutions and enabled peace-keeping by means of a largely informal system of interpersonal practices. Through prosopography and network analysis, I show that the most active peace-makers appeared in a mediating capacity in more than 70 per cent of all trials and reconciliations, and collaborated with each other in a large number of acts. As I suggest, peace-making was itself a tool for securing social, economic, and political predominance, and as such, it was almost exclusively in the hands of lay elite males.

Chapter V shows the practices of peace-keeping in action through the analysis of two well-documented case studies: a feud between two urban *popolo* houses, and a long war waged between powerful mountain nobles. This chapter engages directly with the on-going debate on the question of vendetta, and challenges the dichotomy of legal versus illegal as a framework for the understanding of conflict and peace-keeping. Then, I argue that this system also had important side-effects, as it made it possible for strategically-minded and well-connected actors to have recourse to violence with impunity.

Chapter VI shows that the circulation of new medical and philosophical ideas and the interactions between university professors and people involved in civic politics stimulated the production of new organic metaphors of government and medical analogies of peace-keeping. The analysis of these analogies will suggest that while the informal practices of peace-keeping uncovered in the course of this thesis were never explicitly discussed or conceptualised, many

moral and legal thinkers were aware that these were part of and worked as a system that aimed at recreating a working balance. In particular, this chapter contributes to Joel Kaye's thesis that this period witnessed the emergence of a new model of dynamic equilibrium developed by scholastic intellectuals both through their engagement with authoritative medical and philosophical texts, and through their intuitive appreciation of the functioning of markets and society.[121] As I will show, the system of peace-keeping in use in Bologna in the late 1200s presented the same properties of this new model, and might have offered a ready-made framework for the further development and refinement of new ideas of equilibrium in other domains such as, in this case, Galenic medicine.

Finally, the epilogue summarises the arguments presented in the thesis, and assesses the reasons why at times, the system of peace-keeping analysed in the previous chapters was unable to contain city-wide factional divisions and regime changes.

[121] Kaye, *History of Balance*. This work is discussed in greater detail in chapter VI.

Chapter I.
Setting the stage. Bologna under the *popolo*

INTRODUCTION

When Dante visited Bologna in the mid-1280s, he did not leave an international metropolis for a provincial town.[122] The old Roman road which connected Tuscany to the Romagna climbed for eighty miles through steep passes, forests, and rocky peaks under the watchful gaze of feudal fortresses. Once he had left the Apennines behind and had covered the last stretch to the sanctuary of S. Luca, the traveller would have rested his eyes on the vast Po valley – 'the gentle plain / that slopes from Vercelli to Marcabò' –[123] with the snowy summits of the Alps visible in the distance on a clear day. Two miles downhill lay Bologna *la grassa*, the fat one. Thanks to her favourable geographic location and her renowned university – which also gave her the nickname of *la dotta*, the learned one – Bologna was one of the richest and most vibrant cities of Southern Europe.[124]

This chapter introduces the reader to the historical context of Bologna in the age of Dante. Section 1 sets the stage for the actors encountered in the course of this thesis, delineates the social and economic structures of the countryside (1.1) and city (1.2), and depicts their material settings. This is important, for built space and the environment had a direct influence on many of the dynamics of conflict and its resolution explored in the following chapters. Section 2 traces the political experience of the Bolognese *popolo* (1228-1327) and its relationship with the key events of the thirteenth and fourteenth centuries, with a special focus on the years 1280-1296 (my main case study) (2.2). Section 3 focuses on the political programme carried out by the regime in charge in the late Duecento. As emerges from the analysis of over 2,000 council deliberations, the government was sufficiently stable to carry out a coherent political programme aimed at the pursuit of the material and spiritual well-being of society (3.1). Finally, I provide a new explanation

[122] Dante's visits to Bologna are not directly documented, but are suggested by the early reception of his verses by Bolognese notaries, and by his thorough familiarity with the university city. According to Domenico De Robertis, the sonnet *Deh ragioniamo insieme un poco, Amore* alludes to a return trip from Bologna in the seventh verse (*e già mi par gioioso il ritornare*): Dante, *Opere minori*, ed. De Robertis, 335. See also Pasquini, 'Fatti e miti', 18-21.
[123] Dante, *Inferno*, XXVIII, vv.74-5.
[124] For the origins of this nickname, see Montanari, 'Bologna grassa'.

as to why the achievement of the *bonus et pacificus status* had become a matter of particular importance to the city by the second half of the Duecento (3.2).

1. BOLOGNA AND ITS *CONTADO* IN THE AGE OF DANTE

1.1 The *contado*

The countryside (*contado* or *comitatus*) under the jurisdiction of Bologna stretched from the mountains south of the city to the river Po, and probably counted around 20,000 inhabitants scattered throughout dozens of fortified burghs, castles, villages, and farms.[125] *La grassa*'s neighbours were the *contadi* of Modena and Ferrara in the north-west and north, and the towns of Imola, Faenza, and Ravenna in the south-east. In the south and south-west, the Apennine mountains separated Bologna from the districts controlled by Pistoia, Prato, and Florence. The relationship between these various cities changed in the course of the thirteenth and fourteenth centuries, as the geopolitical landscape of communal-age Italy was highly dynamic. (For a map of the *contado*, see figure 9 in chapter III.)

The Apennines between Tuscany and the Romagna were also the seat of many feudal dynasties, among whom were the comital houses of the Alberti, Monzuno, Panico, and Ubaldini, each with dozens of vassals and hundreds of men at their service. While some of these lordships had been weakened and subjected to the city-communes in the course of the last century, others preserved their ancient imperial jurisdictional rights, and remained focused on the consolidation of their dominions. These proud lords had seen better days, but whether they were nominally independent or not, they remained powerful actors to be reckoned with.[126] In the past, historians analysed the relationship between city and *contado* mostly from the point of view of the former, and read it through a dichotomy of centre and periphery. In this light, rural communities were seen as either yielding to or resisting the expansion of urban public powers. In the last few decades,

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[125] For Bologna's *contado* see Palmieri, *Montagna bolognese*; Pini, *Campagne bolognesi*; Zagnoni, *Montagna tosco-bolognese;* Casini, *Contado bolognese.*

[126] Lazzari, *"Comitato" senza città*; Zagnoni, *Montagna tosco-bolognese*; *idem*, 'Ubaldini del Mugello'; Ceccarelli Lemut, 'Conti Alberti'; Manarini, 'Conti di Panico'; Foschi, 'L'espansione oltre Appennino'; Foschi and Zagnoni, (eds), *Signori feudali*; Pederzoli, 'Poteri signorili' (for the Alberti, Ubaldini, and Panico).

historians have challenged this approach, and highlighted the vitality of the countryside in the political and economic life of the cities. Wealthy citizens reinvested their money in landed property, which remained a steady source of income and power. The relationship between dominant urban centres and their surrounding countryside was based on continuous dialogue and negotiation, even if this did not preclude occasions for conflict.[127] This aspect will emerge with clarity in chapter V, where I discuss the attempts made by city-dwellers to keep the peace between feuding rural lords.

The *contado* of Bologna was relatively large and fertile, although many of its lands were abandoned from an early stage because of migration towards the city. As a consequence, agricultural production was often not sufficient to feed *la grassa*'s demanding population. Therefore, the administration of the countryside, the protection of its borders, and the monitoring of migration remained key concerns throughout the thirteenth and fourteenth centuries.[128] An example of this careful policy occurred when in 1257, the government (then ruled by a mixed communal and popular regime) freed more than 5,000 serfs from their feudal obligations by the famous *Liber paradisus*. As recently suggested, the aim of the government was not so much to weaken serf owners (among whom were many nobles actively involved in the commune) but, rather, to prevent depopulation of the *contado* and to increase the taxable population. Despite being nominally free, peasants (called *fumantes*) were indeed prohibited from leaving the country, and were now subjected to the heavy fiscal obligations set by the city.[129]

Rural society was not homogeneous. Together with powerful lords and poor *fumantes* unfree in all but legal status were also wealthy religious houses, artisans, traders, legal professionals, and non-noble land-owners who lived in densely-populated burghs. The countryside also teemed with hundreds of bandits who escaped from communal jurisdiction, and who either lived in hiding or joined armed bands in the service of bellicose lords. Among them were characters worthy of epic.

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[127] Gamberini, *Legittimità contesa*; Provero, 'Italian Rural History'; *idem*, *Parole dei sudditi*; Coleman, 'Italian Communes', 383-90; Wickham, *Communities and Clientele*; Pinto, 'Città e campagna'; Cohn, *Peasants and Rebellion*; Epstein, 'Town and Country'.
[128] Pini, 'Politica demografica'.
[129] *Liber Paradisus*, ed. Gatta and Plessi. For a discussion, Antonelli and Giansante, (eds), *Liber Paradisus*;

For example, one night in December 1294, a small army led by the count Brancaleone of Panico tried to take the castle of Stagno, as part of a long war waged between mountain nobles. When asked by the *podestà* about the identity of the besiegers, a watchman reported the presence of the lord Agolante da Moscacchia, 'who is the father, son, and holy spirit of all the bandits of Bologna' (*dominus Agolante, qui est pater filius et spirictus sanctus omnium bannitorum Bononie*).[130] To the east was the powerful lord of Susinana (and *signore* of Faenza, Imola, and Forlì) Maghinardo Pagani (d.1302), who sheltered city rebels and tormented the Bolognesi for decades. This 'devil' (*dimonio*), as Dante defined him when he prophesied his death (*Purgatorio* XIV, 118), earned a place in the *Inferno* because of his unscrupulous political alliances.[131]

1.2 *The city*

Those travelling from the Apennines would have entered the city through the south-western gate of Saragozza. The new walls (known as the *circla*) were still under construction in the late Duecento. These were the result of the unprecedented economic and demographic growth experienced in the course of the thirteenth century.[132] By the late 1200s, Bologna counted more than 70,000 inhabitants, making this one of the most populated cities of Italy and Latin Europe. This alarming expansion had been the result of mass migration from the surrounding *contado* until the mid-1200s, when the government began to make it increasingly difficult to obtain citizenship.[133] The in-flow of new-comers put added pressure on resources and accentuated the diversity of the inhabitants. However, while episodes of intolerance towards outsiders were not uncommon, the majority of structured conflicts were fought between people who came from the

[130] ASBo–*Inquisitionum*, 31, Reg.II, 44r. Agolante was clearly well known to contemporaries, but local historiography says nothing about him. The war of which this episode was part is analysed in chapters III and V.
[131] Dante, *Inferno*, XXVII, l.50; Vignodelli, 'Pagani, Maghinardo'. We shall meet Maghinardo again in chapter V.
[132] Bocchi, 'Shaping the City', 75-6; Foschi, 'Fortificazioni di Bologna'; Roversi, (ed), *Mura perdute*.
[133] For Bologna's demography, see Ginatempo and Sandri, *L'Italia delle città*, 53; Giusberti and Roversi Monaco, 'Economy and Demography'; Giansante, 'L'età comunale a Bologna'; Pini, 'Problemi demografici'; *idem*, 'Fonte per la demografia'.

same socio-economic backgrounds and who shared the same socio-political and geographic spaces.[134]

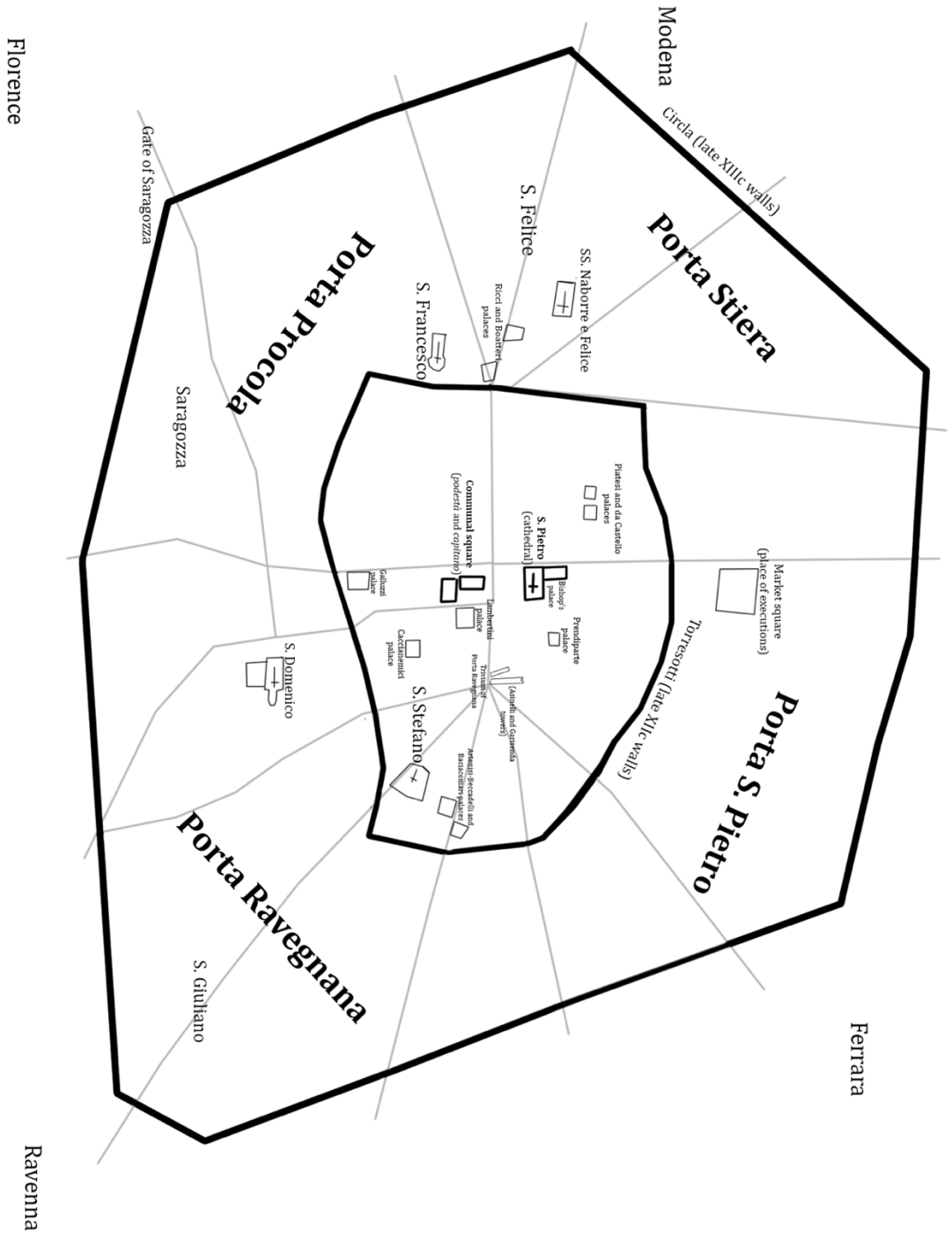


Figure 2. Map of Bologna in the late 1200s.
(Made by the author.)

[134] See chapter III.

Like many other public buildings, the gates were decorated by colourful images portraying political and religious scenes. In December 1280, one magister Nicola had been commissioned by the Dominicans to paint the history and miracles of their founder saint on all the gates of the city (*per omnes serralios et circlas civitatis Bononie*).[135] In Bologna, the Dominicans invested much in the visual arts. Indeed, their founder saint was buried inside the city, in a tomb sculpted by Giovanni Pisano which the Preaching Friars made the epicentre of their order. The complex of S. Domenico (1219) was at once an important destination for pilgrims, a renowned centre of learning, the seat of the local inquisitor, and a key area for peace-making.[136] This was where many powerful urban and rural actors met to be reconciled with each other, in the presence of elite lay and clerical members of society.[137] The church of S. Domenico benefited society as a whole: pilgrims filled civic coffers, while the protection and intercession of the saint helped maintain the polity at peace (more on this is said in section 3.2 below).

The city and *contado* of Bologna were divided into four fiscal quarters: Porta S. Procolo (the site of the gate of Saragozza), Porta Stiera, Porta S. Pietro, and Porta Ravegnana (Figure 2). The quarters were further subdivided into ninety-nine administrative parishes (*cappelle*). These formal territorial units were supervised by local officers (*ministrales*) elected by the parishioners at the beginning of January each year. Parishes were the basis for the recruitment of infantry and cavalry units for the civic army, and constituted a socio-economic and political microcosm for many of the people encountered in the following chapters.[138]

The area immediately inside the city-walls was filled with fields, gardens, vineyards, irrigation canals, mills, and farms. Soon, on each side of the road there appeared timber-framed and brick houses with protruding upper storeys resting on wooden pillars. Thanks to the famous Bolognese porticos, the animated life of the parish continued unaltered throughout the year.[139] The densely-built suburbs of the city developed along the main arteries and in the web of internal

[135] ASBo–*Memoriali*, Reg.42, 112r.
[136] D'Amato, *Domenicani a Bologna*.
[137] See chapters IV-V.
[138] Pini, *Le ripartizioni territoriali urbane*.
[139] Bocchi, 'Shaping the City', 78-9; *eadem*, *Bologna e i suoi portici.*

narrow alleys crammed with houses, inns, and churches opening onto small piazzas. These areas were the beating industrial heart of the city, as they hosted thousands of men and women employed in dozens of trades which served the local markets.[140] Many of the conflicts analysed in chapter III were fought over the control of these spaces. Indeed, on top of this intricate physical topography there existed a complex human geography characterised by consolidated networks of friendship and enmity.

Together with S. Stefano, the city had four other important Benedictine monasteries, S. Procolo, SS. Vitale e Agricola, SS. Naborre e Felice, and S. Salvatore.[141] At least one of these, as we shall see, was at the centre of a heated dispute (which turned violent) between influential families. While ecclesiastical institutions were among the richest rentiers and owned great portions of the city and *contado*, these areas fell under the jurisdiction of lay civic magistrates – and, in particular, of the *podestà*. As is explained in chapter II, the bishop was one of many adjudicating authorities, but his jurisdiction only applied to matters pertaining to canon law, or to crimes committed by members of the clergy. Even brawls and exchanges of insults carried out in the bishop's palace (if these involved lay members of society) would be tried in the criminal court of the *podestà*.

As visitors approached the city-centre, they would have passed through the older defensive circle (known as *Torresotti*), whose walls, towers, and ditches were now a seamless part of the densely built townscape. These fortifications, erected in the previous century in order to protect the expanding city, had soon been made redundant by the quick growth of the industrial suburbs.[142] Beyond the *Torresotti*, the built environment assumed a steep and imposing vertical character.

Towers and belfries were a defining characteristic of virtually all central and northern Italian urban centres, and Bologna was no exception. In the late Duecento, a forest of around 100 towers built by aristocratic and elite *popolo* lineages projected its shadow over the streets below.[143]

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[140] Dondarini, 'Bologna nell'imprenditoria'; Rinaldi, (ed), *Nella città operosa*.
[141] Bocchi, 'Shaping the City', 64.
[142] *Ibid.*, 69; Foschi, 'Fortificazioni di Bologna'.
[143] For a survey of Bolognese towers, see Bocchi, *Duecento*, 52. For the phenomenon of tower-building, see Pringle, 'Group of Medieval Towers'.

Like their daunting dwellings, the names of these families conveyed their pride, wealth, and bellicosity: among them were the Prendiparte (literally meaning 'take-a-side'), Caccianemici ('drive-the-enemies-away'), Baciacomari ('lady-kissers'), Scannabecchi ('goat-slayers'), Galluzzi ('roosters'), Asinelli ('donkeys'), Malavolti ('badly-turned'), Malconsigli ('evil-counsels'), Orsi ('bears'), Principi ('princes'), and Tantidenari ('a-lot-of-money'). These families were among the protagonists of the socio-economic and political life of late-Duecento Bologna, and will also play a prominent role in this thesis. Their towers rested on fortified houses protected by wooden passages and thick crenelated walls. While the jurisdiction of the *podestà* extended seamlessly over the whole polity, these areas remained under the direct control of their owners. Jacques Heers interpreted these as private enclaves which resisted governmental attempts at appropriating civic space.[144] As I will argue in chapter V, however, private fortifications were often used to perform important peace-keeping roles, so that the spatial fragmentation of the city did not automatically hinder the functioning of the polity

Among the dozens of towers which stood out in the urban skyline, the Asinelli's and its shorter leaning neighbour (the *Garisenda*) were symbols of Bolognese civic pride already in the Duecento. The two towers left an indelible mark in Dante's memory. In the sonnet copied in 1287 by Enrichetto delle Querce, Dante jokingly threatened to gouge his own eyes because they had admired the *Garisenda* while failing to notice her taller and more majestic neighbour. As some scholars have hypothesised, this might have been a metaphorical allusion to two elite ladies well-known in Bologna in the mid-1280s.[145] Twenty years later, the poet revisited this place in *Inferno* XXXI (136-45). This time, however, the tone was much less cheerful, as the leaning tower served as a metaphor to describe the terrifying giant Anteo deep in Hell. This dramatic reversal of mood was probably due to the fact that in 1306, Bologna had allied with the Black Guelfs of Florence, the faction which had sent Dante into exile (see section 2 below). Dante would never set foot in Bologna again: in the last months of his life, he declined the offer to be crowned as poet laureate

[144] Heers, *Città medievale*, 294-320.
[145] Dante, *Rime*, ed. De Robertis, 307-10; Cottignoli, 'Sonetto della Garisenda'.

in Bologna, because of the presence of a mysterious hostile entity (the Polyphemus) which he said kept him away from the beloved city of his youth.[146]

Below the two towers lay the busy intersection of Porta Ravegnana, the richest of Bologna's quarters and the seat of the *cambium*, the financial district where the majority of money-lenders (*campsores*) had their stalls. Unlike their Tuscan and Lombard counterparts, Bolognese businessmen did not participate in international trade and finance, but operated locally as brokers between foreign merchants. The thousands of wealthy students who arrived to Bologna from all over Italy and Europe provided local bankers with a seemingly endless source of income, as their expensive lifestyle required a ready availability of cash. In turn, scholars also benefited many different sectors of the economy, as they and their often large retinues had to be fed, accommodated, and entertained.[147] Bolognese bankers also lent money to rural communities, which were forced to borrow huge sums in order to meet the fiscal demands of the civic government. Therefore, despite not being plugged into an international financial network, local *campsores* made staggering fortunes and held the reins of civic politics.[148] An exemplary case is that of Romeo Pepoli (d.1322), the protagonist of early-Trecento Bolognese political life who in 1296 had a personal patrimony of over £72,000.[149] As I will demonstrate in chapter IV, money-lenders also played a key peace-keeping role.

The *Studium* – which did not have a centralised geographic location, as teaching took place in private lodgings –[150] was one of the main powerhouses of the Bolognese economy, but its contribution to this polity went way beyond a mere economic dimension. This was also one of the most thriving universities of Latin Europe, and remained the most important centre for legal studies in Italy and Europe.[151] In 1291, the papacy granted Bolognese graduates the privilege of teaching anywhere in Christendom (*licentia ubicumque docendi*), thereby enhancing the status and

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146 As Dante, 'Velleribus Colchis', *Eclogue*, wrote to Giovanni del Virgilio in 1321. Giansante, 'Polifemo bolognese', 87-8 suggested that Polyphemus might represent the Black Guelf faction.
147 Bocchi, 'Studenti a Bologna'; Dal Pane, 'Studio e l'economia'.
148 On Bolognese bankers, see Pini, 'L'arte del cambio'; Giansante, *L'usuraio onorato*'; *idem*, 'Financial Institutions, and Politics'; Albertani, *Città, cittadini, denaro*.
149 Giansante, *Patrimonio familiare*, 110-21.
150 Lines, 'University and the City', 444.
151 For a history of the university, see Zaccagnini, *Storia dello studio*.

importance of this university even more.[152] Thanks to its famous law faculty, Bologna was well served by a high number of jurists (many of whom produced important procedural treatises) who contributed directly to the civic government and gave legal opinions (*consilia*) in the lawcourts. As we shall see in chapter IV, skilled jurists such as Egidio de' Foscherari[153] and others contributed directly to the maintenance of the common good, as they appeared as arbitrators in many delicate reconciliations. The importance of legal studies ramified beyond the university. Bolognese notaries – the majority of whom did not have a law degree – had a profound knowledge of legal procedure, and, in turn, contributed to the spreading of legal consciousness across the city and *contado* (as argued in chapter II). While the law faculty was the crown jewel, the Bolognese *Studium* was also of primary importance for the study of new philosophical and medical ideas – two disciplines which, in line with scholastic thought, were taught jointly.[154] Together with Paris, Bologna was one of the most prolific centres for the early reception of Aristotelian thought. This environment stimulated intellectual exchanges not only between scholars of different disciplines, but also between the university, other places of learning, and their surrounding political community.[155] This contributed directly to civic political culture: the idea of the common good pursued by the government of Bologna was mostly based on Ciceronian and patristic literature, but was not immune to the growing circulation and re-elaboration of Aristotelian thought (see section 3.2 below). Finally, as I will argue in chapter VI, the exchange and circulation of medical-philosophical ideas may have also provided an intellectual rationale for the system of peace-keeping analysed here. It was in the best interest of the civic government to protect the *Studium* and secure the well-being of the students, who were protected by special privileges, and were ready to decamp to other cities when these came under threat.[156]

The Asinelli and Garisenda towers stood at the boundary of the oldest part of *Bononia*, the ancient *civitas* founded by the Romans in 189 BC.[157] This area was the seat of the most prestigious

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[152] Lines, 'University and the City', 438.
[153] Foscherari, *Quaestiones*; Bukowska Gorgoni, 'Foscarari, Egidio'.
[154] Siraisi, *Taddeo Alderotti*, 12-13. Taddeo is discussed in chapter VI below.
[155] Lines, 'University and the City', 449-54.
[156] *Ibid.*, 439; Kibre, *Scholarly Privileges*, 18-53.
[157] An Etruscan city (*Felsina*) had existed since the seventh century BC: Gualandi, 'Bologna preromana'; Bergonzoni, '*Bononia* (189 a.C.-secolo V)'.

lineages, and hosted the political heart of the city, the *curia communis* (modern-day Piazza Maggiore).[158] The imposing cathedral of S. Petronio which today faces the civic palaces was built from the 1390s onwards. In Dante's time, the cathedral was the basilica of S. Pietro, less than half a mile to the north (where the bishop also had his palace).[159]

The centre of the *platea maior* was dominated by the palaces of the commune and *popolo*. The former had been built from the late twelfth century onwards, when the commune had reached institutional maturity. The adjacent palace of the *popolo* was erected in the mid-1200s to signal the political rise of this party (discussed below).[160] The outer walls of the palaces were covered by religious paintings, scenes of civic triumph, and the defamatory portraits of the enemies of Bologna.[161] Under the ground-floor porches, hundreds of men and women moved around the busy stalls of retailers, merchants, bankers, and notaries, and met to discuss business and public affairs. Two separate flights of stairs led to the great halls situated on the first floor. These spaces hosted the main political and administrative activities of the polity. The palace of the *popolo* was the meeting place of the council of the *anziani* (elders), and of the larger council of the *popolo*, the main executive and legislative bodies of the government. The palace also hosted the lawcourts of the *capitano* (the rector of the *popolo*), whose jurisdiction extended mostly over matters of political importance.[162] Similarly, the communal palace hosted two further governmental bodies, the general elective assembly of the 2,000, and the council of the 800 (the latter had lost much of its previous political importance to the *consilium populi*). This palace also hosted the main civil and criminal courts of the city. The *palatium communis* was, literally, fit for a king. Indeed, this is where the Emperor Frederick II's son Henry (Enzo), king of Sardinia (d.1272), spent the last twenty-three years of his life as a prisoner, after the defeat suffered at Fossalta in 1249.[163] Above rose the communal tower, which from a distance was probably indistinguishable from the forest of civic *turres*. This housed the jail, where less illustrious prisoners (debtors, people awaiting trial, and *rei*

[158] Bocchi, 'Shaping the City', 71-73.
[159] Fanti, 'Cattedrale di San Pietro'; D'Amico and Grandi, (eds), *Cantiere di San Petronio*.
[160] Smurra, '*Palatia Comunis Bononie*'. For the construction of palaces in the long thirteenth century, see Andenna, 'Simbologia del potere'; Soldi Rondini, 'Palazzi pubblici'; Miller, 'Bishop's palace'.
[161] A classic study of this is Ortalli, *Pingatur in palatio*.
[162] For the competences of the *podestà* and *capitano*, see chapter II.
[163] Frati, 'Prigionia del Re Enzo'; Pini and Trombetti Budriesi, (eds), *Re Enzo e il suo mito*.

who could not pay their fines) were kept.[164] The bells at the top marked the hours of the day, signalled the beginning of council meetings, and were ready to sound the alarm whenever the peace and tranquillity of the *civitas* came under imminent threat.

The *platea maior* was the administrative, legal, and political centre of the city, but it was also its symbolical heart, and was thus the object of many architectural, artistic, and moral interventions on the part of the civic government. Similarly to what has been observed for the princely courts of northern Europe, civic palaces and their surrounding space were the subject of increased regulations from the mid-1200s onwards, as counsellors, magistrates, petitioners, litigants, and other passers-by were expected to maintain a certain standard of behaviour.[165] Crimes committed in the communal square were punished more severely than elsewhere, and could be tried by inquisition (see the next chapter). Civic authorities sought to present the *curia* as an idealised microcosmic space defined by peace, harmony, and order – an image which was also conveyed through the production of visual cycles depicting astrological themes, such as are still visible today in Padua and Perugia.[166] The most solemn reconciliations between enemy factions and powerful families were hosted in this space – where St Francis had also preached about the importance of peace when he visited Bologna in 1222.[167] Yet the communal square also conveyed a more sinister impression to the thousands of people who visited it every year. Going to court could be dangerous: without the support of the right people, this could quickly transform into a hostile and even deadly environment. While ordinary criminals condemned to death were executed in the marketplace (situated beyond the twelfth-century walls to the north), more illustrious prisoners were put to death in the *curia communis*, before the eyes of thousands of people. None the less, as we shall see in many examples, this area was not simply a screen for the projection of public power. This could also function as a highly visible social and political platform, which was appropriated by members of society ranging from noblemen and elite bankers to working-class women.

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[164] Blanshei, *Politics and Justice*, 366-7, footnote 176. See also *Statuti di Bologna 1288*, b.IV, r.LXIII.
[165] Vale, *Princely Court*; Brundage, *Legal Profession*, ch.8.
[166] Riess, *Frescoes in the Palazzo dei Priori, Perugia*; Teneti *et al.*, *Palazzo della ragione*.
[167] Parmeggiani, 'Mendicant Orders', 413.

2. THE *POPOLO* OF BOLOGNA (1228-1327)

Like many other Italian cities, pre- and early-modern Bologna was characterised by long-lasting political turbulence. Between the emergence of the commune (*c.*1100) and the (temporary) loss of municipal independence in 1327, this polity experienced at least fourteen regime changes. Virtually all of these were the result of political conflicts between major public actors who influenced the life of the polity both from inside and outside the city-walls.[168] The political parabola of the Bolognese *popolo* is representative of this vivacity. It is essential to trace the main historical developments of the thirteenth and early-fourteenth centuries in order to better contextualise the case study at the heart of this thesis.

2.1 *Rise to power (1228-1280)*

Bolognese professional corporations first emerged and began to demand political representation in the late twelfth century. At this stage, these societies were not yet part of a unitary political group, although their members were generically referred to as *populares*. Since the early 1100s, civic government had been in the hands of the urban *militia*. This was a restricted elite group which included both older aristocratic houses with lordship rights in the *contado* and feudal ties to the bishops, and more recently established urban clans. Despite their socioeconomic differences, these families shared the same chivalric and aristocratic culture, as their male members fought as mounted knights (*milites*) in the civic army.[169] The *milites* ruled the city through the institutions of the commune, a set of administrative, judicial, and political apparatuses which emerged and crystallised in the course of the 1100s.[170] Because of internal rivalries, during the twelfth century the government changed hands at least five times. As an attempt to secure stability and neutrality between the factions, the Bolognesi elected a *podestà* from 1155 onwards (although this became a

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168 Milani, 'From One Conflict to Another'. For the history of communal-age Bologna, see Hessel, *Storia della città*; Vitale, *Il dominio*; Greci, 'Bologna nel Duecento'; Vasina, 'Dal Comune verso la signoria'. A detailed account which reports many sources later lost was written in the late 1500s by the Augustinian friar Cherubino Ghirardacci, *Della historia.* See Blanshei, 'Historiography of Bologna'.

169 Maire-Vigueur, *Cavalieri e cittadini*. For the aristocracy of twelfth-century Bologna, see Wandruszka, *Die Oberschichten Bolognas*.

170 For the early communal period and the 'birth' of the commune, see Simeoni, 'Bologna e Enrico V'; Milani, *L'esclusione*, 27-8. For a reappraisal of the emergence of the communes, see Wickham, *Sleepwalking Into a New World*, 178-9 for Bologna.

permanent figure only after 1195). This was a foreign nobleman who remained in charge for one year at a time (later, six months), and who was invested with executive and judicial powers.[171] The *podestà* remained a key figure throughout the late-medieval period, although his political and judicial prerogatives underwent great changes in the following decades.

While initially, the *milites* managed to resist the attempts of the *populares* at gaining political representation, the latter secured a permanent place within the government from 1228 onwards. In the early 1230s, the societies organised themselves into a corporate political body which took the name of *populus* (or *popolo*). This was officially constituted by twenty-four topographically-organised armed societies (the *Armi* – tasked with the military protection of the *popolo*) and nineteen guilds (*Arti*). The *populares* participated in the legislative council of the commune (which remained under the control of the *milites*), although they also formed a leading council of twenty *anziani* (elders).[172] *Milites* and *populares* did not have contrasting views on everything, as they often pursued the same objectives. Indeed, the regime which promoted the liberation of the serfs in 1257 was ruled by representatives of both 'classes'. Nevertheless, the relationship between the two remained tense. While initially, political power remained in the hands of the *militia*, the *popolo* gained more ground in the mid-Duecento. In 1255, the latter created the magistracy of the *capitano*, a mirror-image of the *podestà* invested with similar powers. This power shift was a consequence of the progressive weakening of the *militia* due to internal rivalries. In the 1240s, the Bolognese *milites* divided into two factions which took the names of their respective leading families, the Geremei (Guelfs) and Lambertazzi (Ghibellines). During the war between the Lombard League and Emperor Frederick II (1226-1250), Bologna sided with the former, and even defeated and captured the emperor's son king Enzo of Sardinia in 1249. After the emperor's death, however, the government remained neutral, so that the two factions coexisted – albeit amidst many internal tensions and political fluctuations – until 1274.[173] The dynamics of the final – and best documented – moments of this coexistence will be discussed in the epilogue.

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171 Vallerani, 'Ufficiali forestieri'; *idem*, 'L'affermazione del sistema podestarile'.
172 Fasoli, 'Compagnie delle armi'; *eadem*, 'Compagnie delle arti'; Tamba, 'Civic Institutions', 214; Pini, 'Corporazioni bolognesi'.
173 Pini, 'Guelfes et gibelins à Bologne'.

This was different from the majority of other cities, where factional divisions between pro- and anti-imperial supporters had led to mass exiles already from the 1230s onwards, a process which intensified in the mid-century.[174] Generally speaking, after 1250, central and northern Italy saw the predominance of the Ghibellines. The tables turned in 1266, when the count of Provence Charles of Anjou (d.1285) descended into Italy at the request of Pope Clement IV and of Italian Guelf exiles (among whom were many Tuscan bankers). The French lord defeated and killed King Manfred of Sicily at the battle of Benevento, and acquired the southern kingdom (a papal fief since the early twelfth century). Ghibelline hopes were temporarily crushed when the young Conrad of Hohenstaufen (the last of his house) was defeated by Charles and then publicly executed in Naples in 1268. The new Angevin king became a hegemonic – albeit divisive – figure, as many central- and northern-Italian cities elected him as *signore* in return for military support and in order to join his financial network.[175]

These developments also affected Bolognese society. In 1265, in order to keep the peace, the Bolognesi entrusted the government of the city to the 'jovial friars' Loderingo degli Andalò (a Lambertazzo) and Catalano di Guido d'Ostia (a Geremeo).[176] The two promoted a successful campaign of internal pacifications between the factions, introduced new laws, and instituted the office of the *Memoriali*. Nevertheless, tensions among the *militia* remained high, so that the *popolo* – which remained more or less united – became progressively more powerful.[177] In 1272, the government promulgated a set of laws which restricted the political rights of the *milites* (called magnates from this moment onwards) and purged them from *popolo* societies.[178] Eventually, the fact that Bologna could not afford to be excluded from the hegemonic international Guelf alliance and could not lose the support of the papacy (which could close the *Studium* at any time) meant that the Geremei gained the upper hand. When new fights between the factions broke out in the spring of 1274, the majority of Bolognese sided with the Geremei. In June, as many as 4,000

[174] Milani, *L'esclusione*, 73-184.
[175] Fuiano, *Potenza angioina*; Ferrari, Rao, and Terenzi, 'Potere angioino'; Dunbabin, *Charles I of Anjou*.
[176] Tamba, 'Civic Institutions', 216; Gazzini, 'Religione e politica'.
[177] Pini, 'Magnati e popolani a Bologna'.
[178] Milani, 'Da *milites* a magnati'.

Lambertazzi citizens repaired to Faenza and were labelled as enemies and rebels of the city. Many of their houses and towers were destroyed, while their goods were confiscated and managed by the judges of the *capitano*.[179]

The new government allied itself with the Guelf faction captained by Charles of Anjou. In 1278, Emperor Rudolph of Habsburg donated the Romagna to the papacy, so that Pope Nicholas III (d.1280) became the new overlord of Bologna (although only nominally) and appointed his kinsman Bertoldo Orsini (d.1319) as count of that region.[180] While Charles of Anjou and the papacy were allies, the two pursued different objectives. Indeed, the former opposed the Ghibellines with all his might, as they saw the Angevin king as a usurper (and would indeed back the Crown of Aragon and its claims to Sicily from 1282 onwards).[181] By contrast, the pope pushed for a general reconciliation between the *partes*, and sent Cardinal Latino Malabranca on a peace mission. As has been mentioned, Latino's pacifying campaign did not succeed, as while the Lambertazzi returned to Bologna in September 1279, they were exiled for a third and final time in December (a second attempt had been made in 1277).[182]

2.2 *Political apogee (1280-1296)*

The final exclusion of the Lambertazzi delivered a fatal blow to the magnates, as many of the most powerful aristocratic houses belonged to this faction. The *popolo* thus completed its rise to power, as its governmental institutions (the councils of the *popolo* and *anziani*) now predominated over those of the commune (although the *podestà* continued to administer civil and criminal justice). Thanks to a complex system of interlocking councils and assemblies, more than 12,000 men enrolled in the *Arti* and *Armi* could participate in civic politics at the same time. In a recent study, Sarah Blanshei has argued that effective political power rested in the hands of a few hundred elite *popolo* families. Their members occupied around 80 per cent of all political offices and colonised

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[179] Milani, *L'esclusione*, 240-364. Hessel, *Storia della città*, 275, according to whom the victory of the Guelf faction marked the beginning of the decline of the city.
[180] Vitale, *Il dominio*, 23-4. See also Larner, *Lords of Romagna*.
[181] Milani, *L'esclusione*, 179-86.
[182] Vitale, *Il dominio*, 25-6; Fasoli, 'La pace del 1279'.

the leading corporations of the merchants, bankers, and notaries.[183] The latter had gained enormous political weight, so that the proconsul of the notaries sat in the most important councils and commissions.[184] One of the key figures of the regime was the elderly notary Rolandino Passeggeri (d.1300), author of a famous *Ars notaria* and of many political manifestos of the *popolo*.[185] Thanks to the social and political prominence of the notaries, the regime promoted important reforms in the fields of law and administration. These efforts eventually resulted in the promulgation of new communal and popular statutes in 1288.[186]

Blanshei's thesis of the existence of a narrow political elite in late-Duecento Bologna has generated criticism. Indeed, following the systematic challenge of the positions held by the twentieth-century oligarchic school, many historians maintain that a broad-based system in which thousands of families participated in political life could not by definition be oligarchic.[187] However, these two elements need not be mutually exclusive. The evidence presented here indirectly supports the argument made by Blanshei. As will be demonstrated in chapter IV, a restricted group of 161 elite families (the majority of whom were key political players) appeared as mediators in around 70 per cent of all civil and criminal disputes. This will also help to explain how these actors maintained their elite position, created consensus, and overcame their rivalries, so as to influence the guidelines of the regime and pursue a coherent political programme.

Many sections of society were excluded from *popolo* membership. Among these were magnates, Lambertazzi, politically disenfranchised artisans and unskilled workers, recent immigrants, peasants, and women of any social condition. Women, however, were active participants in economic and public life.[188] As we shall see in the following chapters, women appeared frequently in court cases, and also took part in many conflicts, even if the dynamics of violence and peace-making were heavily gendered.

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[183] Blanshei, *Politics and Justice*, 69-134.
[184] Tamba, *Società dei notai*; Carniello, 'Notaries and Popular Government'.
[185] Giansante, 'Rolandino e l'ideologia'.
[186] *Statuti di Bologna 1288*.
[187] Mineo, 'Popolo come regime di esclusione'; Giansante, 'Ancora magnati e popolani'.
[188] Dumont, 'Women and Guilds in Bologna'; Rinaldi, 'Figure femminili'; Greci, 'Donne e corporazioni'. See also Herlihy, *Women, Family and Society*, 68-95.

The exclusion of the *milites*-magnates culminated in the last two decades of the century. In 1282, a special *balìa* (commission) led by Rolandino Passeggeri promulgated the *Ordinamenta sacrata*, which were then ratified as *Ordinamenta sacratissima* in 1284. These laws restricted the judicial rights of the magnates (who were forced to pledge special securities) and invested the members of the *popolo* with special legal privileges, such as the exemption from torture.[189] While Bologna was one of the first cities to promulgate this kind of legislation, this did not constitute a radical precedent, as inequality was deeply rooted in ancient and medieval practices of law. In theory, if a *popolano* accused a magnate of violence, his word would be enough to obtain a condemnation, although in practice this law was virtually never applied. A measure included in the Ordinances which was enforced (even if exceptions were made, as we shall see) was the perpetual ban for murderers condemned in *absentia*. The Ordinances expired in March 1292, but were reconfirmed (with more relaxed laws) the following month.[190]

Historians have often assumed that the main aim of these laws was to restrain the violent and anti-social behaviour of the nobility, irreconcilable with the lifestyle promoted by the *popolo*.[191] A famous passage of the Ordinances indeed compared magnates and *popolani* to, respectively, rapacious wolves (*lupi rapaces*) and tame lambs (*agni mansueti*). This powerful image (which Rolandino skilfully adapted from Acts of the Apostles 20:26) legitimised the exclusion of this group, and drew a direct analogy between divine and human justice.[192]

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189 *Ordinamenti Sacrati*.
190 Blanshei, *Politics and Justice*, 59-60.
191 i.e., Carniello, 'Notaries and Popular Government', 334.
192 Giansante, 'Lupi e gli agnelli'; *idem*, *Retorica e politica*; Raveggi, 'Forme di propaganda'.



Figure 3. The arms of the magnate Gerardo di Rolandino Galluzzi of Bologna, *capitano* of Perugia in 1291.
ASPg-*Capitano*, 16, Reg.I, front cover.

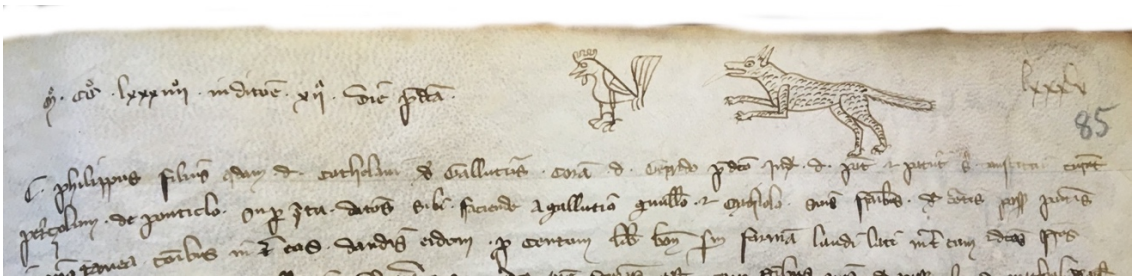


Figure 4. Roosters or rapacious wolves? Visual pun depicting the magnate Galluzzi clan in the year of the promulgation of the *Ordinamenta sacratissima* (1284)
ASBo-*Memoriali*, Reg.54, 85r.

But were magnates really incompatible with the values of the *popolo*? As Sara Menzinger showed, jurists, who were often of aristocratic birth, gave legal counsel to the *anziani* in order to secure the

legitimacy of their actions.[193] These men also played delicate diplomatic roles, as they were sent on frequent embassies to the papacy and foreign polities on behalf of the regime.[194] In the following chapters, we shall see that many families labelled as *lupi rapaces* – among whom were the Galluzzi – played a fundamental peace-keeping role in support of the regime. Moreover, determining who exactly was a magnate was not so simple. Contemporaries had few doubts concerning rural lords or ancient urban houses such as the Asinelli, Caccianemici, Galluzzi, Lambertini, Prendiparte and a few others. However, powerful families of recent ascent were more difficult to label, as many of their members sought *popolo* status for its legal and political benefits. *Popolani* suspected of being magnates were thus denounced and tried in the court of the *capitano*. In the absence of clear proofs (such as eye-witness accounts of knighting ceremonies), legal identity was assessed on the basis of perceived ways of life: some marks of magnate status were, for example, the pursuit of the *vita honorabilis*, wearing expensive furs, and being accompanied by large retinues.[195] Yet because of the ambiguity of behaviour and the inconsistency of these allegations, the majority of identity trials ended in an acquittal. Things changed from 1294 onwards, when this status became hereditary, and was applied to all the descendants of a lineage in which at least one member had been knighted or had been listed as a magnate. Nevertheless, magnate status was not an irreversible legal condition. This could be conferred as a punishment or revoked as a reward, so that the assignment of legal identity soon became a tool for political negotiation.[196] A similar argument could also be made for the relationship between the regime and the Lambertazzi exiles. As Giuliano Milani has shown, already from the late 1270s, a large number of exiles could return to the city and gain their older status as 'first-class' citizens, provided that they swore allegiance to the Geremea faction and to the regime. By 1299, when the last few remaining Lambertazzi returned from exile, their number had reduced to around 200.[197] As for magnate

[193] Menzinger, *Giuristi e politica*, 227.
[194] In July 1289, for example, the council of the *popolo* specified that ambassadors 'should be of the best men of the city [...] and be belted knights' (*sint de melioribus civitatis* [...] *et sint milites adobati*). ASBo–*Riformagioni*, Reg.129, 255r. For the activity of the council, see section 3.1 below.
[195] Blanshei, 'Habitus'.
[196] Blanshei, *Politics and Justice*, 208-312. An argument also made for Florence: Zorzi, 'Politica e giustizia'.
[197] Milani, *L'esclusione*, 270.

identity, rebel status was not permanent, as its conferral or revocation could be used to punish or reward individuals and whole families.

The hold of the *popolo* was not to be taken for granted. As is shown in chapter III, the ascendant Geremea faction was fragmented by many overlapping inter-familial conflicts which cut across the social spectrum. The gradual readmission of Lambertazzi added fuel to the fire, as older enmities could potentially flare up again. Inter-class tensions also remained present both within and outside the *popolo*. In 1283, the butchers' guild (which housed the most radical members of the *popolo*) tried to promulgate tougher anti-magnate laws, as the *Ordinamenta sacrata* had been temporarily suppressed (only to be reconfirmed a year later).[198] In 1289 and 1295, the members of two *popolo* societies rioted against the magistrates, as they felt that their legal privileges had been attacked.[199] In 1287, as we have seen, four magnates conspired to abrogate the Ordinances, although their attempt was foiled. In chapters IV-V, I will argue that these challenges could be kept under control thanks to the collaborative efforts of contemporaries. In this period, the *popolo*, its councils, and *capitano* worked alongside the commune and the episcopate, occupied by the influential nobleman Ottaviano II Ubaldini (ruled 1263-1295), and next by his kinsman Schiatta (d.1298).

In the 1280s and 1290s, the regime pursued a coherent political programme aimed at supporting the interregional Guelf faction and at consolidating and protecting the polity's borders. The Guelfs lost some ground in the mid-1280s, when the Sicilian Vespers distracted Charles of Anjou from northern-Italian affairs. After the deaths of Charles and his ally Pope Martin IV in 1285, the central-Italian Ghibellines rose again under the leadership of count Guido da Montefeltro (d.1298), so that this faction took over in various Tuscan cities. This led to the war between Guelf Florence and Ghibelline Arezzo in 1289, which resulted in the defeat of the latter at Campaldino – in which battle Dante himself fought alongside a contingent of Bolognese knights.[200] During these years, Bologna could act as a power broker between the various forces at

[198] Menzinger, *Giuristi e politica*, 285.
[199] Vitale, *Il dominio*, 56-7, 65.
[200] Runciman, *Sicilian Vespers*; Raveggi, *Guelfi e Ghibellini*, 12-3.

play in the Romagna and eastern Emilia.[201] At the same time, the regime also dedicated its attention to internal affairs, and sought to protect the material and spiritual well-being of city- and *contado*-dwellers alike (for which, see section 3 below).

2.3 *War and instability (1296-1306)*

This period of prosperity and relative peace began to decline in the mid-1290s, when Bologna came under threat from Azzo VIII d'Este (d.1308), marquis of Ferrara and *signore* of Modena and Reggio. Tensions escalated and led to war in 1296.[202] Eventually, the two sides officially made peace in 1299 thanks to the mediation of Pope Boniface VIII (d.1303), although the hostility between Bologna and her expansionist neighbour did not fade.[203]

The consequences of this conflict were far-reaching. First, during the war, the government sped up the decision-making process by creating a number of restricted commissions tasked with enormous political responsibility. These were guided by elite citizens drawn from the most powerful *popolo* and magnate families.[204] The granting of extraordinary powers at times of emergency was a codified feature of Roman law. Yet this was also the beginning of an oligarchising tendency which would define the political experience of many cities throughout the 1300s.[205] In particular, in Bologna, the system of *balìe* paved the way for the rise to power of the banker Romeo Pepoli. The businessman could count on a virtually unlimited fortune, through which he acquired a central position in public life.

Second, in the late 1290s, a faction of radical (Black) Guelfs favourable to an alliance with Azzo VIII formed within the Geremea *pars* which had governed the city until that moment. When in the early 1300s, the regime allied with the moderate (White) Guelfs of Tuscany and with the Ghibellines of Romagna, the city plunged back into a state of heightened turbulence. In 1303, a

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[201] Vitale, *Il dominio*, 53-66.
[202] For the war between Bologna and Azzo VIII, see Gorreta, *Comune bolognese e la signoria estense*; Bortoluzzi, 'Città davanti alla guerra'.
[203] Thanks to the intercession of the pope, the Bolognesi got favourable conditions despite their few military successes. As a tribute, the government commissioned the creation of an imposing bronze of Boniface, today preserved in Bologna's Museo civico.
[204] Vitale, *Il dominio*, 66-74; Giansante, *Patrimonio familiare*, 48-52.
[205] Milani, 'Legge ed eccezione'.

group of leading citizens conspired together with Florence (governed by the Black faction since 1302), Azzo VIII, and Charles of Valois (d.1325) in order to take control of the government. When letters were intercepted, one of the main conspirators confessed and was executed, while the others fled the city and were thus declared as rebels. The civic government was now guided by an even more restricted number of elite citizens, among whom were Romeo Pepoli and a few prominent jurists. The complex and unstable geopolitical scenario of central and northern Italy directly affected the regime's governability. When the White Guelfs were defeated both in Tuscany and Lombardy, internal discontent rose again. Eventually, fear of isolation and rising tensions led to a revolt in February 1306. The Blacks rose to power and exiled the most influential representatives of the White faction. Among the leaders of the revolt were the magnate jurist Bornio Samaritani and the same Romeo Pepoli, who had cleverly switched sides in order to protect his potent financial and political interests.[206]

2.4 *Aftermath (1306-1327)*

The new regime supported the Black Guelf faction, and sent military help to King Robert of Anjou (d.1343) when Henry VII descended to Italy in 1310. While the government remained in the hands of the *popolo* and its institutions, Romeo Pepoli gained enormous power, and exerted direct control on the political and judicial mechanisms of the city (although he was never explicitly recognised as *signore*). Bolognese society thus assumed an increasingly oligarchic character, as new restricted magistracies and governmental bodies (closely supervised by Romeo) were created. Those close to the regime were given new legal privileges and could proceed against their enemies through summary justice. This attack on due process – a fundamental right which had dominated late thirteenth-century legal practices – had long-lasting consequences. As Sarah Blanshei has argued, this undermined the credibility of judicial institutions and led to the progressive abandonment of accusatorial procedure as a tool for dispute management.[207] Romeo's *de facto* rule

[206] Vitale, *Il dominio*, 78-105; Milani, *L'esclusione*, 372-74; Giansante, *Patrimonio familare*, 52-57.
[207] Blanshei, *Politics and Justice*, 313-498; *eadem*, 'Aristocratization'; *eadem*, 'Bolognese Criminal Justice'; *eadem*, 'Homicide in a Culture of Hatred'.

did not go uncontested, as from the mid-1310s onwards, a group of powerful families began to oppose his power. This new anti-Pepoli faction (the Maltraversi) gained the upper hand and led a city-wide revolt in 1321, exploiting the discontent which arose following a series of political missteps taken by the banker.[208] Romeo was exiled, and a new popular government formed, although this had a short life.

By the third decade of the Trecento, even large cities like Bologna were quickly losing their power and influence, as the Italian political chessboard was increasingly dominated by foreign powers and larger regional polities. In particular, northern Italy was caught in the struggle between Pope John XXII (d.1334) and the Ghibelline alliance led by the Visconti of Milan, the Scaligeri of Verona, and the Bonaccolsi of Mantua, all of whom were protected by Emperor Louis of Bavaria. The pope sent his nephew, Cardinal Bertrand du Pouget (d.1352), with a large army backed by the king of France and the king of Naples, who also controlled Piedmont. Facing military isolation and financial bankruptcy, many cities were brought under the subjection of the cardinal, who could thus create a bridge between Angevin Piedmont and the papal Romagna. The Bolognesi followed in February 1327, when the council of the *popolo* solemnly and unanimously elected the French prelate as *signore*. The cardinal immediately carried out a series of substantial constitutional reforms: the magistracy of the *capitano* was suppressed, while the council of the *popolo* – which had been the most important legislative body of the city since the late Duecento – was not summoned again. Bertrand also nominated a French bishop, and introduced a new direct system of government based on supplication.[209] This loss of municipal liberties (which were later recovered) was not, therefore, a direct consequence of internecine fighting (as generations of historians previously held). Rather, the subjection of the city to a higher power should be read as a consequence of larger-scale warfare and financial hardship, and as a result of the conscious realisation by contemporaries that isolated cities were now weaker than ever.

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[208] Giansante, *Patrimonio familiare*, 57-75.
[209] Antonioli, *Conservator pacis*, 36-46; Tabacco, 'Disegno domenicano-angioino'; Jugie and Jamme, 'Poggetto, Betrando del'; Vallerani, 'Supplica al signore'; Vasina, 'Dal Comune verso la Signoria'.

The commune did not disappear, as its main organs and institutions remained part of the administrative machinery of the city for the following centuries. The parabola of the Bolognese *popolo* – which had been a protagonist of civic politics for the past 100 years – had, however, come to an end. Popular societies were revived in the later 1300s, when the Bolognesi reinstituted the republic after half a century of subjection to local *signori* and external powers. Nevertheless, this government was rather different from the guild regimes of a century earlier, as political participation was now the prerogative of a smaller group of elite families.[210] Internal tensions did not dissipate. In the following two centuries, Bologna experienced many different republican and seigneurial phases,[211] and remained characterised by a continuous state of underlying political turbulence and conflict.[212] Eventually, the city was conquered in 1508 by Pope Julius II (d.1513). Bologna remained under the direct control of the popes – who governed through a legate and a restricted group of local optimates – until Napoleon's Italian campaigns. The slow emergence of more centralised governmental apparatuses and the refined courtly manners of the early-modern period did not put an end to inter-familial feuds and vendettas: these continued to be a mark of urban and rural everyday life in the seventeenth and eighteenth centuries.[213]

3. Civic politics and the common good

3.1 *Civic politics*

The late-thirteenth century was *not* a golden age of peace and prosperity: the following chapters will show very clearly that urban and rural society remained characterised by many internecine conflicts, some of which dragged on for years and produced serious damage. Nevertheless, thanks to the practices of peace-keeping which will be analysed in detail, the government of Bologna was sufficiently stable to carry out a coherent political programme in both external and internal affairs. This aspect emerges with particular clarity from the analysis of the deliberations (*riformagioni* or

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[210] Braidi, 'Governo della città'; De Benedictis, 'Stato popolare di libertà'; *eadem*, 'Popular Government'; Duranti, 'Government in the Quattrocento'; Gardi, 'Ruling Classes of Bologna'.
[211] Lorenzoni, *Conquistare e governare la città*; Antonioli, *Conservator pacis*.
[212] For the political conflicts of later fourteenth- and fifteenth-century Bologna, see Lantschner, *Logic of Political Conflict*, 95-130; *idem*, 'Nourisher of Seditions'; Cucini, 'Political Crime in Renaissance Bologna'.
[213] Rose, *Homicide in Early Modern Italy*; *idem*, 'Violence and the Centralization of Criminal Justice'.

reformationes) voted by the *consilium populi et masse*, the most important legislative and executive body of the polity.[214] The *reformationes* were those proposals that were voted in favour by the council and that assumed normative value, thus becoming part of the *Ius proprium* of the city.[215] The council of the *popolo* counted 600 members elected every six months, and met regularly and without interruptions two or three times a week throughout the period analysed. The registers of *riformagioni* report a copy of all the proposals accepted by the council, and the outcome of the voting sessions. With few exceptions, the proposals which were not accepted were not recorded, so that the image which emerges from these registers is, inevitably, one of internal harmony. Still, the fact that the majority of proposals were accepted with an overwhelming majority of votes in favour suggests that the regime enjoyed consensus throughout the 1280s and early 1290s (although when more controversial matters were at stake, proposals won with smaller margins).

The activity of this council has been summarised in Table I (below). This reports the results of my analysis of 2,020 deliberations recorded in 1288-1294, here subdivided into fifteen sub-categories that reflect the specific matters voted by the council.[216] The government intervened in four main areas: bureaucracy and administration (rows 1, 3, 8); the economy, finance, and fiscality (2, 5, 9, 10, 13, 14); the military and diplomacy (7, 12); peace-keeping (4, 6, 11, 15). Military and diplomatic activity were directly monitored by the council (together with the *anziani*, *capitano*, and *podestà* of the commune). All other tasks were usually carried out by specific public bodies and commissions. Therefore, the *consilium* intervened in order to issue special funds and promulgate new laws, and whenever exemptions or extensions of statute law were required. Each *riformagione* had normative value, although the majority were *ad hoc* interventions.

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[214] Tamba, 'Consiglio del popolo'.
[215] Neppi, *Riformagioni e provvigioni*, viii.
[216] ASBo–*Riformagioni*, Regg.128-138. The deliberations survive from 1288 to 1293, and then from April 1294 onwards.

	1288 (July-Dec.)	**1289**	**1290**	**1291**	**1292**	**1293**	**1294** (April-June)	**Total**
1) Extraordinary payments to civic officers	50	114	132	148	178	106	42	770 (38%)
2) Upkeep of infrastructures	15	32	35	34	19	44	14	193 (9%)
3) Appointments, licences, *popolo* membership	8	27	32	34	40	16	6	163 (8%)
4) Justice	13	23	25	21	28	27	11	148 (7%)
5) Requests to sell lands and withdraw dowries	3	10	10	20	36	43	11	133 (7%)
6) Food provisioning	8	23	17	32	23	8	11	122 (6%)
7) Military	5	9	17	9	17	35	13	105 (5%)
8) Bureaucracy	9	14	21	28	6	2	9	89 (4%)
9) Econ. and trade	7	14	23	18	1	5	5	73 (4%)
10) Fiscality and finance	4	7	3	21	12	6	2	55 (3%)
11) Charity and civic religion	3	4	18	6	9	9	3	52 (3%)
12) Diplomacy	6	9	12	4	12	1	6	50 (3%)
13) *Contado* admin.	4	14	11	2	5	6		42 (2%)
14) University			2	3	4	2	1	12 (0.6%)
15) Sumptuary laws		2	1	1	2	3		9 (0.4%)
Total	135	302	359	378	392	318	136	2020

Table I. Deliberations of the *popolo* council, 1288-1294
ASBo—*Riformagioni*, Reg.126-138

Anyone could appeal to the council, including women of any social condition, peasants, and even Lambertazzi exiles. The use of supplication was a tool of government characteristic of the Trecento, through which increasingly authoritarian regimes (whether republican or monocratic) created a direct connection with their subjects.[217] In the thirteenth century, the suspension or

[217] As argued by Vallerani, 'Supplica al signore'.

extension of statute law (whether applied to individuals or to entire communities) was not so much a political stratagem as it was an intervention aimed at benefiting the whole community. Before they could be voted by the council, proposals to modify existing laws and important political decisions had to be pre-approved by the restricted council of the *anziani*, and then voted by at least two thirds of all *popolo* societies. Through this complex and cumbersome mechanism, real political power was exerted by the *anziani*, although virtually all the 12,000 or so men enrolled in the *Arti* and *Armi* could have a say on important decisions.[218]

The *riformagioni* offer a clear glimpse of the objectives pursued by the regime. As explained, the government supported the military efforts of the Guelf alliance, acted as a power broker in the Romagna, and sought to protect the borders of the polity. The internal policy of the government was geared towards the incentivisation of trade and the protection of the university, as this was the main propeller of the local economy and of civic prestige.[219] The protection of the *contado* was a key concern. Arguably, the relationship between city and *contado* was one of economic exploitation, notwithstanding the importance of liberty heralded in the prologue of the *Liber paradisus*.[220] Yet the council was often ready to second the requests of peasants and entire villages, especially when their safety (and, thus, solvency) was at risk. For example, in February 1289, the four sons of the *fumans* Ivano Menabuoi ('ox-driver') of the land of Monte S. Giovanni implored the council to be allowed to reside in the city. They claimed that their house and vineyard had been burnt by the bellicose Aigoni clan, so that they feared for their life. Their persecutors were vassals of the counts of Monzuno, then involved in a long and destructive war against the counts of Panico (analysed in chapters III and V). The pleaders had played their cards right, as their petition was accepted by the council. The government was well aware of the continual challenges posed by these troublesome lords, and was willing to express sympathy with the plight endured by local peasants.[221]

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[218] Blanshei, *Politics and Justice*, 78-80.
[219] See, for example, Zagnoni, 'Rapporti fra Pistoia e Bologna'.
[220] Mielants, 'Origins of Merchant Capitalism', 122.
[221] ASBo–*Riformagioni*, Reg.128, 176rv.

The regime also sought to protect the productivity of the countryside, as food provisioning was one of the most pressing challenges faced by the regime. Like all other aspects of governance, this task was entrusted to a specific commission, the 'lords of wheat' (*domini bladi*), a body which enjoyed great economic and political power and which was filled by members of the most important families.[222] Often, the agricultural produce of the *contado* was not sufficient to meet the demands of *la grassa*. Therefore, grain officers had to import foodstuffs from other polities: these extraordinary and costly operations were authorised and monitored by the council. Food provisioning also entailed detailed health regulations, which constituted another key concern of this and other civic governments long before the Black Death.[223]

Keeping the city and *contado* at peace was of the utmost importance. The resolution of conflicts and the repression of criminality were achieved through the administration of public justice. While politics and justice were not mutually independent in a modern sense, in the late Duecento, political interference was reduced to a minimum (a situation which would change in the following century). Therefore, the council mostly intervened in order to grant special powers (*arbitrium*) to civic magistrates; or validated arbitrations in which the terms violated some aspects of the *Ius proprium*. These interventions were normally justified in the name of public utility, and the council only intervened in the most important cases: we shall see many examples of this in the following chapters.

The upkeep of *boni mores* and the pursuit of an ethical lifestyle were key elements of good government and were indispensable for the achievement of earthly peace. Following the Fourth Lateran Council of 1215, the Church took extensive measures to define what it meant to be a good Christian, promoting an extensive programme of pastoral reform.[224] Individuals were encouraged to be the models of Christian living by relatives and neighbours, but also by political, religious, and socio-economic institutions.[225] The clergy played a particularly prominent role through the intensification of pastoral care. The emergence of Mendicant orders in the early-

[222] Pucci Donati, *Mercato del pane*, 69-87; Pini, 'Potere pubblico'.
[223] For food regulation and hygiene, see Pini, 'Norme igieniche'; Geltner, 'Public Health';
[224] Vauchez, 'Church and the Laity'.
[225] For community support in mid-fourteenth-century Bologna, see Kelly Wray, *Communities and Crisis*.

thirteenth century contributed enormously to the mission. As we have seen, the Preaching Friars had their headquarters in Bologna, and contributed directly to the well-being of the whole polity. The Dominican inquisitor was charged with the delicate task of purifying the city from the dangerous presence of Cathars and other religious dissidents. The fight against heresy also received support from lay civic authorities and from the *Studium*, as high-profile jurists intervened by offering legal counsel on procedural matters.[226] At the same time, the promotion of rules of ethical conduct was a priority of associations such as professional guilds, lay confraternities, and monastic-military orders such as the *Militia Beate Virginis* (established in 1261). In the Italian cities, these organisations existed in their thousands, with several dozen in Bologna alone. In addition to being *loci* for political and economic association and participation, the societies of the *popolo* encouraged the conduct of a virtuous and pious lifestyle based on the love of neighbours, moral regulation, and charitable support.[227] Through virtuous interaction with brethren and sisters and with people outside the association, guild members developed their moral identity and acquired a degree of social credit which was fundamental for many aspects of life, from economic activity and judicial activity to spiritual salvation.[228]

The regime also played an active role in the pursuit of the ethical and spiritual well-being of the community. Within the climate of spiritual and religious renewal of the Duecento, many civic governments sought to restrict the consumption of luxuries and all forms of excess, crimes of passion, and immoral practices such as gambling, divination, perjury, and counterfeiting.[229] While the enforcement of these laws depended on civic lay and ecclesiastical judicial authorities, the council intervened directly on many occasions. Among the pleas advanced by citizens and communities were requests to purify areas of the city and *contado* from immoral practices. For example, in October 1292, unnamed inhabitants of an area adjacent to the old twelfth-century city-walls asked that the council intervene to fill a section of the ditch. This was being used by

[226] Parmeggiani, 'Repression of Heresy', 11; Paolini, *L'eresia a Bologna*. See also Lansing, *Power and Purity*.
[227] For mid- and late-Duecento statutes of Bolognese *popolo* societies, see *Statuti delle società*. Also Terpstra, *Lay Confraternities*.
[228] Rossero, *Art of Solidarity*, 37-40.
[229] See Koves Killerby, *Sumptuary Law*. For the regulation of the emotions as an attempt at protecting the moral integrity of the community, see Lansing, *Passion and Order*.

various immoral men and women to 'play cards and injure the name of the Lord and his mother the Virgin Mary, which things much offend the ears and hearing of the friars who celebrate the divine office'.[230] As Table I shows, the council also promulgated new sumptuary laws and *ad hoc* dispositions: for example, in February 1290 a prohibition was issued against dancing in one's home after the first sound of the curfew bell during the week of the Carnival.[231]

Moreover, every year, the council also issued special funds for alms-giving and for charitable activities such as the renovation and construction of religious monuments and buildings, the freeing of prisoners, and the funding of communities in need (Table I, 11). For example, in August 1287 – in the aftermath of the failed conspiracy – the friars of the *Ordo apostolorum* petitioned the council to finance the repair of their crumbling church. As the plea reads, this was so that 'God and the Holy Virgin may defend the commune of Bologna in good state' (*ad hoc ut Deus et Beata virgo defendant commune Bononie in bono statu*). As the regime was only just recovering from the scare of the conspiracy, the council agreed unanimously to help out the petitioners.[232]

3.2 *The* popolo *and the common good*

The stress on peace and the common good heralded in the manifestos, treatises, and prologues authored by *popolo* intellectuals was more than legitimising rhetoric.[233] The efforts of the Bolognese government were geared towards the pursuit of the material and spiritual security of the whole polity. Of course, because of the exclusionary nature of this political system, some groups were inevitably better looked after than others. Even in a society defined by an unprecedented degree of broad political participation, the pursuit of the common good operated on deeply unequal grounds.[234] None the less, even oppressed or unenfranchised sections of society could appeal to the council and be granted the right to due process.

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[230] ASBo–*Riformagioni*, Reg.135, 226r.
[231] *Ibid*., Reg.130, 332r.
[232] *Ibid*., Reg.211, 23r.
[233] As argued, for example, by Zorzi, 'Bien commun', a view recently nuanced: *idem*, 'Notion and Practices of Vindicta'.
[234] In the context of the guilds, detractors and outsiders sometimes felt that the common good allegedly pursued by confraternities was, in fact, geared towards the exclusive benefit of members: Rosser, 'Architects of Unnatural Community'.

The conceptualisation of the community as a necessary environment for the full realisation of human potential and for the achievement of the supreme (moral) good through virtuous action was a key principle of Aristotelian political philosophy. In particular, the Stagirite had discussed this in his *Nicomachean Ethics*, a translation of which began to circulate widely after *c.*1250.[235] By the 1260s, Aristotelian thought had permeated Bolognese intellectual circles, and was studied and circulated in and beyond the teaching rooms of the *Studium*. The physician and professor of medicine Taddeo Alderotti translated the *Ethics* into the vernacular.[236] Taddeo was in direct contact with the government and with many Bolognese citizens, and was at the heart of a lively intellectual exchange which, as I suggest in chapter VI, may have affected peace-keeping practices. The Bolognese notary Matteo dei Libri (d.1273), who authored a collection of vernacular speeches (*arringhe*) for the benefit of civic officers and politically-active citizens, employed the term *bene comune*, which had first appeared in Latin translations of the *Ethics*.[237]

Nevertheless, the idea of the common good pursued by thirteenth-century civic governments was substantially different from that which emerged from the scholastic systematisation of Aristotelian thought. The notion that individual good was subordinated to that of the community and that the achievement of the latter would, in turn, benefit everyone indeed preceded the rediscovery of the *Ethics*. These ideas were already present in patristic literature (and particularly in St Augustine), Roman law, and Ciceronian rhetoric, which formed the educational bedrock of thirteenth-century civic officers.[238] Following St Augustine, the common good was understood in more material terms as a state of earthly tranquillity.[239] This condition – which contemporaries indicated as the *bonus et pacificus status* – could be achieved through peace-keeping (and thus through the good dispensation of justice) and through the good administration of communal goods. As has been remarked, this state of goodness was also achieved through – and, in turn, contributed to – the pursuit of virtuous living and spiritual well-being. Nevertheless, these

[235] Kempshall, *Common Good*, 26-8.
[236] For which, see Gentili, 'L'edizione dell'Etica'.
[237] Tamba, 'Libri, Matteo'; Kristeller, 'Matteo de' Libri'.
[238] Skinner, 'Artist as Political Philosopher', 4-6, 10; *idem*, *Modern Political Thought*, 1-65.
[239] Kempshall, 'Language of the Common Good'; Artifoni, 'Preistorie del Bene Comune'; Conetti, '*Utilitas Publica*'; I. Mineo, *Popolo e Bene Comune*, 82-9; Bruni, *Città divisa*.

two overarching states of goodness – material and spiritual – coexisted, and were not part of a clearly-defined hierarchy.[240]

Following the scholastic systematisation of Aristotelian thought, the common good came to be identified with divine love, and was consequently held to be superior to everything else. The early reception and circulation of (Christianised) Aristotelian philosophy did not initially alter the previous understanding of the common good as the good and peaceful state of the city. When authors such as Brunetto Latini and Matteo dei Libri cited the Aristotelian *bonum commune* (*bene comune*, *comun bien*), this was mostly intended as a synonym of that *utilitas* and *tranquillitas* which was indistinguishably material and spiritual at the same time.[241] It was the Florentine Dominican preacher Remigio dei Girolami (d.1319) who first explicitly re-adapted the Aristotelian conception of the common good (mediated by St Thomas, Albertus Magnus, and Ptolemy of Lucca) to the civic reality of the Italian cities. In line with Thomistic thought, the preacher (who came from an active *popolo* family) put love of God at the top of his hierarchy of good. However, Remigio added a further intermediate step between love of one's soul and love of God: that is, love of one's political community. In this perspective, salvation could only be obtained through associative political life and the achievement of a peaceful earthly community.[242] This interpretation did not, however, immediately transform the perception of the common good. In his *De bono pacis*, the same Remigio continued to understand the common good in Augustinian terms as a state of tranquillity (or freedom from violence) which enabled the polity to function. Still in the 1320s, Marsilius of Padua, who possessed a more thorough knowledge of Aristotelian philosophy than his thirteenth-century predecessors, presented the *bonum commune* in material terms.[243]

This pragmatic and utilitarian understanding of the *bonus et pacificus status* may have also affected socio-political action. As we shall see, contemporaries were often ready to compromise and to tolerate actions and practices which, while they would enable the endurance of the regime,

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[240] Mineo, *Popolo e Bene Comune*, 83.
[241] Latini, *Li livres dou trésor*, II, III; Dei Libri, *Arringhe*, II, XVI, XXX, XXXIIII; Mineo, *Popolo e Bene Comune*, 86-8.
[242] Girolami, *De Bono Communi*. Discussed in Kempshall, *Common Good*, 293-338; Mineo, *Popolo e Bene Comune*, 92-8.
[243] Marsilius of Padua, *Defensor pacis*. Mineo, *Popolo e Bene Comune*, 91, 99. See also Panella, 'Trattati politici'.

could hardly create that idealised virtuous community which was perceived as necessary for the achievement of general spiritual salvation. While the clergy were present in many reconciliations, I will show that peace-making remained overwhelmingly a prerogative of lay and politically-active members of society. Religious motivations cannot be separated from other practical concerns, but peace-keeping had an immediate and material connotation.

Why, then, were *popolo* regimes so invested in the pursuit of peace? Historians have offered a somewhat tautological explanation: the *popolo* supposedly promoted the importance of peace and new forms of civic behaviour because they were themselves peaceful and respectful of the laws.[244] This made them different from the previous generations of *milites*-magnates who had governed the city until the mid-1200s, as the latter had allegedly based their rule on intimidation and coercion.[245] Such an explanation is problematic. While the *popolo* was effectively made by families of recent social ascent (Dante's *gente nuova*), some of the most important family-groups had already in the twelfth century joined ranks with the older elites. Their members led a sumptuous lifestyle, built towers, and were accompanied by large retinues, with the result that contemporaries often struggled to tell their status. Moreover, powerful magnate clans remained key political actors, as while their members were excluded from the *popolo*, they continued to serve as communal officers, held advisory roles to the *anziani*, and occupied central positions in the clergy. As will become evident, urban aristocrats also played an important peace-keeping role. The assumption that earlier generations of *milites* were not interested in peace-keeping is also difficult to accept. While fewer public acts survive from before *c*.1250, the many chronicles, panegyrics, and rhetorical treatises produced by members of the *militia* in this period stressed similar concerns about peace and civic harmony as those found in later sources. The discourse and ethics of chivalry were employed by chroniclers and politicians to create a sense of patriotism, to direct violence outside the city, and to create cohesion among ruling families. In fact, the *milites* who took part in communal life in the twelfth and early-thirteenth centuries acquired their civic values from

[244] i.e. Artifoni, 'Governi di Popolo'.
[245] As has been argued, for example, by Artifoni, 'Governi di Popolo'. Also Milani, 'Contro il comune dei *milites*'; Grillo, *L'ordine della città*, 10; Lansing, *Florentine Magnates*.

the same ancient authors (with the notable exception of Aristotle) studied by their successors around 1300.[246]

A more convincing explanation must be sought. In part, the growing presence of the common good in political discourse (a phenomenon which took place throughout Latin Europe) was a consequence of the gradual rediscovery, systemisation, and circulation of Aristotelian philosophy.[247] At the same time, the spiritual enthusiasm of the thirteenth century also had a direct and lasting influence on the importance of peace in everyday life. The clergy – and, in particular, the mendicant orders – collaborated directly with many civic governments, as friars were consulted over the promulgation of new laws, and were given important public offices.[248] In 1233 and 1260, the cities were swept by spontaneous devotional movements of public penance which resulted in thousands of reconciliations.[249] For example, in Bologna, the flagellants' movement of 1260 (which had started in Perugia) had put a temporary end to the fights between Geremei and Lambertazzi. These peace movements were treated with the utmost seriousness by contemporaries. In 1260, the *podestà* of Bologna, Matteo da Correggio, issued an exemplary sentence against the Ghibelline nobleman Bartolomeo de' Radici for the wounding of a Guelf rival. This action had indeed taken place 'at the time of the devotion which was happening in Bologna for the reverence of Jesus Christ and the Blessed Virgin Mary his Mother, when men went around naked flogging each other [*quando homines ibant nudi et batendo simul*], exchanging kisses of peace and reconciling all injuries and offences'.[250]

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[246] Caravaggi, 'Knight and His Library', 149-55.
[247] For a European perspective, see Lecuprre-Desjardin and Van Bruaene, (eds), *De Bono Communi*.
[248] Andrews, (ed), *Churchmen and Urban Government*.
[249] Thompson, *Great Devotion*; Vallerani, 'Flagellanti a Perugia'.
[250] ASBo–*Accusationes*, 2, Reg.XVII, 2v. Bartolomeo was condemned to pay £500 and to have his house and goods destroyed.



Figure 5. Procession of flagellants. Wall fresco from S. Bevignate, Perugia (*c*.1260).
(Photo by the author)

At the same time, the stress on the pursuit of peace was rooted in a genuinely perceived need, and was the result of a particular historical process. *Popolo* regimes had risen to power during and after a period of unprecedented factional divisions. Unlike other cities, until the mid-1270s, Bologna managed to maintain a precarious balance between the factions, although local citizens were well aware of the dangers. A glimpse of the anxiety felt by contemporaries in this period emerges from Matteo dei Libri's speeches. In his fiftieth *arringa* (written after 1267), the notary spurred the *podestà* and *capitano* to do all in their power to maintain the (precarious) peaceful state enjoyed by his city. After a wealth of citations from the Bible, Matteo drew examples from various regions of Italy

then devastated by civil war, and compared them to his beloved city, where peace was still enduring:

> Think of Florence, of Siena, how they have deteriorated because of internecine war [*Pensatevi de Florencia, de Sena, commo son gite per la guerra dentru*]. Think of Milan, once the greatest site in Lombardy, and think of the many other lands of that region, which are now almost nothing in comparison to what they used to be [*k'ènno quasi a niente de quello k'erano*]. Think of Rimini, how it ended up because of internecine hatred [*comm'è conço per l'odio dentro*]... And now think of the great condition in which Bologna is [*lo gran stato in lo qual è*], thanks to the constancy and determination which she has enjoyed, and thanks to her honourable *popolo*. This is the greatest land of Italy, for the reason that, whenever any fights break out, [Bologna] suddenly condemns and gets rid of them [*incontinenti vivamente se li fa denati e se lo tol via*]. And so, for the sake of God, prepare yourselves to put out this fire [*aforzati vostr'animi a toller via questo foco*], so that this land may remain in a state of goodness and greatness...[251]

When, in the spring of 1274, the two magistrates could no longer keep factional divisions under control (and we shall see why that was the case), the tensions erupted into forty days of violent street fights, and the city was transformed into a theatre of war. The entire student body migrated to the rival *Studium* of Padua, with the consequence that Bologna faced an unprecedented economic crisis. The Bolognesi of the following generations, if warnings were needed, did not need to think of realities far from their own. They knew well that internecine divisions could threaten the stability of the regime and thus their material and spiritual security.[252] Keeping the peace was a moral and Christian duty, but *popolo* regimes such as that of Bologna also knew that peace was indispensable for their own political survival.

CONCLUSION

The city which welcomed Dante in his youth bore visible scars of the political conflicts which had marked her history in the past century. The urban fortresses of powerful Ghibelline families were left in ruins as a symbol of the defeat suffered in the mid-1270s. The portraits and coats of arms of political enemies were painted on the walls of the communal palace and other public buildings, and were adorned with symbols of defamation and public humiliation. Even during this time of relative peace, the echoes of war were never distant, as these were discussed by the civic council

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[251] Dei Libri, *Arringhe*, L, 146-8.

[252] Similarly, in the mid-1200s, peace-keeping became a pressing concern in the Languedoc, as this region had been the theatre of many wars for the past decades. Firnhaber-Baker, *Violence and the State*, 25.

almost every week. Nevertheless, old wounds were healing fast. In the 1280s and 1290s, the city was booming again. Thousands of students flocked in from all over Europe, while the stalls of the money-lenders were now busier than ever. The government was firmly in the hands of a civic regime which enabled the active participation of thousands of citizens, even if real political power belonged to just a few hundred influential families. The *popolo* regime which governed from 1280 to 1303 was one of the most accomplished in Italy, and enjoyed almost two decades of stability, during which it could carry out a precise political programme aimed at securing the material and spiritual well-being of the *civitas*.

Chapter II.
Public justice and its sources: trials and reconciliations



Figure 6. Female figure drawn by Armanino *de Zambellis* of Parma, notary of the *podestà* of Bologna Simone da Ferrapecora in January-February 1306.
ASBo—*Inquisitionum*, 65, Reg.II, back cover, verso side.

INTRODUCTION

One of the Bolognese judicial registers redacted between January and February 1306 by the notary Armanino *de Zambellis* of Parma contains the drawing of a female figure, identified by the graceful features of the face, the hair under the bonnet, and the shape of the body under the tunic (Figure 6).[253] The calmness and dignity of this lady contrast sharply with the confusion of the days in which she was drawn. The beginning of 1306 was a particularly turbulent period for Bologna. The White regime was rapidly losing its legitimacy, while the Black Guelfs were rallying growing support among the citizens. When a contingent of Ghibelline knights from Pisa (allied with Bologna) asked for shelter within the city-walls, the radical Guelfs spread the word that the Lambertazzi (all of whom had been readmitted by 1299) were conspiring to give up the city to the Ghibellines. Quickly, many dissatisfied citizens joined ranks and formed an inter-civic coalition which rose against the regime. The Whites were outnumbered and defeated, and around 300 of their most influential representatives were exiled at the end of February. Unable to contain the clashes, the *podestà* Simone da Ferrapecora and his retinue of officers (*familia*), among whom was Armanino, fled the city.[254]

Like many other notaries employed in the public apparatus of the Italian cities, Armanino probably believed that the *bonus et pacificus status* could only be saved through the good administration of justice, a task to which he contributed directly.[255] It is thus possible that the drawing is an idealised representation of *Iustitia* as a pious, merciful, and yet resolute lady. The left hand clutching the sheathed sword might be read as an allusion to the *Ius gladii*, the coercive power of the law and the prerogative to set punishment. The right hand is turned towards the criminal records inside the register, in what could be read as a gesture of mercy, or reconciliation. Her face is solemn, as her eyes are looking upwards, perhaps symbolising a heartfelt connection between humans and the divine: the good administration of the law lay at the heart of thirteenth-

[253] To my knowledge, this drawing is still unpublished. The following interpretation is entirely my own.
[254] Vitale, *Il dominio*, 98-105; Ghirardacci, *Della Historia*, 485.
[255] A view shared, among others, by Matteo dei Libri and Brunetto Latini. See Skinner, 'Artist as Political Philosopher', 11-20. Following the reception of Aristotelian philosophy, many intellectuals began to understand justice as a tool geared towards the common good: Byrne, *Justice and Mercy*, 228.

century conceptions of the common good as a material and spiritual condition. As we shall see in the following pages, coercion and forgiveness were the two main attributes of late-medieval public justice – here understood as the organic amalgamation of the different judicial channels and practices which regulated the functioning of society.[256] But how were these attributes to be used, and when? And what were the processes which, in turn, made reconciliation and coercive action effective?

This chapter explores the system of public justice in use in Bologna in the late-thirteenth century and introduces the two main sources employed in this study, that is, trials and reconciliations. Their analysis, in turn, will make it possible in the following chapters to answer the questions posed above and to uncover the dynamics which supported the functioning of public justice and thus enabled peace-keeping. Section 1 delineates the functioning of the Bolognese judiciary, and focuses on criminal court procedure, which in this polity fell under the jurisdiction of the *podestà*. Section 2 is dedicated to the analysis of criminal records. As I argue, the late Duecento was characterised by widespread legal consciousness – here understood as the ability to think with appropriate judicial and legal(istic) norms –[257] across the Bolognese urban and rural population. As a result, thousands of men and women of different social conditions had recourse to civic courts for various reasons. In turn, this spontaneous use of public institutions made it easier to keep many conflicts under control. Indeed, mediators used courtroom confrontation as a starting point for the reconstruction of harmony between the parties at war. Finally, section 3 focuses on the extremely rich (but little studied) series of peace-acts and arbitrations copied in the *Memoriali*, which are here studied together with trial records.

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[256] Byrne, *Justice and Mercy*, 2, treats *Iustitia* (roughly intended as punishment) and *misericordia* as two different – but complementary – elements, which (twelfth-century English) rulers and magistrates had to combine. I agree with Byrne that these two attributes did not simply coexist but that they had to be balanced. However I here refer to public justice in a more general sense, and not strictly as the coercive side of the law.
[257] Musson, *Medieval Law in Context*, 1-3.

1. PUBLIC JUSTICE

While the actual dynamics of peace-keeping still await to be examined in detail, the judicial system in use in the Italian cities has been investigated in many recent studies. In particular, legal and social historians have focused on the procedure of criminal justice, which will also be the main focus of this study.[258] In Bologna, civil trials only survive from the mid-fourteenth century onwards, although among the reconciliations copied in the *memoriali* were also hundreds of arbitrations for civil disputes (see section 3.3 below).[259]

Like other pre- and early-modern polities, Bologna was characterised by a high degree of legal pluralism, as a number of different civic and ecclesiastical units held jurisdiction over the city and its surrounding *contado*. This was not a peculiarity of the period analysed here. Still in the 1600s, when Bologna was under the direct control of a papal legate, the administration of justice saw the participation of a plethora of different – and often disjointed – sections of society.[260]

In the late 1200s, the administration of the law rested in the hands of the *podestà* of the commune, the *capitano* of the *popolo*, professional corporations, the bishop, and, to a minor degree, also the Dominican inquisitor (who tried heresy cases).[261] While in many cities, civic authorities had overlapping jurisdictions, Bolognese magistrates had more or less different competences. The *podestà* was in charge of civil and criminal justice, and his jurisdiction extended over all the citizens, inhabitants, and foreigners present within the borders of the district, with the notable exception of clergymen and nuns. Unless the latter committed 'enormous crimes' (*crimina enormia*) against lay members of society, the clergy were tried by the bishop and his vicar. Together with disputes involving ecclesiastical properties or members of the clergy, the ecclesiastical court also dealt with family matters relating to spiritual wellbeing, such as marriage issues and sexual behaviour.[262]

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[258] For the late-medieval Italian context: Vallerani, *Medieval Public Justice*; Dean, *Crime and Justice*, 17-51; Carraway-Vitiello, *Public Justice and the Criminal Trial*; Pazzaglini, *The Criminal Ban*; Ikins Stern, *Criminal Law System*; Blanshei, 'Crime and Law Enforcement'.

[259] Civil procedure and litigation have received less attention. Exceptions are Wickham, *Legge, pratiche e conflitti*; Smail, *Consumption of Justice*, 35-72.

[260] For legal pluralism in late-medieval cities, see Lantschner, 'Justice contested'. See also Rose, 'Centralization of Criminal Justice'.

[261] For the Bolognese inquisitor, see Vice, 'Women and the Inquisitor'; Parmeggiani, 'Repression of Heresy'. For guild tribunals, see Legnani, *Giustizia dei mercanti*.

[262] Smail, *Consumption of Justice*, 41; Brundage, *Canon Law*, 72; Brucker, 'Ecclesiastical Courts'; Wunderli, *London Church Courts*. Bolognese episcopal registers from this period are completely missing.

Bolognese bishops had largely lost their jurisdictional rights over lay members of society in the early-thirteenth century, so that their importance has been somewhat downplayed (if not outright ignored) in studies of the later period. Nevertheless, bishops remained key political players, and, as we shall see, contributed directly to the peace-keeping effort.[263] The *capitano* and his judges managed political exiles and administered their goods, tried members of the *popolo* suspected of belonging to excluded categories, and regulated their membership. Together with the *podestà*, the *capitano* could also proceed against those who produced fictitious contracts, and had jurisdiction over those *popolani* who committed crimes whilst on military expeditions.[264] This division of jurisdictional competences did not always prevent tensions between different adjudicating authorities. Because of the hegemony of the guild regime over the institutions of the commune, the *podestà* was subordinated to the *capitano* and the councils of the *popolo* and *anziani*. Moreover, the *podestà* often sought to adjudicate members of the clergy found in violation of communal laws, something which elicited prompt protests by the bishop, who claimed the right to try *ecclesiasticas personas* in his own court.[265] Nevertheless, as we shall see in the following chapters, lay and ecclesiastical civic authorities also managed to collaborate, and often joined forces in order to deal with the most perilous situations.

1.1 *Criminal procedure*

My focus will be almost exclusively on the registers produced in the court of the *podestà* (*curia maleficiorum*). The duties and scope of action of this magistrate were regulated by the *Ius proprium* of Bologna, codified in the fourth book of the 1288 statutes. This officer had arbitrary power (*arbitrium*) over specific crimes so that he could set punishments ranging from monetary fines to death at his discretion. In addition, the council could also confer special *arbitrium* to the *podestà* (and *capitano*).[266] The *podestà* (and the other magistrates) could give specific dispositions (*precepta*) to

[263] For the continued political importance of bishops (in Siena), see Franco, 'Episcopal Power'.
[264] For the jurisdiction of the Bolognese *capitano*, see Blanshei, *Politics and Justice*, 511-26.
[265] i.e. ASBo–*Accusationes*, 6b, Reg.XI, 10v (07/1287); ASBo–*Corone*, 4, Reg.III, letter of 18/03/1292; ASBo–*Inquisitionum*, 35, Reg.I, letter of 30/12/1295.
[266] For which, see Vallerani, 'L'arbitrio negli statuti'.

citizens when he felt that their actions were threatening the *bonus et pacificus status*. Among these were house arrest or confinement to specific locations both inside and outside the city (*confines*). We shall analyse this practice in detail in chapter V, where I demonstrate that in order to be effective, this required the direct support of influential city and *contado* dwellers.

Among the entourage (*familia*) which accompanied the *podestà* were judges and notaries (usually from the same city as the rector), and a number of armed officers (*berroerii*). This 'police force' – as some historians have defined it – mainly stopped and arrested people found in violation of weapons-bearing and curfew laws, and searched taverns looking for gamblers and illegal drinking. As Roberts has showed, *berroerii* sometimes even actively prevented episodes of violence.[267] Nevertheless, as I argue in the following chapters, the appearance of these officers did not transform the nature of peace-keeping: this continued to depend on the support and collaboration of local citizens.

The laws of Bologna were rooted in the *Ius commune*, which was employed throughout the (western) Christian Mediterranean. Small differences aside, the civil and criminal courts of Bologna operated almost identically to those of virtually all other central- and northern-Italian polities. In particular, the administration of criminal law functioned through two well-established procedural forms, accusations and inquisitions. The former originated from Roman law was but was then reworked and systematised extensively by Bolognese jurists in the course of the twelfth century.[268] The accusatorial trial could only be initiated following the 'private' initiative of the plaintiff (either the victim of a crime or a designated procurator) within a month from the original offence, after which a crime could no longer be prosecuted. Accusations could be lodged for any crimes ranging from trespassing to murder, although the most serious offences could also be tried by inquisition.[269]

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[267] Roberts, 'Vendetta, Violence, and Police Power'; *idem*, *Police Power*.
[268] Vallerani, 'Criminal Court Procedure', 28-9; *idem*, *Medieval Public Justice*, 114-73; *idem*, 'Processi accusatori'.
[269] Accusatorial procedure was regulated in civic statutes since the mid-1200s: *Statuti di Bologna 1245-1267*, book II, rubrics I-IV (1252); *Statuti di Bologna 1288*, b.IV, r.I-V.

This second procedural form was more recent, and was first formalised by Pope Innocent III at the Fourth Lateran Council in 1215.[270] The *inquisitio* entered the system of civic public justice shortly before 1250, and continued to evolve until the last quarter of the Duecento, when jurists like Alberto da Gandino (d.1310) began to systematise it and to explore its theoretical underpinnings.[271] In contrast to accusations (and to Roman law more generally), inquisitions could only be initiated by the magistrates (hence the term *ex officio*) even without the express licence of the victim or their procurator. The *curia* could be notified of a crime in various ways, such as through anonymous denunciations, reports by parish officers (urban *ministrales* and rural *massarii*), and notoriety (*vox*). Not all crimes could be tried by inquisition. These were limited to homicide or assaults *cum sanguine* against members of the *popolo*; assaults committed at night; assaults *cum sanguine* in the episcopal palace; brawls and verbal injury in the *curia communis*; forgery; all crimes committed in the *contado*; conspiracy against the regime; and a few other offences.[272]

According to an older evolutionary interpretation of legal and institutional history, the development of the inquisitorial trial was part of a clear trajectory which led to the rise of the modern state. Unlike accusatorial procedure – used by private citizens to settle private scores – the *inquisitio* was understood as a tool through which emerging public authorities could finally punish crimes as offences against the whole political community.[273] This interpretation was partly based on the legal maxim according to which 'it is in the interest of the *res publica* that crimes do not remain unpunished' (*rei publicae intersit ne crimina remaneant impunita*). This famous formula, which first appeared in Innocent III's 1203 decretal *Ut fame* and which was at the basis of inquisitorial procedure, justified the fact that magistrates could initiate a trial following their own initiative, a capacity not previously contemplated in Roman law.[274] In the following decades and centuries, this formula was commented extensively by generations of jurists, among whom was Alberto da Gandino. This interpretation has, however, been recently challenged. In particular, Vallerani has

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[270] Vallerani, 'Criminal Court Procedure', 39; Pennington, 'Innocent III and the *Ius Commune*'. Inquisitions probably dated back to the twelfth century: Alessi, *Processo penale*, 23-64.
[271] Kantorowicz, *Albertus Gandinus*; Quaglioni, 'Alberto Gandino'; Cordero, *Criminalia.*
[272] *Statuti di Bologna 1288*, b.IV, r.VII. Vallerani, *Medieval Public Justice*, 274-77; *idem*, 'Potere inquisitorio'.
[273] As was argued, for example, by Kantorowicz, *Albertus Gandinus*. See also Blanshei, 'Criminal Justice'; *eadem*, 'Criminal Law'.
[274] Fraher, 'New Criminal Law', 576.

argued that while legal thinkers like Gandino put forward an ideology of crime prosecution in the defence of the *res publica*, his remained a theoretical conjecture, which clashed with the reality of justice as it was actually administered in the civic courts of the 1200s and early 1300s.[275] This is not to say that the actual functioning of the law was dissociated from idealistic aspirations: on the contrary, as is explained below, the centrality of forgiveness in the system of public justice in use in Bologna (and other polities) fully reflected contemporary discourses on religious importance of mercy. Rather, Gandino's was one of many different ideas which were being developed during this time of unprecedented growth and intellectual experimentation. As is now widely recognised, the advent of the inquisitorial procedure did not engender a sudden change in the way in which public justice worked. In fact, as shown in greater detail below (2.1), *ex officio* trials remained far fewer than *accusationes*.[276] As Blanshei has recently argued for the Bolognese context, the reason why *inquisitiones* eventually replaced accusatorial procedure might have been a consequence of the increasing politicisation of justice experienced in the course of the Trecento.[277]

These two procedural systems also had a few other differences. In accusatorial trials, witnesses had to be produced by the parties, who also presented lists of points (*intentiones*) to be discussed during the litigation (*litis contestatio*). By contrast, in inquisitorial procedure, the witnesses were gathered and interrogated by the judge of the *podestà* in the parish or village in which the crime had allegedly been committed. Once they agreed to face trial, the defendant could present their own witnesses. Additionally, the offended party could join a civil action to criminal proceedings and produce more *testes* for the prosecution. Moreover, in inquisitorial trials, the *podestà* could torture the defendant in order to obtain a confession, although in Bologna, *tormenta* could only be used against people of bad reputation (*mala fama*). This was a legal condition which could be acquired as a result of recidivistic criminal behaviour, and which could be demonstrated through common knowledge (*publica vox*).[278] *Popolo* members were exempted from torture even in the event that their legal reputation had been tarnished. This privilege was safeguarded jealously:

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[275] Vallerani, *Medieval Public Justice*, 44-67.
[276] Vallerani, 'Giustizia e documentazione', 297.
[277] Blanshei, 'Bolognese Criminal Justice'.
[278] *Statuti di Bologna 1288*, b.IV, r.XVII.

when, in July 1289, the *podestà* Enrico da Martinengo tortured a *popolano*, the members of his armed society rioted in front of the communal palace.[279]

Despite these differences, the accusatorial and inquisitorial procedure had many points in common. In both models, immediately after the beginning of a trial, defendants were summoned to court by communal envoys. If they failed to appear after the third and last summons, the trial automatically resulted in a contumacy ban.[280] In Roman law, failure to appear in court was taken to be tantamount to confession.[281] Another shared element was the obligatory pledging of sureties (*fideiussiones*) at each procedural stage. Economic guarantees were a central element of justice (civil, criminal, political, ecclesiastical) and, as will emerge in chapter IV, were one of the pillars of the system of peace-keeping. The sums pledged by *fideiussores* varied enormously. In order to initiate an accusatorial trial, the plaintiff had to post a surety of £1. Depending on the crime contested and socio-legal status of the defendant(s), the sureties for the latter ranged from £25 to several thousand pounds. The production of witnesses also required additional guarantees: £500 as a promise not to produce false witnesses, plus £300 per *testis* (although the witnesses selected by the judge in inquisitorial trials were not required to post guarantees).[282] Going to court could thus be a very costly business indeed, and not many people had this kind of money.[283] As we shall see in chapter IV, this problem was obviated by the existence of a restricted network of semi-professional *fideiussores* who pledged on behalf of thousands of different plaintiffs and defendants.

1.2 *Forgiveness and coercion*

In Bologna, only 30 per cent of all *accusationes* and 50 per cent of *inquisitiones* ended in a condemnation.[284] In the past, the high numbers of acquittals and non-prosecuted trials tended to be interpreted as a symptom of institutional weakness and inefficiency. Recently, however, historians have argued that rather than enhancing the power of the state, the main purpose of

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[279] Blanshei, *Politics and Justice*, 320-7.
[280] *Statuti di Bologna 1288*, b.IV, r.XXI.
[281] Blanshei, *Politics and Justice*, 317.
[282] *Ibid.*, r.XXIII-LXXXII.
[283] As also argued for Marseille: Smail, *Consumption of Justice*, 67-70.
[284] See pp.91-9.

public justice was to reinstate social harmony and keep the peace.[285] The growing importance of penance and the spiritual enthusiasm of the thirteenth century also had an effect on the development of public justice, as clergymen often collaborated with policy-makers on the redaction of civic statutes. As Jansen has recently pointed out, the achievement of inner peace required the exercise of humility and, therefore, forgiveness, absolution, and reconciliation. For Jansen, the encounter between penance and public justice bore its main fruits in the peace-acts stipulated between private citizens.[286]

This was also true for Bologna. As is explained in section 3, peace-acts and arbitrations could suspend or even present an alternative to courtroom procedure. The incorporation of these practices (previously defined as 'extra-judicial') was a consequence of the pluralistic nature of pre-modern systems of public justice, which were open and porous to various practices. Jansen's insightful considerations on the centrality of forgiveness and penance should be applied not only to peace-accords, but also to the functioning of public justice more generally. In fact, as I demonstrate below the number of trials which ended in a formal peace-act were actually only a fraction of the total. This was not because in the other cases, actors were not reconciled, but because their grievances were settled in other informal manners which did not leave a trace in the documentation (see section 3.4 below). At the same time, as Joanna Carraway Vitiello has argued, the high number of contumacy bans issued by late-medieval criminal courts could also be ascribed to a defence strategy through which culprits preferred to go into hiding in order to negotiate their return at a later stage.[287]

Yet justice was not all about reconciliation and forgiveness, as it also had a brutal and repressive side. Between 1286 and 1326, the civic authorities of Bologna handed down (at least) 363 death sentences. The majority of the executed were foreigners and people of bad reputation, but among them were also several elite *popolani* and magnates.[288] In January 1292, for example, the powerful lord Guido da Cuzzano, his son Colombo, and eighteen allies (vassals of the counts

[285] Vallerani, 'Criminal Court Procedure', 34-44.
[286] Jansen, *Peace and Penance*, 4.
[287] Carray Vitiello, 'Contumacy, Defense Strategy', 131; *eadem*, *Public Justice and The Criminal Trial.*
[288] Blanshei, *Politics and Justice*, 367-9.

of Monzuno and Montasico) were captured and decapitated because of the many assaults and homicides committed during the war against the da Panico.[289] Usually, death sentences consisted of decapitation, hanging, or burning at the stake, but magistrates did sometimes dream up even more vicious punishments. In March 1300, the *podestà* Filippo dei Vergiolesi condemned a man tried for poisoning (*venefichus*) to be carried around the city on a cart, and to have his flesh torn out with pinchers (*levando sibi carnes cum tanaglis*). Then, the executioners were to force liquid lead down his throat and, finally, decapitate him (*coletur sibi plumbum in gula et sibi capud a spatulis amputetur*).[290]

A few decades ago, the legal historian Mario Sbriccoli wrote that late-medieval justice was characterised by a dual nature, 'negotiated' (*negoziativa*) and 'hegemonic' (*egemonica*). The former sought compromise and reconciliation between the parties. The latter, instead, punished criminals for their actions against the community. In the long term, the coercive character prevailed, although this was a non-linear process which lasted many centuries.[291] Late thirteenth-century jurists and law-practitioners did not conceive their own system of public justice in exactly these terms, although it is possible that they had a similar distinction in mind. In book V of the *Ethics*, Aristotle had written that justice existed in two forms, distributive and corrective. The former distributed rewards (or punishments) proportionate to one's actions in society, whereas the second sought to re-establish a balance.[292] Thanks to the fact that at least one copy of the *Ethics* circulated in Bologna by the 1260s, it is likely that local law practitioners were aware of this distinction. By the 1330s, this dual nature of justice was certainly known in Siena, as Ambrogio Lorenzetti depicted it in his famous allegory of peace.[293]

These two dimensions of public justice – reconciliation and coercion – were not contradictory. Both served a specific and ultimate purpose, that is, to reach and maintain the *bonus*

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[289] As reported in the mid-fourteenth-century *Cronaca Villola*, 236. The Monzuno-Panico war is discussed in chapters III and V.
[290] ASBo–*Inquisitionum*, 48, Reg.III, 54r.
[291] Sbriccoli, 'Giustizia negoziata'; *idem*, '*Vidi communiter observari*'; *idem*, 'Justice négociée, justice hégémonique'.
[292] On this distinction, see Englard, *Corrective and Distributive Justice*; Simpson, 'Aristotle on Natural Justice'; Beever, 'Equity, Law, and Justice'.
[293] Rubinstein, 'Political Ideas', 182; Bowsky, *Siena Under the Nine*, 289; Skinner, 'Artist as Political Philosopher', 37-40 (although the latter argued that Lorenzetti interpreted the Aristotelian distinction in the light of thirteenth-century 'pre-humanist' thought); see also Boucheron, *Power of Images*.

et pacificus status – even if how and when these should be employed could generate disagreement (as shown in chapter V). If Armanino's drawing indeed depicted justice, then this idea emerges with clarity, as both the forgiving hand and that clutching the sword were represented as part of the same divinely inspired body (Figure 6). Through the diligent employment of these tools, the sage rector could secure peace and prosperity for the whole polity, and thus bring the earthly city closer to the Heavenly Jerusalem. The communal palace – the forum of civil and criminal justice – was awash with religious images and symbols which stressed the sacred importance of the good administration of the law.[294] In Siena, the *podestà* sat in front of the enthroned Virgin of Simone Martini's *Maestà*, in which the Christ Child held a scroll reminding magistrates of that most important commandment: *diligite iustitiam qui iudicatis terram* (Wisdom 1:1).[295] But when were forgiveness and coercion to be used? And what were the processes which enabled the functioning of these key judicial attributes? These important questions, which are vital for the understanding of peace-keeping, will be answered in chapters IV-VI.

2. TRIAL RECORDS

2.1 *The sample (1285-1296)*

For the purpose of this study, I have analysed 3,847 criminal trials officiated in the *curia maleficiorum* of the *podestà* in the years 1285-1296, that is, 2,375 accusations and 1,112 inquisitions (see Table II below).[296] In addition, I have also examined 849 trials (350 accusations and 499 inquisitions) from 1297-1306, although my main focus will be on the trials officiated in the late Duecento. These are only a fraction of the original number. Thanks to the survival of two contemporary inventories of the communal archive, it is possible to make an accurate estimation. Out of 117 *libri accusationum* attested between 1285 and 1296, forty-nine are completely missing, while many of the surviving registers are incomplete. Following the administrative and judicial reforms of the

[294] Kumhera, *Benefits of Peace*, 14.
[295] Skinner, 'Artist as Political Philosopher', 15.
[296] Accusations for the period 1285-1296: ASBo–*Accusationes*, 4-11b, 13a, 16a-17a; ASBo–*Inquisitionum*, 3-5, 7-25, 27, 29-33/2, 35-39/2. The earliest surviving registers of condemnations and acquittals date back to the 1230s (ASBo–*Accusationes*, 1, 2a, 2b, 3a, 3b). Full trials survive without interruption from 1285 onwards. The trials reported in registers of condemnations (*libri sententiarum*) and acquittals (*libri absolutionum*) have not been counted in this sample, although these will be used throughout the thesis.

late Duecento, record-keeping became standardised: notaries usually recorded two (accusatorial) trials per folio (one on each side). These reported the original denunciation (*libellus*) and the various procedural stages (summons, pledging of sureties, presentation of witnesses, outcome). Witness interrogations (when the trial reached the litigation phase) were recorded in separate *libri testium*. From the number of folios per register reported in the inventories, it emerges that in the period 1280-1296, the *curia potestatis* officiated some 20,000 accusatorial trials.[297] The number of trials officiated every year grew steadily throughout the 1280s, and reached an apogee in the early 1290s, with over 2,000 accusatorial trials recorded in 1294 alone. The 2,375 *accusationes* analysed here amount to around 12 per cent of the original cases brought to the court of the *podestà* between 1285 and 1296 (around 18,000 cases). By contrast, calculating the original number of inquisitions is trickier, as these occupied a variable number of folios. Generally speaking, the rate of survival of inquisitorial registers is higher than that of *libri accusationum*, but far fewer *inqusitiones* were officiated. These were around 100 per year in the 1280s, and 200 in the early 1290s. A peak was reached in 1295, for which 305 trials are attested. This means that in the period 1280-1296, the *podestà* initiated around 2,000 trials *ex officio*: my sample of 1,112 cases comprises around 75 per cent of the *inqusitiones* officiated in the period 1285-1296 (and more than 50 per cent of those of 1280-1296). This sample is representative of the whole, as the analysis of individual semesters and years reveals that the proportion of crimes reported remained the same throughout the late-thirteenth century.

Accusatorial trials		**Inquisitorial trials**	
Assault	1,828 (76%)	Assault	715 (64%)
Theft or robbery	207 (9%)	Theft or robbery	96 (9%)
Trespassing / Usurpation	129 (5%)	Trespassing / Usurpation	38 (3%)
Damages	65 (3%)	Arson	7 (1%)
Sheltering bandits	34 (1%)	Sheltering bandits	15 (1%)

[297] This estimation has been based on my own calculation and on that carried out for the years 1286-1296 by Vallerani, 'Giustizia e documentazione', 288. For the inventories, see Fasoli, 'Due inventari del comune'.

Insolvency[298]	31 (1%)	Conspiracy	13 (1%)
Gambling	20 (1%)	Gambling	15 (1%)
Blasphemy	13 (1%)	General inquisitions	54 (5%)
Perjury and false accusations	7 (0,5%)	Perjury and false accusations	20 (2%)
Fraud	15 (1%)	Fraud	15 (1%)
Prohibited relations	5 (0,5%)	Reputation (*Fama*)	90 (8%)
Other	21 (1%)	Other	34 (3%)
Total (100%)	**2,375**	**Total**	**1,112**

Table II. Sample of 3,487 accusatorial and inquisitorial trials officiated in the criminal court of Bologna, 1285-1296.

Out of the 3,487 trials examined for the years 1285-1296, 2,543 (73 per cent) were cases of assault. In Bologna, at least from the mid-Duecento onwards, all cases of interpersonal violence were considered as crimes, and could thus be prosecuted by the *podestà*. This included revenge assaults, as the *Ius proprium* of Bologna did not recognise the *Ius ad bellum*. Indeed, vendetta-motivated assaults without and with blood would cost their perpetrators respectively £2000 and £3000, instead of the usual fines of £100 or £200 normally prescribed for those same crimes. In the case of a vendetta-motivated homicide, the perpetrator would be condemned to death, while their goods would be used as compensation for the relatives of the victim.[299] As has been explained in the introduction, the question of the legality of vendetta and feuding in the Italian communes has generated debate. Zorzi, Stefano Guarisco, and other historians have demonstrated that in the twelfth centuries and up to the mid-1200s, the statutes of many Italian cities did actually sanction this practice.[300] Whether these laws persisted after the mid-1200s, however, is open to debate. The

[298] The reason why there are so few cases of insolvency is that in late-medieval Bologna, failure to repay debts was tried in the civil courts. In fact, hundreds – if not thousands – of suits for insolvency were filed every year, as money-lending fuelled the economy at all levels of society. Insolvent debtors [*malpaghi*] were detained in the communal jail. Creditors could request a confiscation of the goods of their debtor, which was carried out by communal officers. The cases marked as insolvency in Table II were, in fact, trials against people who resisted arrests, or who had opposed the confiscation of goods by civic officers. Among the defendants were also envoys who had failed to issue court orders to debtors. For laws on debt-collection and insolvency, see *Statuti di Bologna 1288*, b.VI, r.XXVIII, XXX, XXXI. For debt-litigation in other late-medieval societies, see Clark, *Debt Litigation*; Smail, *Consumption of Justice*, 133-59; *idem*, *Legal Plunder*.

[299] *Statuti di Bologna 1288*, Book IV, r.XXXXV, 209.

[300] Zorzi, 'Cultura della vendetta', 168-9; Guarisco, *Conflitto attraverso le norme*, 137-40.

available evidence shows that this was not the case in Bologna. Anti-vendetta laws were actually enforced. This is revealed, for example, by the judicial proceedings following an assault committed in June 1286 by Tommaso di Brancaleone of S. Lucia against Bartolo di Bonafede from the neighbouring parish of S. Giovanni. In the trial, the notary specified that 'Tommaso carried out the aforementioned beating because of a vendetta and to avenge his brother Galvano (*ob vindictam et ad vindictam Galvani sui fratris*) who had been beaten and wounded by said Bartolo... for which occasion Bartolo had been condemned to pay £50'. The *podestà*, Stricca dei Salimbeni of Siena, applied the statutes *ad litteram*, and condemned Tommaso to pay £2000.[301] The out-lawing of vendetta in the second half of the thirteenth century should not be understood as a conscious effort at achieving a monopoly of violence. Rather, this was more likely a consequence of those increasing concerns for the importance of peace which, as explained in chapter I, drove the political effort of *popolo* governments. In chapter V, I will demonstrate that when conflicts broke out, their protagonists were not permitted to fight against each other. On the contrary, civic authorities and local elites sought to intervene and to create the conditions for reconciliation (although at times, as we shall see, the logic of feud was indirectly tolerated, especially when the parties at war were far from the effective reach of civic authorities).

Aside from revenge, the most serious violent crimes were homicide and sexual assault, which were punished with death. The latter was considered as a particularly vicious crime, although its severity was accentuated by the fact that rape represented an extreme crime of passion and something which undermined the moral standing of the community and the status of women (especially if the latter came from established families).[302]

The other forms of interpersonal violence were usually punished with monetary fines, which depended on the legal status of the culprit and other conditions set by the magistrates. This second category of crime included wounds with and without blood, threats, and insults. As emerges from the analysis of a sample of 900 trials officiated between 1285 and 1296 (Table III, below), the most frequent cases of assault reported to civic authorities were those in which the victims claimed to

[301] ASBo–*Accusationes*, 5a, Reg.I, 124r.
[302] Lansing, 'Accusations of Rape'; Brundage, *Law, Sex, and Christian Society*; *idem*, 'Rape and Seduction'.

have been inflicted with wounds *cum sanguine* (C); and those in which two victims claimed that they had only been threatened, chased, or beaten with light concussions (A and B, mostly from accusatorial trials). The number of serious wounds and deaths (D and F) accounted for less than one-sixth of all acts of violence tried by the *podestà*. The cases of rape (E) were also fewer than other typologies of assault, but this was most likely due to under-reporting (see below).

	Description	**1285**	**1286**	**1292**	**1296**	**Total**
A	Threats, insults, assaults without physical contact	22 (16%)	32 (12%)	34 (23%)	20 (12%)	108 (15%)
B	Percussions without blood	27 (20%)	69 (25%)	40 (28%)	20 (12%)	156 (22%)
C	Wounds with blood	58 (42%)	107 (39%)	42 (12%)	86 (52%)	293 (40%)
D	Debilitating wounds, danger of death	11 (8%)	27 (10%)	7 (5%)	18 (11%)	63 (9%)
E	Rape	3 (2%)	10 (4%)	7 (5%)	14 (4%)	27 (4%)
F	Homicide	17 (12%)	29 (11%)	18 (12%)	14 (8%)	78 (11%)
	Total	138	274	148	165	725

Table III. Cases of interpersonal violence tried in the *maleficia* court of Bologna, selected years 1285-1296 ASBo—*Accusationes*, Buste 4-5b, 10a, 17a; *Inquisitionum*, Buste 2-4, 7-8, 23-24, 38-39/I.

Despite the fragmentary survival of the registers, the years analysed in Table III report near-identical statistics, so that this sample may be taken as representative of the crimes tried throughout this period.

From a modern perspective, the quantity of assault cases is certainly striking, especially if we consider that originally, the number of some of the crimes reported would have been almost ten times higher (except for the number of homicides, which were rarely more than fifty per year.) Nevertheless, to assume that Bologna and its *contado* were helplessly violent and chaotic would be misleading. As is argued in the following chapter, while the conflicts fought in the city and *contado* of Bologna did sometimes assume a brutal character, violence was seldom out of control. The

protagonists of conflict often planned their actions carefully, and were aware that an excessive use of force would be met with harsh reactions by civic authorities, and with social ostracisation.

Trial proceedings can be used in many different ways. In chapter III, these will be analysed together with reconciliations and other sources in order to reconstruct the dozens of interfamilial conflicts which threatened the *bonus et pacificus status* throughout city and *contado*. In the last few decades, legal historians have stressed that court records – whether denunciations or witness accounts – cannot be taken at face value as objective descriptions of real events. Therefore, these been used in order to study the mechanisms of procedure, to assess reactions and responses to crime, and to analyse the ways in which and reasons why ordinary people had recourse to the courts.[303] What interested judges was not the historical fact per se, but those legal rights which had been violated and for which the plaintiff could seek justice. For this reason, when they recorded a crime in the *libellus*, notaries did not report verbatim the account given by the plaintiff, but described the main dynamics of the event using standardised formulae. The narration of the crime was simplified and subdivided into a series of pre-arranged legal categories.[304] This way of recording and re-framing reality was a consequence of the rediscovery of Roman law and its intellectual preference for schematisation. As a result, the majority of assault were described with near-identical dynamics.[305] The voices of defendants and witnesses were also similarly translated into Latin and filtered through short-hands and formulaic descriptions (although often to a lesser extent). Nevertheless, the unreliability of these records should not be exaggerated. In order to be credible, the narratives reported had to sound at least plausible, so that many of the descriptions reported in the *libelli* most likely reflected verisimilar scenarios.[306] While the danger of false accusations was always present (and contemporaries were well aware of this, as they took harsh measures against it), many of these documents can actually be 'trusted'. Indeed, in the event of blood-shedding, magistrates dispatched communal surgeons to check on the victim, and their reports were annotated next to the *libellus*. At the same time, not all judicial records are rigidly

[303] For an overview, see Blanshei, 'Conflict Resolution', 335-6.
[304] For the study of violence through judicial records see Laé, *L'instance de la plainte*; Ditte, *La mise en scène*.
[305] Vallerani, *Medieval Public Justice*, 74-6, 84.
[306] Zemon Davis, *Fiction in the Archives*.

formulaic and vague. In fact, as will emerge in the following pages and chapters, many notaries inserted distinctly idiosyncratic descriptions and words. As I will show, the careful analysis of these records can uncover a whole series of actions which would otherwise remain hidden, thereby shedding more light on the dynamics of conflict and violence. Then, in chapters IV-VI, the same sources will be used in order to uncover the interpersonal and informal processes of peace-keeping.

2.2 *Going to court in late thirteenth-century Bologna*

For the Bolognese men and women of the late 1200s, the law played a central role in everyday life. This period was characterised by widespread familiarity with the law and with the functioning of public justice, so that thousands of people brought their grievances to court. Highlighting this aspect is important for two reasons. First, this means that the majority of conflicts fought in the city and its *contado* have left many, visible traces in the judicial documentation: as I show in chapter III, dozens of these conflicts can be reconstructed in detail. Second, as is argued in chapters IV and V, this readiness to have recourse to public justice also made it possible for those same conflicts to be kept under control. Going to court often represented the first stage of a sophisticated mediating process that will be reconstructed in detail.

The *curia potestatis* of the late-thirteenth century was characterised by a remarkable degree of accessibility. In 1280-1296, *podestà* and their judges officiated around 22,000 trials. This impressive number excludes civil suits, which were also most likely in their thousands. Despite the existence of legal privileges and restrictions, virtually anyone who was not a bandit or an *infamata persona* could initiate a trial at the court of the *podestà*. Through prosopography, it is possible to make a rough estimate of how many people were involved with criminal justice in this period. Out of a sample of 866 plaintiffs and defendants in 389 accusatorial trials officiated in 1287 and 1292, only eighty people (10 per cent) appeared in more than one trial: thirty-seven people out of 356 in 171 trials in 1287; and forty-three out of 510 in 218 trials in 1292. Let us assume that the number of people who appeared in more than one trial in other years was twice as high (thus, 20 per cent of the total of court-goers), and that, on average, each trial included two people (a plaintiff and a defendant). According to this estimation, in 1280-1296 around 32,000 individuals were

directly involved in a criminal suit. The actual number was probably higher, as thousands of trials involved more than one defendant (often, there were several). This number also excludes the thousands of witnesses who testified in the communal palace in the roughly 2,000 accusatorial trials which reached a full confrontation between the parties (see below). In addition, at least 1,200 people were cited as defendants in the approximately 1,500 *inquisitiones* conducted in the same period (that is around 1,500 defendants minus 20 per cent). This means that in a polity which counted around 100,000 inhabitants (in the city and *contado*), around one-third of the whole population dealt directly with the *curia maleficiorum* at least once in less than two decades. Virtually every person alive in this period was related to someone who had either initiated a criminal lawsuit, or who had been summoned to court as a defendant.

The use of the courts grew steadily in the twelfth and thirteenth centuries, as communal governments also built their legitimacy by offering a secure platform where city- and *contado*-dwellers could settle their grievances.[307] As emerges from the registers of sentences and acquittals, hundreds of people had recourse to criminal justice from, at least, the 1230s onwards. It is possible that the judicial reforms and the importance of due process which marked the political experience of *popolo* regimes accentuated these trends. By the late 1200s, legal consciousness had spread widely across city and *contado*. The people who had recourse to public justice included virtually everyone, from aristocratic men to working-class women. For the people lower down the social scale, the courts did not represent a tool of oppression employed by the commune in order to enhance its power. These were seen as a platform which could be manipulated and appropriated. Thanks to the presence of the *Studium* – where Roman and Canon law remained the most important subjects – Bologna could count on an unrivalled number of jurists and lawyers. As mentioned, these men collaborated frequently with the civic governments and offered procedural counsel in on-going civil, criminal, political, and heresy trials, whether these *consilia* were requested by the litigants, or by the judges.[308] At the same time, Bologna was also equipped with hundreds of notaries who played a key political role and were very familiar with procedural law thanks to

[307] Wickham, *Legge, pratiche e conflitti*, 21-42; *idem*, *Sleepwalking*, 181-2.
[308] Blanshei, *Politics and Justice*, 298-305.

their formation by textbooks such as Rolandino's *Ars notaria*. As we shall see in chapter IV, this mixed group of university-trained professionals and other paralegals offered their services to thousands of litigants, thereby contributing to the spread of legal thinking both inside and outside the city-walls.

A clear example of this widespread familiarity with the courts and legal terminology emerges from the *libellus* of an accusatorial trial filed in January 1292 by Imelda di Benvenuto, a non-elite woman from the parish of S. Biagio in Porta Ravegnana. As was reported, three people (Pace Sardelli, his wife Cilia, and their daughter Samaritana) had allegedly kidnapped Imelda, and locked her in the upper storey of their house for one night (*ceperunt... et eam clauserunt et posuerunt in quadam camera posita ex parte superiori dicte domus et ibi eam tenuerunt tota nocte*). It is unclear if this act had sexual connotations (if so, this dimension does not emerge from the *libellus*), but as we shall see in the following chapter, this was part of an on-going feud fought between two large groups from this area of the city. Imelda managed to escape the following morning, and ran towards the *curia communis*, probably in order to denounce the crime to the *podestà*, but the kidnappers reached and captured her again (*cum mane sequente ipsa Imelda exivisset et venisset ad curiam communis... secuti fuerunt eam et ipsam ceperunt*). At that point, Imelda cried to the people present at the scene 'I call you as witnesses that these people are capturing and leading me against my own will' (*ego voco testes quod ipsi capiunt me et ducunt me contra meam voluntatem*).[309] The words recorded in this *libellus* are very unusual, thereby suggesting that the notary actually reported at least a part of Imelda's original denunciation (which is far from formulaic). Imelda was already thinking in judicial terms: she had a clear idea of how the courts worked and what she needed to do in order to construct a potent case. Recent studies have demonstrated that late-medieval women were not at all excluded from judicial dynamics, even if their experience of the law was often different from that of men, since their liberty of action was severely restricted and they faced a hostile environment.[310] As I show in the next chapter, Imelda and many other women took active part in the dynamics of conflict, as well as in the socio-economic life of the polity more generally.

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[309] ASBo—*Accusationes*, 10a, Reg.I, 2r.
[310] See Phipps, *Medieval Women and Urban Justice*.

Knowledge of the functioning of the courts was also widespread in the countryside. Among the people who had recourse to the civic courts were not only powerful lords and wealthy land-owners, but also many *fumantes*. In particular, the attempt at manipulating the law by people from the lower strata of rural society emerges from a curious (and almost Boccaccian) episode which had as protagonists a vengeful peasant from the village of Zinarigoli (Domenico) and his unfaithful wife (Giulia). At the beginning of March 1302, an anonymous denunciation sent to the *podestà* reported that a local peasant called Giovanardo had fried holy wafers in a pan with lard (*frigendo dictum corpus Christi in padella modo lardone*). Then, Giovanardo was said to have fed the wafers to Domenico and Giulia, in order to bewitch (*affacturare*) the husband and seduce his wife. Because of the seriousness of the crime, Giovanardo was condemned (*in absentia*) to be dragged around the city by a horse and then to be hanged.[311] A few days later, the *podestà* initiated a new inquisition, this time against Giulia. The text of this trial reveals that the woman had been a willing part in the ordeal, and had acted in accordance with Giovanardo, now accused of being her lover. Giulia was in custody of the *podestà*, and confessed that she had also had an affair with Castellano, the local priest. As she reported, Castellano had provided the wafers to Giovanardo, so that the three could bewitch, cheat, and rob Domenico.[312] But before a sentence could be issued against Giulia, the judge initiated a third and final trial, this time against Domenico. As it turned out, the husband had fabricated the whole story. Domenico had most likely discovered the affair, and lest he should be seen as an unwitting cuckold in the small community, he invented the story that he had been the victim of sorcery. (As magic impeded free will, his wife's unfaithfulness would not be a result of his own shortcomings.) Then, Domenico probably convinced (or forced) his wife to confess her involvement to the *podestà*, so that the priest, who had not been included in the first notification, could be drawn in as an abetter. Domenico had reassured Giulia that she would not run a risk of being punished when, in fact, he knew well that because of her confession, she would have been burnt at the stake.[313] Domenico had thus sought to use the courts in order to pursue a triple

311 ASBo—*Inquisitionum*, 55, Reg.I, 72r-72v.
312 *Ibid.*, 81r-81v.
313 *Ibid.*, 83r-84v. '[…] ipse Dominicus fraudulenter et pro falsa inquisitione dictam Giulliam uxorem suam induxit ad costruendum predicta contra rem veritatem ad hoc ut ipsa Giullia eius uxor puniret ad mortem

vendetta against Giulia and her two lovers, and to save his reputation in the eyes of his fellow villagers. Despite being a poor peasant – as was reported by numerous villagers interrogated during the third trial – Domenico knew how public justice functioned. His ploy was discovered. Possibly, Giulia confessed the truth when she realised what destiny was awaiting her: this shows, once again, that women were not completely helpless before the law, even if this was exclusively administered by men. Giulia was thus released free of charge while, in a burlesque turn of events, Domenico was forced to cover the expenses incurred by Giulia while she was detained in the communal jail.[314]

Not everyone had equal recourse to the courts. Different experiences of the law were dictated by gender, status, and social privilege (and this latter aspect will become apparent in chapter IV). As recent studies have showed – and as the two examples reported above testify – women were no strangers to the world of the law courts. As we shall see in chapter III, women also took active part in interpersonal violence and feuding, even if with significant differences across the social scale. For example, as Carol Lansing has noticed, in Bologna, working-class *mulieres* made greater use of criminal justice than their social superiors. Lansing has noticed that this was true for cases of sexual harassment and rape – a vicious crime which, as we have seen, was punished with death. By doing so, the victims of sex crimes might have hoped to punish their aggressors or force them to reach an out-of-court settlement (these dynamics are explored in chapter IV).[315] This was possible thanks to the openness of the courts in this period and to the spread of legal consciousness. However, the cases of rape reported by women from the upper echelons of society were far fewer, most likely because bringing these cases to court – and, therefore, exposing them to public knowledge – might have brought dishonour to the house.[316] As I explain in chapter IV, the courts could function as a platform for dispute resolution thanks to

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occasione dicte confessionis et facturationis […] et quod ipse Dominicus dicebat et afirmabat et promittebat eidem Giullie quod de ipsa conffessione non poterat aliqua pericula sustinere'.

[314] *Ibid*., 96r. '[Dominicus] comparere deberet ad audiendum quod dictus dominus iudex mandare intendit super expensas quas petunt ab eo Michael Guerretti et Franciscus Alberti pro custodia quam fecerunt de Giullia uxori dicti Dominici […]'. For story-telling in late-medieval courts see Zemon Davis, *Fiction in the Archives*; Lane Scheppele, 'Foreword'; Brooks and Gewirtz, (eds), *Law's Stories*; Smail, *Consumption of Justice*, 48; *idem*, 'Telling Tales'.

[315] Lansing, 'Accusations of Rape'.

[316] *Ibid*., 174.

the intervention of influential intermediaries who reconciled the litigants: women could thus hope to obtain some form of condemnation, provided that they found notaries and other legal professionals who would support them. Yet while upper-class ladies did rarely file reports in the criminal court of the *podestà*, they could move in more privileged judicial channels with greater ease. In chapter IV, we shall come across the case of the wife of an elite banker who managed to get the *podestà* to rule against her abusive husband in an arbitration, something which, with little doubt, would have been out of reach for the majority of contemporary women.

Even male urban aristocrats did not use the courts as often as other sections of society, although this was for different reasons entirely. For example, out of thousands of cases examined, I could only find one accusation for assault initiated by an urban aristocrat – Alberto di Ranieri Galluzzi, who accused a *popolano* of the Melegatti family in May 1302.[317] This was not so much because going to court would bring dishonour to the house, nor – as is still believed by various scholars – because aristocrats preferred to settle their disagreements through violence. The members of this class preferred third-party arbitrations both for civil and criminal cases, as these entailed various advantages (as will be explained below). Urban and rural nobles alike were not foreign to the courts. Many of them had law degrees, took on important advisory roles to the *anziani*, and served as itinerant magistrates in other polities.

Finally, outsiders, people of bad reputation, but even elite members of society who had lost the support of their peers and social superiors could neither file lawsuits nor defend themselves in trials. As we shall see in chapter IV, these actions required guarantors, who in this period came almost exclusively from a restricted and tight-knit web of elite males who acted in accordance with each another. These men effectively controlled the functioning of justice, so that their support was indispensable.

So far, we have seen that by the late Duecento, legal consciousness had spread throughout the city and countryside, as public justice was used by thousands of people across the social spectrum, although with important differences dictated by gender, status, and privilege. As

[317] ASBo–*Accusationes*, 24, Reg.I, 8v.

mentioned above, only a fraction of criminal trials resulted in a condemnation. These were 30 per cent of accusations (around 6,000 trials in the period 1280-1296) and 50 per cent of inquisitions (around 750 in the same period). The remainder (around 14,000 *accusationes* and 750 *inquisitiones*) ended in an acquittal of the defendant(s). In particular, in the accusatorial procedure, virtually all trials in which the accused appeared in court and presented guarantors ended in an acquittal. In turn, only a fraction of these trials advanced to the next procedural stage, that is, the presentation (and interrogation) of the witnesses. Indeed, around 45 per cent of these trials (6,500) were interrupted before, either because the plaintiff dropped the charges, or because they failed to produce witnesses in time. In the remaining 7,500 trials (55 per cent, or 40 per cent of the total), the plaintiff presented their witnesses. Three times out of four, however, the trial was interrupted before the defendant could produce their own *testes* (the logic of this is examined in chapter IV). Of the trials which reached the *litis contestatio*, only a quarter (10 per cent of the total, roughly 2,000 *accusationes*) actually saw a full confrontation between the parties. Virtually all of these trials, however, also ended in an acquittal of the defendant(s), as it was frequently the case that neither party could present convincing proofs. In these instances, litigation became an excuse for gossiping and making allegations about each other's standing and public trustworthiness, so that the matters specific to the lawsuit often took second place.[318] While similar dynamics could also take place in the inquisitorial procedure (especially when the victim joined as plaintiff), agreeing to face trial, presenting guarantors, and preparing a courtroom defence did not guarantee an acquittal. Because of the more serious nature of the crimes contested in inquisitions and the supposed neutrality of prosecution witnesses (who were gathered and interrogated by the judge of the *podestà*), the rate of condemnations was higher.

If the majority of accusatorial trials ended in an acquittal, why did this remain a preferred tool for legal confrontation – so that the number of *accusationes* increased throughout the late Duecento and spiked in the mid-1290s? In turn, this question is tied to the more general investigation into late-medieval practices of law and its significance in everyday life, an aspect

[318] Smail, *Consumption*, 62, for a comparison with Marseille.

which has received increasing attention in the last three decades.[319] Clearly, despite the high number of acquittals, contemporaries thought that there was something to gain from taking the time and trouble to file a lawsuit. As Smail has argued in his study of medieval Marseilles, going to court (both for civil and criminal disputes) could be a means by which litigants sought to exacerbate conflict, channelled their anger, and gained emotional satisfaction at the expense of their enemies. Part of this satisfaction stemmed from the public nature of the judicial system, which allowed people to shame their enemies and re-negotiate power relations in front of the whole community.[320]

The Bolognese evidence fully supports this argument. Summoning an enemy to court was an effective way to inflict material damage. This emerges, for example, from a trial officiated in May 1286 between Pietro Ravegnani and Pietro Stricca, two long-term enemies from the parish of S. Omobono in Porta Ravegnana (part of a conflict examined in the following chapter). During the *contestatio*, a defence witness reported that Pietro Ravegnani had initiated the trial 'in order to make [Pietro Stricca] waste money and work which he would rather do by working and hoeing his land, and not by testifying'.[321]

While as Smail has argued, the value of civil and criminal litigation lay much in the opportunity to foster inimical relationships or gain emotional satisfaction, in criminal trials, procedural outcomes were also important. While the majority of trials ended in an acquittal, failure to comply with procedure could have very serious consequences indeed. Obtaining an acquittal was not straightforward. As will be shown in chapter IV, this required the support of third parties. Those who refused to face trial and were condemned *in absentia* lost the right to legal protection, and could thus be attacked with impunity by anyone. Condemned people in custody of the *podestà* were jailed until they could pay their fines or until they received a pardon from their victims. If their fines were higher than £50, they either paid or were subjected to the amputation of a foot: this is what happened, for example, to Pietro da Capugnano in 1295, when he could not

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[319] Smail, *Consumption*; Wickham, *Legge, pratiche e conflitti*; Kuehn, *Law, Family, and Women*.
[320] Smail, *Consumption*, 29-88; *idem*, 'Hatred as a Social Institution'.
[321] ASBo—*Inquisitionum*, 7, Reg.XIII, 47r.

pay the fine of £600 to which he had been condemned for having given counsel to four men who had committed murder.[322] Those who had committed grave crimes (such as arson, counterfeiting, magic, homicide, and treason) were maimed or even executed. As we saw above, the coercive side of justice was not an empty threat. Plaintiffs were aware of this repressive side of the law, and probably knew that by accusing their enemies, they were exposing them to serious hurt. As we have seen, the peasant Domenico had tried to manipulate the courts in order to have his wife Giulia and her two accomplishes executed.

Moreover, as Vallerani has suggested, by following the rigid rules of legal procedure, actors could present themselves as good citizens, and seek to obtain justice for the wrong-doings suffered.[323] While the use of the courts was widespread, not everyone could have access to them in the same way. In addition to legal privileges and restrictions depending on gender and status, social privilege also played a central role in determining one's ability to have recourse to the law. As will be demonstrated in chapter IV, both plaintiffs and defendants needed the support of a network of wealthy, influential, and trustworthy paralegals who intervened at various stages throughout the litigation process and beyond. Going to court could thus also be an effective way to communicate one's status and social worth.[324]

Whatever the reason, by the late Duecento, thousands of men and women were filing criminal lawsuits. Whether they did this in order to damage an enemy, seek justice, or to achieve a settlement (or all of the above), bringing a grievance to court created an occasion for dialogue, and was often the first of a longer series of processes which could, eventually, lead to a reconciliation.[325]

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[322] ASBo–*Accusationes*, 16a, Reg.IV, 6r.
[323] Vallerani, 'Criminal Court Procedure', 36-9.
[324] Smail, *Consumption of Justice*, 20, 159.
[325] For which, see chapter IV.

3. RECONCILIATIONS

3.1 *The* Memoriali *registers of Bologna*

Together with council deliberations and court records, peace-acts and arbitrations are the other two main sources for the study of conflict and peace-keeping. Forgiveness was one of the main attributes of Lady Justice. As a result, 'private' settlements could interfere with or be alternative to civil, criminal, and ecclesiastical courtroom procedure. Reconciliations served a dual and interconnected role, as they brought both material and spiritual benefits for the main actors as well as for the whole community.[326] These documents had juridical value, and were thus recorded by public notaries and transcribed in their registers. In Bologna, thirteenth-century cartularies kept by individual notaries have not survived, although this gap is made up by the *Memoriali*. These were created in 1265 by the 'jovial friars' Catalano di Guido d'Ostia and Loderingo degli Andalò, who governed the city during a period of heightened tensions between the Geremei and Lambertazzi that same year. Through the institution of the *Memoriali*, the two knights-friars were addressing the problem of fraud and deceit. These crimes represented a breach of those links of reciprocal trust and solidarity which were at the basis of civil life, and which were thus considered particularly dangerous threats to the *bonus et pacificus status*.[327] From this moment onwards, every semester, six notaries appointed by the commune would keep official registers in which they transcribed a copy of all legal documents and economic transactions worth at least £20. The contracting parties were required to bring the *instrumentum* of an act to a notary of the *Memoriali* within two days of its original agreement, on pain of invalidation. By imposing a thorough control on the production and recording of notarial documents, the *Memoriali* made it more difficult to draw fraudulent contracts. The creation of an institution aimed at safeguarding the reliability of public documents and at protecting the contracting parties from fraud was rooted in Roman law, so that the *Memoriali*, while innovative, were part of a longer legal and intellectual tradition.[328]

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[326] Vallerani, *Medieval Public Justice*, 25. See also Kumhera, *Benefits of Peace*; Jansen, *Peace and Penance*; *eadem*, 'Peacemaking, Performance, and Power'; *eadem*, 'Peacemaking in the Oltrarno'; Bellabarba, 'Pace pubblica'; Dean, 'Violence, Vendetta, and Peacemaking'; Niccoli, 'Rinuncia, pace, perdono'; Palmer, 'Piety and Social Distinction'; Padoa Schioppa, 'Diritto e pace privata'.

[327] As also argued in Caravaggi, 'Truffa delle statue di zucca'. More on this is said in chapter IV.

[328] Morelli, 'L'istituzione dei *libri memorialium*', 27. See also Amelotti, '*Fides, fides publica*'; Tura, 'L'ufficio dei memoriali'.

The *Memoriali* survive with no interruption from 1265 to 1432, and constitute a unique source for the study of economic, legal, and social history. Each register contains hundreds of acts: my own analysis shows that each semester of documentation produced on average around 600 folios (across multiple registers). Each folio contains around ten acts, for approximately 12,000 documents per year. This means that the *Memoriali* produced between 1280 and 1296 contain around 192,000 acts, while the entire period covered by these registers (177 years) reports an approximate total of 2,124,000 acts.

Because of this overwhelming *mare magnum* of acts, the full potential of these registers is yet to be exploited.[329] The *Memoriali* have been studied by economic and social historians, although these studies remain few and mostly restricted to single years or semesters.[330] At the same time, the presence of sonnets and rhymes copied by the notaries of the *Memoriali* (such as Dante's Garisenda sonnet) has drawn attention from many literary scholars.[331] Nevertheless, the *Memoriali* have been disregarded by those historians who have analysed the functioning of civil, criminal, and political justice in the thirteenth and fourteenth centuries. The only exception to this is a study by Shona Kelly Wray on the reconciliations of 1337, 1348, and 1358: the tens of thousands of other peace-acts and arbitrations recorded in 1265-1432 remain virtually unexplored.[332]

This is the first study to attempt a systematic analysis of a large body of *Memoriali* registers in order to reconstruct the wider social, economic, legal, and political dimensions of conflict dynamics and their resolution. In my own analysis of thirty-three registers produced in the period 1280-1296, I was able to find 1,876 peace-acts and 928 arbitrations, for a total of 2,804 formal reconciliations.[333] This dataset is based on the analysis of eight full years of documentation (1280-82, 1286-87, 1289, 1292-93), and six single semesters (one per year: 1284-85, 1288, 1290, 1294,

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329 As also recognised by Pini, *Campagne bolognesi,* 40; Rinaldi, 'Libri memoriali', 55.
330 Pini, 'Banchi ebraici'; *idem*, 'Società artigianali'; Zaccagnini, *Banchieri pistoiesi a Bologna*; Albertani, *Città, cittadini, denaro*; Muntaner y Alsina, *Topografia del crédito*; Cuomo, 'Commercio dei panni'. See also the analysis of wills redacted during the Black Death in Wray, *Communities in Crisis.*
331 Steinberg, *Accounting for Dante*, 17-60; Orlandelli, 'Memoriali bolognesi'; Giansante, 'Memoria poetica'; Marcon, 'Memoria dei nomi'; Orlando, (ed), *Rime dei Memoriali bolognesi*.
332 Wray, 'Instruments of Concord'. For example, Blanshei, (ed), *Violence and Justice in Bologna* does not include any discussion of the extremely rich body of private reconciliations recorded in these registers.
333 ASBo–*Memoriali*, Reg.42-45, 47-49, 54-55, 59-72, 75-77, 81-86, 90. For formal and informal reconciliations, see section 3.4 below.

1296). The *Memoriali* of 1283, 1291, and 1295 have been analysed unsystematically, so that they have not been counted in the dataset. In total, therefore, the number of peace-acts and arbitrations recorded between 1280 and 1296 is probably between 4,000 and 4,500: assuming that, on average, 127 reconciliations were recorded in the *Memoriali* each semester, by adding the twelve missing semesters, we would reach a total of 4,324 peace-acts and arbitrations. Because of the complete state of these registers, and because of the fact that in order to be valid, a peace-act or arbitration had to be copied in these registers, it may be assumed that all reconciliations have survived. Indeed, while economic transactions and wills worth less than £20 were not recorded, no such restrictions were applied to reconciliations.

3.2 *Peace-acts*

The exact procedural functioning of *carta pacis* varied from city to city.[334] In Bologna, the earliest surviving legislation on peace-making, which dates to between 1259 and 1262, stated that those banned for homicide, highway robbery, rape, marriage without the consent of the bride's father, forgery, perjury, treason, arson, and kidnapping could not be acquitted.[335] These laws were reconfirmed in 1265, as tensions between Geremei and Lambertazzi were threatening the stability of the polity.[336] In 1282, the same provisions on peace-making were re-confirmed for (at least) the third time in the *Ordinamenta sacrata*. In particular, these laws stated that bans for homicide could not be cancelled by means of a formal reconciliation. This did not only apply to magnates, but to 'all those of the city of Bologna and its district and lands who are on a perpetual ban'.[337] Because of these various limitations, some historians have assumed that the legal and judicial growth experienced in Bologna in the late-thirteenth century meant that formal reconciliations were restricted and not much in use.[338]

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[334] Kumhera, *Benefits of Peace*, 65-67.
[335] *Statuti di Bologna 1245-1267*, b.XI, r.VIII.
[336] *Ibid.*, b.III, r.XII, IL-L.
[337] *Statuti del Popolo di Bologna*, 31-4.
[338] Blanshei, 'Crime and Law Enforcement', 25.

Yet the evidence tells a different story. As is shown in Table IV (below), 99 per cent of all peace-acts analysed for the period 1280-1296 (1,826 out of 1,876 – or 65 per cent of all reconciliations) were used in order to cancel existing bans issued in the criminal court of the *podestà* (rows A-C). (This is known thanks to a formula through which it was declared that the aggrieved party forgave the assailant and consented to the cancellation of the ban.) In addition, there are also seventy arbitrations (rows G-H) in which the arbitrators prescribed that the parties should suspend on-going courtroom litigation or cancel existing bans (for arbitrations, see section 3.3 below). Only fifty peace-accords (2 per cent) did not mention the existence of a ban. In these cases, the contracting parties were either making a reciprocal peace before initiating a trial, or were renouncing on-going litigation between them (rows D-E). The importance and widespread use of peace-acts also emerges from a deliberation passed in March 1291, in which the council approved the request to correct a rubric in the *Ordinamenta* of 1282. Originally, this stated that a judicial ban given for blows could not be lifted even in the event of a formal reconciliation. If the error were not fixed 'this could lead to the greatest absurdity (*induceret absurditatem maximam*), as for striking a blow [...] nobody could be cancelled from a ban [...] and so the more than four thousand men of the *popolo* who have been cancelled from the registers of sentences would have to be considered as not having been cancelled'.[339] As almost all peace-acts were used in order to cancel criminal bans or criminal proceedings while they were still underway, the people who had recourse to them were the same who went to court: among them were both men and women from various sections of urban and rural society.

	Reconciliation	**Total**
A	Peace-acts for assault, with mention of criminal proceedings	460 (16%)
B	Peace-acts for homicide, with mention of criminal proceedings	200 (7%)
C	Peace-acts for other or unspecified crimes, with mention of criminal proceedings	1,166 (42%)
D	Peace-acts for assault, without mention of criminal proceedings	31 (1%)
E	Peace-acts for other or unspecified crimes, without mention of criminal proceedings	19 (1%)
F	Arbitrations for civil disputes	654 (23%)

[339] ASBo–*Riformagioni*, Reg.132, 493v.

G	Arbitrations for assault, with mention of criminal proceedings	36 (1%)
H	Arbitrations for other or unspecified crimes, with mention of criminal proceedings	34 (1%)
I	Arbitrations for assault, without mention of criminal proceedings	62 (2%)
L	Arbitrations for other or unspecified crimes, without mention of criminal proceedings	142 (5%)
	Total (100%)	2,804

Table IV. Formal reconciliations copied in the *Memoriali* registers of the years 1280-1296.

In April 1292, the government re-confirmed the *Ordinamenta sacrata* for twenty more years, although some of the stricter laws were now relaxed. In particular, it was decided that from this moment onwards, all the inhabitants of the city and *contado* of Bologna (minus the rebels) on a ban for homicide and other grave crimes could now be exonerated if they obtained a pardon from the family of their victims. In theory, a few restrictions still applied: those banned for counterfeiting, sodomy, occupation of castles and fortresses of the commune, and poisoning were to remain on a perpetual ban.[340] A large number of people exploited the expiration of the 1282 legislation in order to settle scores with their enemies. In the course of 1292, as many as 104 formal reconciliations (ninety-eight peace-acts and six arbitrations) were used in order to lift bans for homicide.[341] More generally, this year experienced the highest number of reconciliations (400 peace-acts and 165 arbitrations) recorded in a single year in the second half of the Duecento. This incremental use of reconciliations went hand-in-hand with the growing number of trials, which peaked in the mid-1290s.

Even before 1292, however, peace-acts were used in order to cancel bans for homicide: these were thirteen in 1280, eleven in 1281, eleven in 1282, fifteen in 1286, eight in 1287, fourteen in 1289, and seven in 1290, for a total of (at least) seventy-nine. Some of the other prohibited crimes were also pardoned through peace-acts. For example, in December 1288, a notary was formally forgiven for the forgery of a public act – an action which could be punished with maiming and even death.[342] The same is true for the earlier period, as the analysis of *Memoriali* from the

[340] *Statuti del Popolo di Bologna*, 169, 194-200.
[341] ASBo–*Memoriali*, Reg.81-82.
[342] ASBo–*Memoriali*, Reg.73, 136v.

1260s and 1270s shows that peace-acts for homicide were also drawn up in those years, despite the strict prohibition of this practice.[343] These acts were accepted by civic authorities, and were used in order to avoid or cancel judicial bans. For example, in February 1291, a man was arrested and brought to the court of the *podestà* because he had stabbed a woman who had later died from her wounds. In his defence, the culprit showed that he had been forgiven by his victim through an *instrumentum pacis* before she died. The judge consulted a jurist, who decreed that the defendant should not be prosecuted.[344] As we shall see in the following chapters, negotiation, compromise, and exception were at the heart of the administration of the law and peace-keeping, especially when the integrity and stability of the polity were at risk.

Regional differences aside, one aspect of peace-making legislation which was shared by virtually all the Italian polities of this period was capital punishment for the breaking of a previously-agreed peace-act (*rumpere pacem*).[345] This law was usually enforced.[346] Nevertheless, as we shall see, civic authorities were sometimes willing to close both eyes and accept reconciliations between actors who had broken their previous peace-agreements several times, especially if they were involved in dangerous conflicts which must be kept under control at all costs.

The ways in which formal reconciliations interacted with criminal justice were not progressively restricted as judicial authorities became stronger and more centralised. These responded to current social and political concerns: procedural changes did not follow a gradual trajectory towards a modern judicial system. Still in the 1600s, peace-acts were accepted as valid, even if papal governors were trying to re-structure the judicial hierarchy and impose their criminal court over the other platforms for dispute resolution.

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[343] For example, in the first semester of 1267 there were sixteen formal reconciliations for homicide (*Ibid.*, Reg.3); eleven in 1268 (Reg.4); nine in 1270 (Reg.14).
[344] ASBo–*Inquisitionum* 21, Reg.I, 53v.
[345] *Statuti di Bologna 1288*, b.IV, r.LVI.
[346] For example, ASBo-*Accusationes*, 9b, Reg.XVII, 21v (1291); *Ibid.*, 10, Reg.I, 28v (1292).

3.3 *Arbitrations*

In contrast to peace-acts, and despite the tremendous growth experienced by civic courts in the course of the Duecento, arbitrations (*compromissa*) functioned mainly as an alternative to courtroom action. As shown in Table IV, 92 per cent of all arbitrations did not mention any on-going litigation. These include all *compromissa* for civil causes (654 causes, or 70 per cent), and the majority of arbitrations for assault and other crimes (204 cases, or 22 per cent). Only seventy arbitrations (8 per cent) were used in order to suspend on-going criminal proceedings or to cancel existing bans.[347]

Like peace-acts, arbitrations were officiated anywhere from the communal palace to the courtyard, porch, or hall of private houses. The arbitrators were usually elected by the disputants. As will be shown in chapter IV, anyone ranging from high-ranking civic magistrates and university-trained jurists to middling laity and clergymen could serve as arbitrator, although those who appeared most frequently in this role were elite citizens with a solid knowledge of the law. If necessary, the council could also confer powers of arbitration without the express licence of the parties involved in a dispute, especially when their enmity threatened the *bonus et pacificus status* (we shall see various examples in the following chapters).

When they heard a case, it is likely that the arbitrators followed Romano-canonical procedure. While the proceedings of arbitrations do not survive, some of these phases can be reconstructed from the documentation available in the *Memoriali*. For instance, it emerges that the parties litigated before the arbitrator(s) as they would have done in a law court. In March 1286, two brothers involved in a civil dispute formally swore not to produce any false witnesses, on pain of £1000.[348] When they litigated, the parties adopted existing legal frameworks. This emerges, for example, from the decision taken by the arbitrators (*laudum*) in an arbitration celebrated in May 1281 between the counts of Panico and Monzuno. The arbitrators stated that the disputants should renounce (*relaxare*) all claims concerning the lands and villages which they had contested in

[347] For arbitrations, see also Kuehn, *Law, Family, and Women*; Brundage, *Medieval Canon Law*, 134; Smail, *Consumtpion of Justice*, 62-3.
[348] ASBo–*Memoriali*, Reg.65, 37r.

the last thirty years, and notwithstanding any violence (*nonobstante violentia*) done between them. This suggests that the litigants had employed both Roman and customary law. Indeed, the mention of this precise chronological boundary was not casual, but referred to the Roman legal principle of *usucapio* (adverse possession), by which legal ownership of a property could be acquired by continuous and uncontested occupation for at least thirty years. At the same time, the mention of *violentia* probably referred to the right of conquest, a custom recognised by feudal law which, however, was not sanctioned by the *Ius proprium* of the city.[349] In addition, this episode also shows that feuding rural lords were no strangers to the world of the civic courts and their language, something that will also emerge in the following chapters.

The outcome of an arbitration was probably based on a combination of common sense and considerations of a legal nature, and was almost always a solution acceptable to both parties (indeed, a *compromissum*).[350] While the *lauda* of civil arbitrations included detailed dispositions concerning the object of the controversy, in criminal disputes, the arbitrators usually imposed a reconciliation between the parties. If the disputants had already had recourse to a law court, the arbitrators imposed a suspension of all on-going litigation, or the cancellation of existing bans. At times, *lauda* could include more conditions. One of the most common was the imposition of inter-marriages, a practice which was however usually reserved for the elite. Finally, arbitrators could also set compensation for the aggrieved party. For example, in August 1292, the arbitrators Michele de' Rossi ruled that the relatives of a slain man should receive £30 from the killer. This modest sum reflected not so much the crime itself, but rather the relatively low status of the victim and their relatives. When the actors were key political players, the sums imposed by the arbitrators could be much higher, even if the crimes contested were not so serious. Usually, *arbitri* also set a fine to which the contracting parties would be liable in the event that they did not respect the clauses of a *compromissum*. These fines could range from small sums to several thousand pounds or

[349] *Ibid*., Reg.44, 89v-91r. 'Et converso dicte partes... solempniter pacem faceant et debeant relaxare omnia iura et actiones reales et personales usus et requisitionis et possessionis vasallos maneros et ascriptos cuiuscumque sint quod seu que pertinent seu pertinere possent... et possideant a xxx annis citra non obstante violentia vel aprensione pro aliqua dictarum partium facta...'.
[350] Wickham, *Legge, pratiche e conflitti*, 298.

silver imperial marks (a higher-value currency used in cases involving elite actors). Again, these different levels of fine reflected the social status of the protagonists and the perceived dangerousness of the specific dispute. Contrary to the peace instruments analysed above, in arbitrations, unless former enemies engaged in further interpersonal violence, breaching the clauses of a *compromissum* did not correspond to peace-breaking, so that the death penalty did not apply.

Like peace-acts, arbitrations were used across urban and rural society. *Compromissa* were used not only to settle disputes between individuals and families, but also between religious bodies, corporations, and even foreign polities. For example, in August 1293, a question between the goldsmiths' and blacksmiths' societies was settled by recourse to an arbitration brokered by the *capitano*.[351] Throughout the late Duecento, the government of Bologna continued to act as a power broker between the various actors at play in and around the Romagna, and often employed arbitration to settle delicate questions. Among others, for example, were the mediation between the factions of Modena in July 1288,[352] and an arbitration between the Da Polenta of Ravenna and the Malatesta of Rimini in May 1303, brokered by the *podestà*, *capitano*, and *anziani*.[353]

Arbitrations were a tool for dispute resolution preferred by the urban and rural aristocracy. For example, a civil dispute between some members of the Galluzzi celebrated in June 1282 stated that the litigants were 'willing to avoid the noise of the trials' (*volentes strepitum iudiciorum vitare*),[354] a formula which actually occurred in many *compromissa* brokered between magnates. Arbitrations offered many advantages. First, while these events were public by nature – as we shall see in chapter IV – they could be hosted in quieter places, and were usually speedier than courtroom action (especially accusations, which could last several months). Second, the litigants could choose the arbitrators, and knew that unless one party was clearly in the wrong, the *compromissum* would be acceptable to both. Third, even if *compromissa* were not completely cost-free, arbitrations were less expensive than courtroom litigation. While arbitrations were convenient, they were not always

[351] ASBo–*Memoriali*, Reg.85, 279r.
[352] *Ibid.*, Reg.73, 181v.
[353] *Ibid.*, Reg.106, 227r-27v.
[354] *Ibid.*, Reg.47, 241v.

a viable option. When the parties agreed to have recourse to a *compromissum*, it is clear that they were already minded to reconcile: not all people involved in disputes were ready to leave hostilities behind.

3.4 *Formal and informal reconciliations*

There was more to reconciliations than drafting a notarial document and following the precepts set by arbitrators. Just as enemies did not hide their hatred when they battled in the streets or litigated in court, former adversaries staged their newly found harmony through public rituals and visible actions. As I will argue in chapter IV, witnesses were chosen carefully, and were never simple by-standers who had happened to be there. The most frequent – and studied – ritual of reconciliation was the sacred kiss of peace (*osculum pacis*), which occurred in the majority of peace-acts and reconciliations (even if, at times, this was exchanged between procurators and not between former enemies themselves). The religious dimension of peace-making was obvious to everyone, as the act of forgiveness was quintessentially Christian, and it allowed individuals to make their own peace with God. Many reconciliations, as we shall see, were held in or near churches, and often in iconic places charged with particular sacred symbolism. Among these, the Jerusalem-like S. Stefano and the basilica of S. Domenico – perhaps in front of the *Arca* – were among the preferred sites for reconciliations between elite actors. The higher the status of the parties, the more sumptuous ceremonies of reconciliation would be, as among the attendants were the members of the higher nobility, lay civic authorities, and the bishop. Sometimes, as Jansen has shown, forgiven enemies carried out specific acts of repentance, such as letting one's hair and beard grow, wearing a white tunic, or going on pilgrimage to holy sites. Often, after a reconciliation, the parties shared a meal or went drinking together in a tavern, where they could be seen by friends, relatives, and neighbours (we shall come across a well-documented episode of this kind in chapter IV).

The importance of these acts and the symbolic power of these various social rituals cannot be overestimated. Nevertheless, it would be simplistic to assume that peace-acts and arbitrations could, by themselves, put an end to conflicts and enable internal stability. Similarly to what has

been suggested for trials, formal reconciliations – that is, peace-acts and arbitrations, which had juridical value and, therefore, had to be recorded and copied in official registers, – were part of and depended on a series of interpersonal processes and dynamics (which will be explained in chapter IV).[355] In fact, the peace-acts and arbitrations copied in the *Memoriali* were most likely a minority of the total number of settlements orchestrated in this period. This emerges with clarity from a comparison of the estimated total number of peace-acts and arbitrations (around 4,500) to that of criminal trials celebrated in the same years (around 22,000). It becomes immediately clear that there is a significant imbalance between the estimated total number of trials which ended in an acquittal (around 14,750) and the estimated total number of reconciliations used to cancel existing bans or interrupt criminal proceedings (around 3,000). On the one hand, this means that less than a half of the bans issued by the criminal court of the *podestà* were cancelled through a reconciliation (at least, before 1296). On the other, this disparity also reveals that very few of the trials which ended in an acquittal led to the ratification of a formal reconciliation. This means that in many cases, the parties must have had recourse to other agreements that were not recorded.[356] As I will show in chapter IV, these 'informal reconciliations' – which differently from peace-acts and arbitrations did not hold any juridical validity and did not, therefore, have to be recorded – were organised by a group of trusted, influential people who intervened with auxiliary roles in a high number of trials. These mediators first enabled thousands of men and women to bring their grievances to court, and then, by means of a series of practices that will be analysed in detail, brought their disputes to an end.

Conclusion

By the late Duecento, the civil and criminal courts administered by the *podestà* and his judges played a central role in everyday life. As has been estimated, in the period 1280-1296, around

[355] As also recognised by Kumhera, *Benefits of Peace*, 37 and Vallerani, 'Modelli processuali', 124, who did not however explain what these other processes entailed.
[356] By contrast, Jansen, *Peace and Penance*, 98, holds that formal peace-acts were the main pillar of secular and religious peace-making. This conclusion most likely derives from the fact that Jansen only analysed reconciliations up to 1343, that is, the year in which Florentine judicial documentation becomes available.

32,000 Bolognese men and women were directly involved in around 22,000 criminal trials. This was possible thanks to widespread familiarity with and knowledge of the law across the social scale and both inside and outside the city-walls. There were various reasons why people had recourse to the courts. Plaintiffs often tried to exacerbate conflict and damage enemies, and sought emotional satisfaction. Many also tried to obtain compensation for the damages and losses suffered, or, simply, hoped to put an end to their disputes. As we have seen, the majority of trials ended in an acquittal of the defendant, although this was not felt as a failure of the judicial system. Notwithstanding the growing ideology that 'crimes should not remain unpunished', in this period, the main aim of public justice remained the restoration of harmony to the parties, and not the punishment of culprits – even if this aspect was also present, as dozens of corporal punishments and death sentences were handed out every year. As I have suggested, the drawing made by Armanino in the early, turbulent months of 1306 might be a representation of *Iustitia* as a fair lady who employed both forgiveness and coercion in order to keep the peace: these two attributes were integral parts of the system of public justice in use in Bologna and other Italian cities in the thirteenth and fourteenth centuries. This chapter has also introduced the two main sources used in the rest of the thesis: (criminal) trial records and formal reconciliations. As I argue in the following chapter, these documents allow us to reconstruct the dozens of interpersonal conflicts which cut across the city and *contado*, and to shed light on their protagonists, causes, and dynamics. Then, through the analysis of the same documents, it will be possible to bring to light the various mechanisms which allowed these conflicts to be kept under control.

Chapter III.
A Divided Polity: Conflict and Violence in the City and *Contado* (*c.*1276-1307)

INTRODUCTION

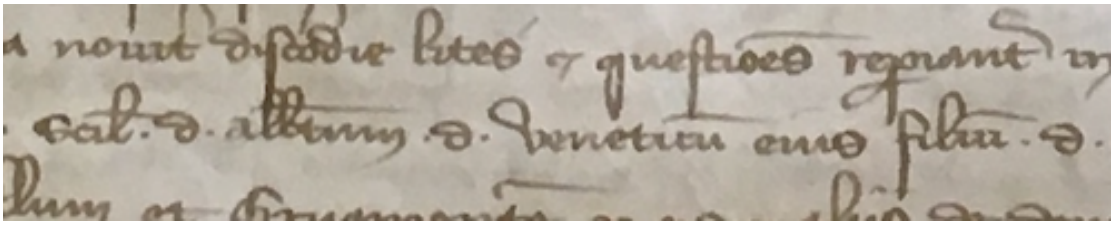


Figure 7. A future inhabitant of Dante's *Inferno* makes peace with his enemies.
ASBo–*Riformagioni*, Reg.127, 30r (24 August 1276).

In the summer of 1276, only two years after the first expulsion of the Lambertazzi, the ascendant Gemerea faction was already witnessing the formation of dangerous internal fractures. In July that year, the council of the *popolo* granted discretionary power (*arbitrium*) to the *podestà* in charge, the Angevin official Rizzardo da Belvedere, in order to pacify the Guelf aristocratic clans of the Caccianemici and Lambertini, then involved in a reciprocal war (*guerram*).[357] The stakes were high, as the belligerents belonged to the oldest and most powerful civic aristocracy. Among them was Venetico di Alberto Caccianemici (*c.*1228-1302), the future leader of the Black faction whom Dante placed in Hell with the accusation of having prostituted his younger sister to Azzo VIII (Figure 7, above).[358] As the city was only just recovering from the disruption of Spring 1274, the threat of a new internecine war was a terrifying thought for many. This anxiety is revealed by the high-sounding rhetorical proem of the arbitration, which stressed the dual spiritual and material importance of the *bonus et pacificus status*. 'Everyone must indeed acquire peace without exception, as through her we may obtain the fruit of eternal glory, and those who despise the peace of the Lord because of the fury of discord, will not be able to enter the house of God' (*pax enim indiferenter omnibus est necessaria, cum per ipsam fructum eterne glorie asumamus, nam ad dei domum transire non poterint qui*

[357] ASBo–*Riformagioni*, Reg.127, 30r-31v (26/08/1288). The reason why this arbitration survives in a 1288 deliberation (when the new statutes were published) is that Rizzardo's precepts became part of the *Ius proprium*, and had to be observed by future *podestà* on pain of £1000.
[358] Dante, *Inferno*, XVIII, 55-7: 'I' fui colui che la Ghisolabella / condussi a far la voglia del marchese, / come che suoni la sconcia novella'. See Presta, 'Caccianemico, Venedico'.

pacem domini discordie furore contemnuerint). A few lines below, the notary also noted that the 'war, quarrel, and discordances (*occasione guerre litis seu discordie*)' which broke out between the Caccianemici and Lambertini could 'be of great damage and detriment to the *popolo*, commune, and all friends of Bologna, and to the benefit of the enemies and rebels of the commune'.[359]

As I show in this chapter, this *guerra* was only one among dozens of other interpersonal and interfamilial enmities which existed in the background of larger factional divisions and political conflicts. Despite the victory of the Geremea faction and the hegemony achieved by the *popolo* in the early 1280s, Bolognese society remained deeply divided. Both city and *contado* teemed with a proliferation of different groups and forms of associations. Citizens and *comitatini* renegotiated their place in society continually and in various ways, and were often part of multiple and overlapping associations and networks which ranged from one's family to armed societies, confraternities, corporations, governmental bodies, factions, and wider coalitions.[360] If, on the one hand, this polycentric society offered many occasions to foster sociality and exchange across different groups, on the other, the encounter between different identities and loyalties also bred many internal tensions and conflicts. These threatened the 'good and peaceful state' on an almost daily basis between 1280 and 1296. How can we reconstruct these dynamics? Who were their protagonists? Why did they fight? And how did they conduct their enmities?

Analysing the nature of the divisions which existed both within and without the city-walls will be essential in order to understand how it was possible that the civic government could experience, none the less, a period of political stability. While the majority of studies of this kind have privileged urban centres, this chapter adopts a broader viewpoint, and also investigates the nature and dynamics of conflict between rural actors.[361] In addition to making a contribution to the study of interpersonal and interfamilial conflict in late-medieval Italy (and Europe), this chapter will also demonstrate the challenges faced by contemporaries on a daily basis.

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[359] ASBo–*Riformagioni*, Reg.127, 30rv.
[360] Lantschner, *Political Conflict*. See also Vallerani, 'Cittadinanza pragmatica'; Heers, *Parties and Political Life*; Kent, *Household and Lineage*.
[361] Exceptions are: Wickham, *Legge, pratiche e conflitti*; Figliulo-Rosswurm, 'Between Courtroom and Castello'; Luiten, 'Lily Amongst the Thorns'.

Section 1 explains the methodology employed in order to reconstruct interpersonal conflict (and provides various definitions). Section 2 focuses on the protagonists of conflict, and analyses the various social groups and units of aggregation which engaged in interpersonal violence. A sub-section is dedicated to women, as their role in structured conflicts has been somewhat underplayed. Section 3 analyses the causes of these enmities. Finally, section 4 reconstructs conflict dynamics, and shows that the same urban and rural actors who had recourse to violence were also able to adopt refined legal arguments in the courtrooms.

1. Reconstructing conflicts

1.1 *Definitions*

Here, the word 'feud' will be used interchangeably with 'conflict', 'enmity', and 'war' to denote a prolonged, reciprocal, and motivated state of hostility or tension between two individuals or larger groups held together by links of various kind (such as kin, neighbourhood, allegiance, and clientele). Feuds could and often did lead to violent action, and could be expressed and acted out in various ways and across many different platforms.[362] While the ways, rules, and means through which feuding groups conduct their enmities are culturally and historically contingent, this looser definition applies almost seamlessly to any society in which kinship and honour (both personal and familial) are key. Nevertheless, while Dante's contemporaries would have been familiar with the concept of feuding, this term never appears in the documentation. One of the most common terms employed by Italian notaries was 'war' (*guerra*, *werra*, *bellum*). This could mean both a large-scale conflict between polities, and a violent confrontation between two individuals, families, or stratified groups. Notaries also employed other terms, such as *hodium* (hatred), *inimicitia* (enmity), *discordia* (discordance), *iniuria* (injury), *briga* (quarrel), *contumelia* (offence), *malevolentia* (malevolence), and *litis* (dispute).[363] These served to indicate the different stages of confrontation, from full-blown hatred to simple animosities, although notaries also combined them, as seen in the arbitration of

[362] I am deliberately avoiding the more rigid definitions of feuding provided by Büchert-Netterstrøm, 'Introduction', 39-62, and Porláksson, 'Feud and Feuding', 94. For a more nuanced definition, Hyams, *Rancour and Reconciliation*, 3.
[363] Zorzi, *Quadro politico*, 95.

the Caccianemici and Lambertini. By contrast, *vindicta* (vendetta) was not a synonym of war, as this indicated an individual act of revenge, whether it was carried out by civic authorities through public justice, or by private citizens through illicit interpersonal violence.[364] As Zorzi has pointed out, the logic of vendetta informed the understanding and conceptualisation of violence from the level of interpersonal disputes to full-blown wars between polities. As another historian has put it, vendetta 'has become almost a defining attribute of medieval Florentine identity',[365] although the same could be said for other contexts also. Nevertheless, as we shall see in the following pages, conflicts did not always follow a rigid tit-for-tat logic in which parties waited for their turn to strike. Finally, the word 'dispute' will be used to denote a controversy with less serious implications than a feud (such as a civil cause), although disputes could turn violent, and many wars between elite families also involved cases of civil litigation.

1.2 *Reconstructing conflicts*

An obvious starting point for the reconstruction of conflicts is narrative sources. The most famous enmities were narrated in the hundreds of chronicles, poems, and family memorial books produced throughout the late-medieval period in virtually all the Italian cities. In these accounts, conflicts were often presented as *faits accomplis*, with the events more-or-less clearly sketched out by the authors and presented through a ready-made interpretative framework. At the same time, chroniclers – who in Italy were almost always lay and politically-active citizens – were very selective regarding which events they reported. The conflicts which did not serve their (never impartial) narrations were often disregarded. In the case of Bologna, there are no surviving Duecento chronicles (if they were at all written). The earliest available narrative sources date to the second half of the fourteenth century. While these carefully describe the clashes of the mid-Duecento and – to a minor extent – of the early Trecento, they say almost nothing about lower-

[364] Gibson and Smail, (eds), *Vengeance in Medieval Europe*, XVI.
[365] Jansen, *Peace and Penance*, 134.

level conflicts such as the war between the Caccianemici and Lambertini.[366] Therefore, the attention here will be almost exclusively on judicial and notarial records.

The first way to reconstruct an enmity is from the analysis of individual records which explicitly mention the existence of a prolonged state of reciprocal hostility. The case of the Caccianemici and Lambertini discussed above is exemplary, as the text of the arbitration informs us of a *guerra* fought between the two houses. The analysis of the *Memoriali* reveals many similar cases. Nevertheless, not all reconciliations were part of what I have defined as feuds. In fact, the overwhelming majority of peace-acts and arbitrations were probably resolving circumscribed disputes, whether civil or criminal. (Others were indeed part of long-term enmities, but the ways in which it is possible to tell are discussed below.) While notaries were not always consistent in how they used the various terms which described interpersonal animosity, the presence or absence of specific words such as 'war' is key. For example, an arbitration celebrated in January 1294 informs us that the magnate houses of the *De Pacibus* and Lambertini had fallen out over an unspecified 'operation' (*operationem*), probably a commercial or financial deal of some kind. The two had been involved in a series of *litibus, questionibus, discordiis, hodiis, malevolentiis, indignationibus et iniuriis*. Were these actions part of a prolonged enmity? The answer is not clear, but this is probably negative, as there is no trace of any trials or precepts issued against the two families in the (rich) available documentation of 1293-1294.

Some of the historians who have analysed formal reconciliations and who have tried to assess the existence of conflicts have equated the presence of high fines in cases of peace-breaking or contract-breaching to the existence of a feud. However, this would be misleading, as the value of fines reflected the status of the actors, and not simply the actions which they had committed. So, for example, in June 1287, two middling-status families from Porta Ravegnana – the sons of Bonrecupero and the da Uggiano – involved in a long and complex war fought in that area of the city (analysed below) were reconciled after two reciprocal killings. The fine decided by the consuls

[366] Da Villola, *Cronica*; *Cronaca Rampona*; *Cronaca Varignana*.

of the butchers (the arbitrators) in the event of contract-breaching was set at £200.[367] By contrast, the dispute between the *De Pacibus* and Lambertini of January 1294 foresaw a fine of 1000 imperial silver marks, even if the two families had not been involved in a full-blown war. (The fact that different conflicts elicited different responses is fully discussed in chapters V and VI.)

Reconstructing conflicts from individual judiciary documents is more difficult. The *libelli* of criminal trials virtually never revealed the wider social context of a crime. Witness depositions could be more informative. Often, disputants sought to discredit each other by claiming that the opposition witnesses were mortal enemies of the defendant(s). A significant example of this is a February 1289 lawsuit filed after an armed brawl between two groups of wool-workers from the area of S. Felice in Porta Stiera. The trial reached the *litis contestatio*, and both groups presented dozens of witnesses (among whom were many women) who accused each other of being 'mortal enemies forever' (*inimici immemore capitales*). Their depositions, which occupy an entire register of seventy-four folios, reveal a complex web of friendships and enmities which extended beyond the main actors of the trial, and embraced dozens of parishioners from this area of the city.[368] Among the dozens of testes heard, Mercadante di Lambertino revealed that these enmities had existed 'ever since he lived in that *contrada*, which is some twenty years' (*a memoria sua scilicet ab eo tempore cuius stat in ipsa contrata, ubi stat bene xx annorum*).[369] This witness was not lying. As we shall see, these groups really were involved in a long-lasting feud, as many of them appeared in dozens of criminal trials and reconciliations throughout the 1280s and 1290s.

The second research approach taken to reconstruct interpersonal and interfamilial conflicts is through a combined and prosopographic study of different sources, which is possible thanks to the unrivalled documentary wealth of the Bolognese archive. In chapter II, we saw that over the period analysed, between 10 and 20 per cent of all the plaintiffs and defendants appeared in more than one criminal trial. A similar percentage of people also appeared in multiple notarial records. By piecing these various sources together, it is possible to reconstruct many conflicts in great detail,

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[367] ASBo–*Memoriali*, Reg.68, 544v-5v. Ugolino da Uggiano had killed Cipriano di Bencivenne (a relative of the sons of Bonrecupero). In response, Gerardo di Bonrecupero killed Ugolino.
[368] ASBo–*Inquisitionum* 15, Reg.VIII, 1r-74r.
[369] *Ibid.*, 57v.

and to follow what legal anthropologists have defined as the 'extended case method'. In order to tell whether different documents were part of a conflict (in the absence of clear evidence of the kind presented above), the threshold has been fixed to at least three different acts which described different (but interconnected) events and which featured the same people or the same groups.

1.2.1 *A case study: the 'war of S. Giuliano'*

The potential of this method emerges with clarity from the analysis of a series of trials and reconciliations officiated throughout the late Duecento in and around the parishes of S. Biagio and S. Giuliano in the quarter of Porta Ravegnana. Our starting point is the lawsuit for kidnap filed by Imelda di Benvenuto in January 1292 (described in chapter II), a document which taken by itself does not suggest the existence of a conflict.[370] The defendants in this trial were Pace de' Sardelli (a *popolano* from a middling family of artisans), his wife Cillia, and their daughter Samaritana. (The role of women in this and other conflicts is further commented below.) Samaritana was the wife of Nascinbene di Tommaso da Camplano, member of a non-elite family which resided in the parish of S. Biagio. In April 1292, Nascinbene was accused by Filippo di Gerardo Spinelli for assault.[371] This plaintiff had already been assaulted in March 1285 by the brothers Magalotto and Vandino di Graziano.[372] These various actors were all connected to each other by links of friendship, kinship, and enmity, although the web was much more extended. In April 1291, Nascinbene da Camplano's cousin Pietro and his son Bonbologno had killed a member of the local non-elite Seregnani family, with whom they had already been reconciled by arbitration in December 1287.[373] Again in April 1291, Pietro and Bonbologno da Camplano had accused various men of assault, among whom was the cloth-dyer Giovanni di Bartolomeo, of the neighbouring parish of S. Lucia.[374] In August 1288, Giovanni had appeared as defendant together with other men for an assault on Benvenuto and Ugolino, sons of Gualando de' Gualandi of S.

370 ASBo–*Accusationes*, 10a, Reg.I, 2r.
371 *Ibid*., 10, Reg.I, 52v.
372 ASBo–*Inquisitionum* 2, Reg.IV, 13r.
373 ASBo–*Memoriali*, Reg.70, 188v.
374 ASBo–*Accusationes*, 9b, Reg.XXI, 15r.

Biagio.[375] In turn, in January 1292, the same Ugolino de' Gualandi and his brother Michele were accused – together with two members of the *popolo* family of the Coltelli – by Bitino di Falco of S. Biagio. The two parties then forgave each other for this assault six months later, in July.[376] In January 1288, Bitino and his father Falco had been accused, by Pasquale di Nascinbene of the same parish, of an assault committed during the election of the local *ministrales* (an episode analysed in greater detail later in this chapter).[377] In a different lawsuit related to the same event, Pasquale di Nascinbene also accused Ottonello di Giovanni of assault. Ottonello was also tried in the same year for holding two public offices at the same time.[378] In June 1286, Ottonello's son Guidotto had been condemned to death *in absentia* for the attempted rape of Ghisla di Procolo, Pietro Ravegnani's wife.[379] This man had also been involved in a lawsuit for false accusation together with Pietro Stricca of S. Omobono, briefly discussed in the previous chapter.[380]

It here becomes apparent that Imelda, the da Camplano, and all the other minor family-groups were all part of the same extended web of friendship and enmity. (The role of women in this and other conflicts is discussed in section 2.3 below.) This handful of examples is only a fraction of at least 141 interconnected trials and forty-eight formal reconciliations officiated in 1285-1295, which involved around 300 men and women from this area of the city. (Since the most important groups involved in this conflict came from the parish of S. Giuliano, I shall henceforward refer to this case as the 'war of S. Giuliano'.) The sides which emerge from the documentation were not formally recognised and juridically consolidated factions. Rather, these were made of informal ties of horizontal solidarity and vertical clientelism (an aspect discussed further in section 2 below). In particular, Imelda, Giovanni di Bartolomeo, Bitino di Falco, Ottonello and his sons, the Seregnani, the Spinelli, the sons of Oliviero Stricca, and many others were connected to the Beccari, a powerful *popolo* family which was enrolled in the guild of the butchers, and which played a key role in this conflict since its (known) beginning.[381] It is possible

[375] *Ibid.*, 7b, Reg.XI, 16r.
[376] *Ibid.*, 10, Reg.I, 5r; *Memoriali*, Reg.82, 420r.
[377] ASBo–*Accusationes*, 7a, Reg.I, 2v.
[378] *Ibid.*, 7a, Reg.I, 3r.
[379] *Ibid.*, 5a, Reg.VIII, 17r.
[380] ASBo–*Inquisitionum*, 7, Reg.XIII, 47r.
[381] Blanshei, *Politics and Justice*, 559, for the political activity of the Beccari.

that the Beccari had sought to consolidate their social hegemony in this area of Porta Ravegnana in order to reinforce their political predominance in the *popolo* societies in which they participated. Indeed, in September 1286, various men of the Beccari were reconciled with the sons of Garfagnino of the parish of S. Cecilia, in an arbitration brokered by the consuls of the butchers' guild. (Among the witnesses was one of the sons of Ottonello).[382] In July 1287, the Beccari were also reconciled with the Culforati, another middling-*popolo* family from this area of the city. The arbitrators in this reconciliation were Angelo da Manzolino and Bongiovanni di Azzo Ramenghi, members of two rising *popolo* families heavily involved in the butchers' guild.[383] In particular, the Ramenghi appeared frequently as mediators in the early stages of this war. In 1289, the men of this family intervened directly against the Beccari, perhaps because they feared that the expansion of the latter could damage them. The Ramenghi and their clients clashed with the Beccari in an armed battle fought in March 1289, which led to the killing of a client of the latter.[384] Among the men mustered by the Ramenghi on that occasion was Magalotto di Graziano, who appeared in one of the trials mentioned above. On the side of the Beccari was one Aliotto di Faccio. In February 1293, Aliotto's son Dolce would be accused by Giacomo di Tommaso, the same person who accused Ottonello di Giovanni of unlawful detention of two public offices later that same year.[385] Ottonello and his sons were clients of the Beccari, and shared the same enemies. While the Ramenghi and Beccari were temporarily reconciled in May 1289 and Azzetto di Bongiovanni Ramenghi was forgiven for the homicide committed earlier that year,[386] the war between the two houses continued until 1290, when the former gained the upper hand. On 30 March 1290, the two families settled the 'wars, hatreds, discordances, and reasons' between them through an arbitration brokered by Bongiovanni di Azzo Ramenghi, that is, the head of that house.[387] The fact that the Beccari accepted their mortal enemy as arbitrators suggests that the Ramenghi were by now in a position of power, and that they were able to dictate the conditions of the peace. As

[382] ASBo–*Memoriali*, Reg.65, 316r.
[383] *Ibid*., 70, 60v. For these families see Blanshei, *Politics and Justice*, *ad vocem*. The Ramenghi rose to power in the early 1300s thanks to their support to Romeo Pepoli.
[384] ASBo–*Accusationes*, 8a, Reg.VI, 12r-13r; *Ibid*., Reg.VIII, 10v-11r; *Inquisitionum*, 16, Reg.I, 9r-18v.
[385] *Ibid*., 11a, Reg.II, 81v; *Accusationes*, 11b, Reg.I, 1r.
[386] ASBo–*Memoriali*, Reg.75, 208r.
[387] *Ibid*., Reg.77, 286r, 303v.

emerges from a separate document transcribed in the *Memoriali*, the day before the reconciliation, the Beccari promised to give the same Bongiovanni Ramenghi £2100.[388] While the document does not explain the circumstances of this transaction, it is possible that the Ramenghi had requested that high sum as a guarantee that the Beccari would withdraw from the conflict. Indeed, with the exception of a further peace-act celebrated in December 1290 (for an assault committed earlier, in 1289),[389] the Ramenghi and Beccari do not appear any longer in the documentation linked to this conflict, even if their clients and allies continued to fight against each other and pursued their own enmities for many years.

This exceptionally well-documented case study shows with clarity that this method of investigation based on the combined analysis of different documents and on prosopography can bring to light a whole series of conflicts which would otherwise remain hidden. In particular, the evidence presented above proves one of the assertions made earlier on in this thesis, that is, that individual instances of peace-making recorded through formal reconciliations were not enough to keep the peace, nor did they necessarily mark the end of a conflict. The war of S. Giuliano produced many different peace-acts and arbitrations, often with the same enemies appearing repeatedly. As I will argue in the following chapters, keeping this and other conflicts under control involved a whole series of formal and informal practices, which, at the same time, also supported the functioning of public justice.

1.3 *The conflicts of late thirteenth-century Bologna: an overview*

Thanks to the research approaches presented above, I have been able to identify a total of eighty-seven hitherto unstudied conflicts fought throughout the city and *contado* of Bologna (Table V below). This number is very similar to that registered by Klapisch-Zuber for Florence in the early Trecento. In 1317, the vicar of King Charles II of Naples put an end to all the on-going conflicts in that city: these were twenty-five wars between lineage families, plus sixty-four disputes between

[388] *Ibid.*, 136r.
[389] *Ibid.*, 78, 365r.

individuals, giving a total of at least eighty-nine quarrels.[390] The original number of conflicts fought in Bologna in this period was probably higher, as many judicial registers are missing, and not all the available reconciliations have been analysed systematically. Nevertheless, it is likely that this sample includes all of the most noteworthy conflicts fought in this period. Thirteen of the most significant conflicts – which shall be used as case studies in the remainder of the thesis – have been summarised in Appendix A (henceforward indicated as A). Each conflict has two tables divided into two columns. The first table ('Belligerents') lists the parties at war, and is divided into two columns ('side A' and 'side B'). The second ('Events') reconstructs the main dynamics in chronological order as they emerge from individual acts. The first column lists specific events (i.e., trials for assault, judicial precepts, reconciliations, council deliberations). The second column reports the family names of the people who appeared as arbitrators, guarantors, and witnesses in the acts presented in the first column (the significance of the data reported in the second column is explained in chapter IV). So, for example, the reference A, I, '3' will refer to conflict I, act number three (in the 'acts' column). Because of the complexity and sheer number of documents produced during the 'war of S. Giuliano', Appendix A only reports the part relative to the enmity between the Ramenghi and Beccari (A, XII).

In chapter V, I shall use two of the conflicts reported in Appendix A as case studies for the analysis of peace-keeping in the city and *contado*. The first was fought between the *popolo* families of the Ricci and Boatteri and their respective clients in the urban area of S. Felice in Porta Stiera (A, VIII), which produced at least nineteen different acts (*c.*1285-1293). The 'feud of S. Felice' (as I will call it) was similar to the 'war of S. Giuliano', as both involved a high number of working-class men and women. The second case study is a long war waged in the Apennines south of the city between the counts of Panico on one side, and the counts of Monzuno and Montasico on the other, each with their respective retinue of vassals (A, I, *c.*1276-1307). (For a map of the areas of the *contado* affected, see Figure 9 below.) The war was complicated by the fact in 1292, the lords of Cuzzano (vassals of the counts of Montasico and allies of the Monzuno) split into two rival

[390] Klapisch-Zuber, *Ritorno alla politica*, 103.

branches. This led to a whole new series of assaults, sieges, and attempts at reconciliation (A, Ib, 1292-1304). This conflict (which I shall refer to as the 'war of the mountain lords') is arguably the best-documented aristocratic feud to survive from communal-age Italy, and will be used as a case study for the analysis of peace-keeping in the *contado* in chapter V.[391]

2. THE PROTAGONISTS OF CONFLICT

2.1 *The groups at war*

In the mid-Duecento, the division between the Geremei and Lambertazzi had polarised urban and rural society into two blocs, each supported by dozens of urban and rural families. By contrast, the eighty-seven conflicts fought in the period 1280-1296 were not part of a single factional struggle between two overarching groups, although some of the parties at war joined opposing factions in the early 1300s (the White and Black Guelfs and, later on, the Maltraversi and Scacchesi). The only two conflicts which were somehow linked to each other were the 'war of the mountain lords' (A, I) and a conflict fought in the parish of S. Caterina di Saragozza in the city (A, XI) (both are discussed in detail below). Some of the belligerents in this second conflict were related to the Arardi da Nugareto (vassals of the counts of Panico), while the urban magnate family of the Priori were related to the da Ponzano, vassals of the counts of Monzuno. In turn, the Priori were in a hostile relationship with the Galluzzi, even if the two never went to war directly. Dalfino de' Priori was killed in 1300 on order of the counts of Panico, although it was suspected that the Galluzzi were also involved.[392] Indeed, when a general reconciliation between the Panico and Monzuno was orchestrated in March 1301, among the people who exchanged a kiss of peace were also various members of the Galluzzi and Priori.

Table V (below) summarises the various social groups which engaged in the eighty-seven conflicts fought across the city and *contado* of Bologna between 1280 and 1296. While in this

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[391] This is the first systematic analysis of the feud of S. Felice and the war of the mountain lords, as well as of many of the other conflicts discussed here. Their reconstruction and analysis stem entirely from my own research and interpretation. The war waged between the Panico and Monzuno has attracted some attention by local historians, although the majority of the documents analysed in this thesis had previously gone unnoticed: Pederzoli, 'Poteri signorili', 421-24; Bertacci, *Cenni storici*, 33-37; *idem*, 'Storia della torre', 15-18, 28-29.

[392] ASBo–*Inquisitionum*, 53, Reg.VI, 95rv, for the summoning of Dalfino's killers.

period, the urban and rural aristocracy counted at most (around) a hundred houses (the majority of which were in the *contado*) – as emerges from the list of magnates compiled in the *Ordinamenta* of 1282 –[393] their members participated in 29 per cent of all known conflicts. Nevertheless, in line with what Zorzi argued for contemporary Florence,[394] magnates were not the only sections of society to engage in violent conflict. Among the belligerents were also many *popolo* families and non-aristocratic elites, but also groups of lower social extraction, such as those involved in the war of S. Giuliano examined above.[395]

	Protagonists	**City**	***Contado***	**Total**
A	Magnate houses	7 (17%)	19 (38%)	26 (29%)
B	Non-aristocratic elite clans	15 (42%)	5 (10%)	20 (20%)
C	*Partes* (socially-stratified groups)	4 (11%)	19 (38%)	23 (27%)
D	Non-elite families and groups	11 (31%)	7 (14%)	18 (21%)
	Total (100%)	37	50	87

Table V. The protagonists of conflict in the city and *contado*, 1276-1296

As reported in row C of Table V, 27 per cent of all conflicts were socially inclusive, as they were fought between stratified groups which often took the name of *partes* (factions). These were usually led by one or more elite families (whether aristocratic or not) at the head of an extensive networks of friends and clients. Differently from city-wide factions such as the Guelfs and Ghibellines – which were often legally-recognised entities –[396] local *partes* did not fight for the control of the political space of the whole polity, as their area of influence rarely extended beyond a few parishes or rural villages. By using the term *pars*, notaries probably meant to indicate restricted groups

[393] *Ordinamenti sacrati*, 32-35. *Contado* tax assessments are also useful for the identification of rural nobles: ASBo–*Estimi*, 1, Reg.II. See Blanshei, *Politics and Justice*, 154-57; Bocchi, 'Le imposte', 295-300.
[394] Zorzi, 'Conflits et pratiques infrajudiciaires', 250.
[395] For the use of violence among non-noble strata of the population see also Skoda, *Medieval Violence*, 62-6; Smail, 'Faction and Feud'; Reinle, 'Peasants' Feuds', 161-74.
[396] Lantschner, *Logic of Political Conflict*, 68-76. See also Heers, *Factions and Political Parties*; Braekvelt, 'Politics of Factional Conflict'.

connected by ties of kinship, friendship, and patronage. Nevertheless, this word could have serious implications. The only recognised and hegemonic *pars* to which people claimed their belonging with pride was that of the Guelf Geremei. Participation in any other *pars* was perceived as a potentially subversive act. It is telling that enemies often accused each other of belonging to local *partes*. This is what happened, for example, in March 1292 between the clients of the Ricci and Boatteri, who accused each other of being *amicos* (and *amicas*) of the two elite families during the litigation for a series of assaults which had taken place that month (A, VIII, '18'). While belonging to the hegemonic *pars Ieremensium* was perceived as an attestation of good citizenship, declaring one's participation in parish-level divisions was frowned upon, at least within the law-court. This was rather different from what happened in many Lombard cities in the late fourteenth and fifteenth centuries: there, members of local factions (*factiones* and *squadre*) captained by aristocratic families openly declared their political allegiance through formal documents, as these units acted as power brokers between local society and signori in order to ensure good government.[397]

According to the surviving documentation, *partes* were more wide-spread in the *contado*, as at least thirty-two villages and fortified burghs witnessed localised factional fighting. The best documented case is that of Castel S. Franco, where the *partes* of the Medici and Corvi – two prominent but non-aristocratic families – warred against each other between at least 1280 and 1292 and polarised the social and political allegiances of that village (A, III). In the city, *partes* are only mentioned explicitly in the documentation of four conflicts (S. Felice, S. Giuliano, Saragozza, and an enmity fought in the parish of S. Maria Maggiore).[398] The reason for such a striking disparity of the number of conflicts fought between stratified groups might be that in the *contado*, networks were more circumscribed (although by no means less complex and stratified than in the city) and local inhabitants had fewer interlocking groups to join. Therefore, this might have been a fertile ground for polarising factional divisions. Finally, almost one-fourth of all conflicts were

[397] Gentile, 'Bartolo in pratica'; *idem*, *Fazioni al governo*; *idem*, 'Factions and Parties'. On the different perception of *factiones* from the mid-fourteenth century onwards, see also Lantschner, *Logic of Political Conflict*, 69. In his *Tractatus de guelfis et gebellenis*, the jurist Bartolo da Sassoferrato wrote that the factions could function as a counter-weight to tyrannical government.
[398] ASBo–*Inquisitionum*, 33/I, Reg.V, 14v-15v (05/1295).

fought between non-elite groups which did not include any recognisable upper-class families (whether aristocratic or *popolane*) (Table V, row D).

Virtually all of the eighty-seven conflicts reported in Table V were fought between lay inhabitants of Bologna (although some conflicts also saw the participation of allies from neighbouring polities, such as in the case of the war of the mountain lords). Clergymen and nuns fell under the jurisdiction of the bishop. Because of the complete disappearance of episcopal records, their enmities are largely invisible to us, although the *Memoriali* do report various instances of arbitration between religious houses (even if almost exclusively over non-criminal matters). Students were another social group involved in many episodes of violence. Student unrest was not limited to town-gown clashes or drunken initiation rituals, but also arose from rivalries between foreign collegiate bodies, and even from enmities between students from the same geographical areas.[399] For example, in the first semester of 1286, a number of young scholars from England and Wales were involved in an armed brawl which culminated in the killing of John *gualensis* by Roger *de Norton de Anglia*, who was condemned to death *in absentia*.[400] Ten years later, in 1296, another group of English students was involved in a dispute which was, however, resolved by an arbitration brokered by three Englishmen before it could turn violent.[401]

2.2 *Families*

More than one-fourth of all conflicts were fought between extended groups made of relatives, friends, and clients. Family-units remained the most common and basic group for social action. This was true not only for conflicts, but also for politics and business.[402] As will be shown in chapter IV, peace-makers virtually always acted together with members of their same agnatic groups. At the risk of stating the obvious, it is necessary to remark that in medieval and early-modern Italy, the family-group was the primary and most important unit of social aggregation. Blood relations

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399 Carlsmith, 'Student Violence'.
400 ASBo–*Inquisitionum*, 7, Reg.I, 8r-9v; *Accusationes*, 5a, VII, 3r.
401 ASBo–*Memoriali*, Reg.90, 315r.
402 Blanshei, *Politics and Justice*, 69-134, 216-30, 266-71, 296-305. For kinship and business, see Giansante, *L'usuraio onorato*; idem, *Patrimonio familiare*; Hunt, *Medieval Super Companies*.

were much more than biological connections: they were socially- and culturally-constructed webs of solidarity within which relatives were pressured to support and help each other.[403] The importance of family-groups was fully recognised by the law. From the twelfth century onwards, great aristocratic houses – which often brought together multiple agnatic groups – began to assemble in juridically-recognised sworn *consorterie* with shared properties and mutual obligations.[404]

Family-groups were of pivotal importance not only for the aristocracy and the upper echelons of the *popolo* financial and administrative elites, but also for middling- to low-status citizens and countryside-dwellers from artisans to disenfranchised workers and peasants. For example, in her prosopographic study of the serfs freed in the *Liber paradisus* (1257), Gina Fasoli showed that even unfree peasants often sought to maintain a sense of family heritage, as the same names recurred frequently across generations within the same agnatic groups.[405]

In particular, familial unity played an important role in conflicts. When elite *domus* were involved in a war, a high number of (male) relatives mobilised. Because of the shared social norm of extended liability, blood relations were often targeted even if they were not directly involved in an enmity, with the consequence that all members of the same agnatic group had to stick together and look after each other. This logic was also known to civic authorities. For example, in January 1286, the *podestà* Stricca dei Salimbeni summoned twenty-five men of the Artenisi-Beccadelli and twenty of the Baciacomari, two elite *popolo* houses involved in a long conflict which lasted throughout the Duecento (A, IV, '2'). The members of these two families were all related to each other through their respective patrilineal lines. As we can see for the orders given to the Artenisi-Beccadelli (Figure 8, below), the notary paid particular attention to blood relations. Indeed, he employed graphic signs in order to highlight different branches and groups of brothers, and even

[403] Herlihy and Klapisch-Zuber, *Tuscans and their Families*; Klapisch-Zuber, 'Kinship and politics'; Kuehn, Family and Gender; Cammarosano, 'Strutture familiari'; Violante, 'Alcune caratteristiche'.
[404] Gozzadini, *Delle torri gentilizie*; Lansing, *Florentine Magnates*, 90-92; Faini, 'Società di torre'; Kuehn, *Family and Gender*, 21-52.
[405] Fasoli, 'Servi e ancelle'.

separated legitimate from illegitimate children: the importance of blood relations was fully recognised and taken into account by civic authorities.

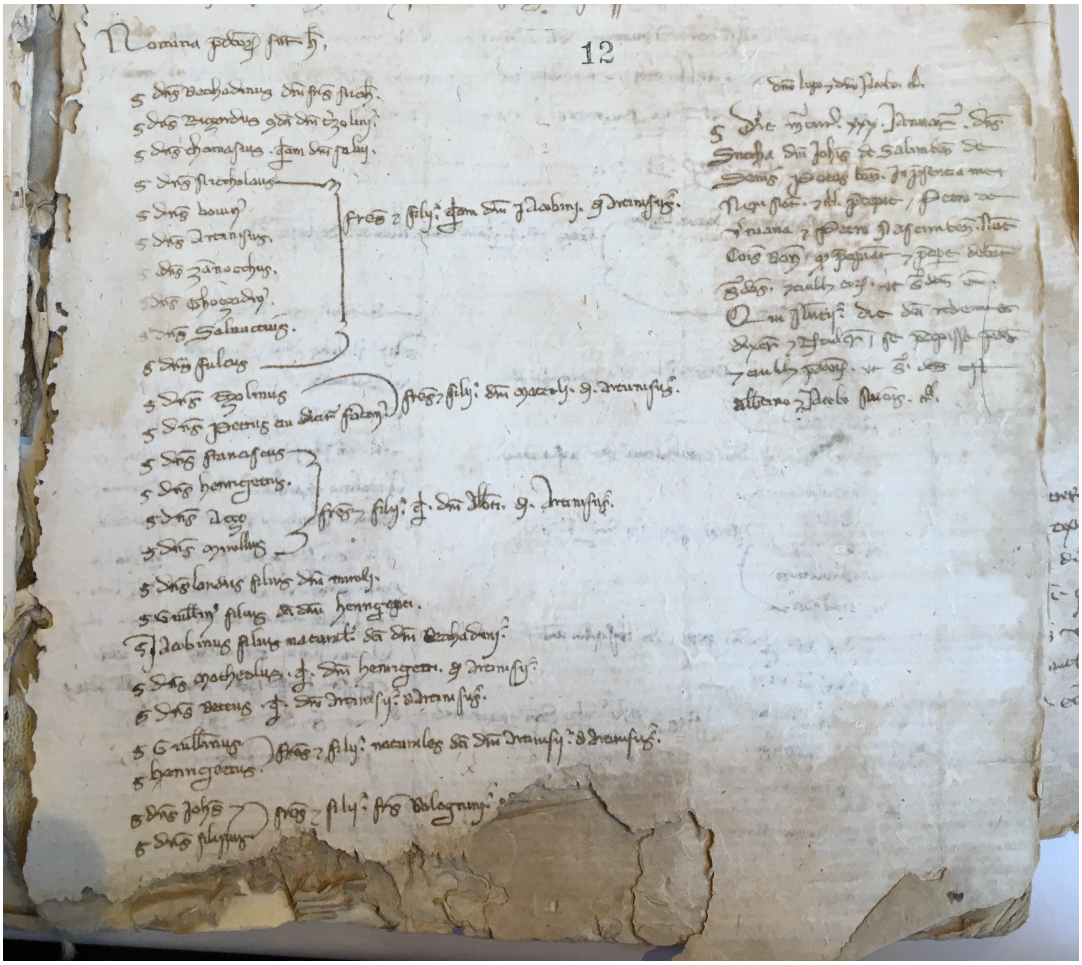


Figure 8. Summoning order given to twenty-five men of the Artenisi-Beccadelli (January 1286). ASBo—*Inquisitionum* 7, Reg.X, 12r.

While there were many attempts at reducing the power and influence of aristocratic *consorterie*, the relationship between 'state' and 'family' was not one of dichotomic opposition between 'public' and 'private'. For example, in late thirteenth-century Florence (and Bologna) the members of the same agnatic groups were to be held financially accountable for the crimes committed by their relatives.[406] These trends continued into the modern era: still in the seventeenth century, the

[406] Dameron, 'Revisiting the Italian Magnates'.

government of Genoa entertained formal and informal relations with rural kinship groups in order to control its vast territory and capture outlaws.[407]

Kinship structures were also extremely important in the countryside. The war of the mountain lords (A, I) involved at least 210 noblemen and noblewomen from more than forty aristocratic houses. The most numerous were the lords of Vizzano (vassals of the Monzuno) with at least twenty-seven men with the same surname, the counts of Monzuno with twenty, the counts of Panico (nineteen), the lords of Scoveto (fourteen), the lords of Cuzzano (thirteen), and the Aigoni da Monsevero and the lords of Badalo with ten males each.

Blood relations were also of central importance in conflicts fought at the opposite end of the social scale, even if non-elite groups could count on much smaller numbers of blood relatives. This has emerged, for example, from the documentation relative to the war of S. Giuliano. As we saw, Pace, Cilia, their daughter Samaritana, and their in-laws the da Camplano brothers had common enemies, fought on the same side, and were among the clients of the Beccari. More generally, a high proportion of criminal trials and reconciliations in which more than two actors appeared included sets of relatives who appeared as protagonists.

Despite the importance attached to kinship structures, disagreements and disputes between relatives could lead to violent conflicts within the same family-groups.[408] A remarkable case is that of the feud between the rival brothers Alessandro II and Nerone of the Alberti di Mangona, a powerful comital dynasty which ruled over a section of the Apennines between Tuscany and the Romagna.[409] The Alberti had been stained by fratricidal blood since the earlier generation. In 1284, Count Alessandro I – Alessandro II and Nerone's father – had been killed by his rival brother Napoleone, following a feud between the two.[410] This episode, which stirred the conscience of contemporaries, was also known to Dante, who placed Alessandro I and Napoleone

[407] Raggio, *Faide e parentele*, 9-12; *Idem*, 'Politica nella parentela'.
[408] Klapisch-Zuber, *Ritorno alla politica*, 107.
[409] In March 1292, the civic authorities and leading families of Bologna managed to broker an arbitration between the rival brothers: ASBo–*Memoriali*, Reg.81, 706v.
[410] Kumhera, *Benefits of Peace*, 207; Pederzoli, 'Poteri signorili', 212.

in *Caina*, the third to last worst circle of hell reserved for those who betrayed their own blood (*Inferno*, XXXII, vv.41-57).

Despite its dramatic character, the bloodshed within the house of the Alberti was not an isolated case. For example, during the war of the mountain lords, as many as nine of the houses involved were internally divided. In particular, after the capture and execution of the lord Guido da Cuzzano in 1292 (A, I, '21'), that lineage split into two rival groups (the heirs of Guido and the heirs of Sinibaldo). This internal fracture was probably caused by the contested control of the castle and village of Mongiorgio. This division had wider repercussions, as it created a whole new war which overlapped with the conflict fought against the counts of Panico and their vassals (A, Ib). This internecine hatred was so severe that in August 1293, during a trial for the killing of a man of the Aigoni da Rocca Masenata (who sided with the heirs of Guido da Cuzzano), a witness described the two sides as *inimici mortalissimi*.[411] Similar disruptive divisions also took place within the city-walls. Of the 654 arbitrations for civil causes analysed for the years 1280-1296, many involved relatives who litigated over matters such as inheritance, division of goods, and dowries. The high number of intra-familial disputes was due to the complexity of the law, which left ample room for interpretation and, therefore, disagreement.[412]

2.3 *Women and conflict*

What part did women play in interpersonal conflicts? In the last few decades, historians have turned their attention to the gendered dynamics of violence, although the focus has been mostly limited to violence (of various kinds) perpetrated against women.[413] Until very recently, little has been written about the active role played by women in violent acts, and particularly in interpersonal and interfamilial conflicts. In the middle ages, vengeance violence was gendered and associated with masculinity, so that at first glance, the sources say little about women's

[411] ASBo–*Inquisitionum*, 29, IV, 28r-31r.
[412] Kuehn, *Law, Family and Women*, 129-42.
[413] i.e., Lansing, 'Accusations of Rape'; Bednarski, 'Keeping it in the Family?'; Brozyna, 'Domestic Violence and the Ecclesiastical Courts'; Butler, *The Language of Abuse*; Dean, 'Domestic Violence in Late-Medieval Bologna'; Hanawalt, 'Violence in the Domestic Milieu'; Hawkes, 'Reasonable Laws'; Skoda, *Medieval Violence*, 193-231.

involvement in these practices. This understanding not only rested on the cultural underpinnings of chivalry, but also on medical knowledge. Physical violence was seen as the result of a hot temperament, and as the result of anger and wrath, emotions associated with the strong personality of the masculine *genus*. By contrast, while women were largely understood as being incapable of restraining their passions, they were also categorised as weak, lethargic, frivolous, and cold, conditions which made them unable to withstand face-to-face violence in armed combats.[414]

Perhaps unconsciously, many modern historians have thus accepted some of the gendered assumptions of contemporaries. As a consequence, the role of women in feuds and vendettas in societies ranging from early Iceland to Renaissance Italy has been almost completely disregarded.[415] Rather, historians have been more eager to associate women with peace-making. In turn, this was the consequence of an alternative (and less 'negative') gendered construction of medieval women, who were praised when they adhered to a Marian model of chastity, wisdom, and intercession on behalf of humanity.[416] A famous example comes from the mid-thirteenth-century treatise on the importance of counsel (the *Liber consolationis ac conscilii*) by the Brescian lawyer Albertanus. Here, the aptly-named *Prudentia* convinces her husband *Melibeus* to forsake his desire for violent revenge and forgive his enemies.[417] In the following chapter, however, we shall see that Bolognese peace-keeping practices were almost exclusively carried out by elite males. Mediation was a tool through which the elites accrued and defended their power and status.

The Bolognese evidence shows that while conflict and violence was an overwhelmingly male phenomenon, many women actually took part in these practices. Out of a sample of 982 accusatorial trials for interpersonal violence adjudicated between 1285 and 1296, women appeared as plaintiffs and defendants in, respectively, 146 (15 per cent) and fifty-seven cases (6 per

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414 Kumhera, *Benefits of Peace*, 211. For an overview and recent research trends, see also Caravaggi, Paoletti, and Zanetti-Domingues (eds), *Women and Violence in the Late Medieval Mediterranean, ca.1200-1500* (Forthcoming, 2021).
415 i.e., Miller, *Bloodtaking and Peacemaking*, 208-9; Bohem, *Blood Revenge*, 111; Balzaretti, 'Things That Men Do'; Kumhera, *Benefits of Peace*, 204, 212-7.
416 Oakes, *Virgin as Intercessor*.
417 Discussed in Jansen, *Peace and Penance*, 151-8.

cent).[418] Many of these trials were part of structured conflicts such as the war of S. Giuliano, the feud of S. Felice, the conflicts in Saragozza, and various enmities fought in the *contado*. The documentation relative to these various case studies reveals that women took active part in violent assaults, gave assistance to their male relatives, spread gossip around the parish, insulted and shamed their enemies in the streets, and appeared as witnesses during trials. By doing so, these women risked as much as their male counterparts, and their actions were taken seriously. A telling (and tragic) example is that of Bona, Ghisla, and Bellina from S. Giuliano. In June 1295, these three women paid a heavy price for their involvement in the conflict fought in that area of the city. The three had falsely accused their enemy of an unresolved homicide committed in that parish. As a consequence, they were condemned to the amputation of their right hands and tongues, and were painted on the walls of the communal palace alongside male rebels, traitors, and debtors.[419] The case of S. Giuliano is striking, for together with Bona, Ghisla, and Bellina, many other women appear as protagonists in the acts produced in the course of this conflict, similarly to what emerges from the documentation of the feud between the clients of the Ricci and Boatteri.

Women often pursued their own enmities and did so through codified patterns of injury and vengeance. For example, in January 1286, Cara from Mantua was in the communal square together with other women when Prendina and an unnamed associate (*quedam sua socia*) stormed in and assaulted Cara while crying out that [Cara] 'should have not beaten [Prendina's] daughter' (*quod non debebat verberare filiam suam predicte Prendine*). Prendina had carried out a vendetta in order to avenge *iniuria* done against a family member. By doing so, she had adopted a language usually associated with masculinity, and had employed it in the communal square, the political heart and the most heavily-gendered area of the city: a place which was, nonetheless, also occupied and appropriated by women.[420] As Cara told the magistrate, the people present at the scene were *donna* Maria and her daughter Amengarda, *donna* Bella and her *filia* Stella, and *donne* Benvenuta, Terella,

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[418] 1285 (116 trials), 1286 (198), 1288 (115), 1289 (185), 1292 (113), 1293 (108), 1295 (78), 1296 (69). For the English context, see Phipps, *Medieval Women and Urban Justice*, 21-44 and 113-84.
[419] ASBo–*Accusationes*, 16a, Reg.IV, 1r-2r.
[420] Rees Jones, 'Space and Gender'.

Giovanna, and Tommasina.[421] In order to get her message across and vindicate her honour and that of her daughter, Prendina had chosen the place and crowd carefully: the cold logic of revenge was not at all eschewed by thirteenth-century women, who employed it also for their own quarrels and not simply to support disputes between males.

Women did not appear in all conflicts. In fact, they did not appear at all in the wars waged between elite *popolo* and aristocratic houses, that is, in over 50 per cent of the conflicts reported in Table V. For example, in the feud of S. Felice, the family-members of the Ricci and Boatteri who fought against each other only included males older than fourteen (although their clients included both men and women). Similarly, as we have seen above, the forty-five members of the Artenisi-Beccadelli and Baciacomari summoned to the communal palace in January 1286 were all males. Nor were there any procurators representing women from these two families. Probably, this was due to the fact that gendered behavioural expectations were more rigid (and easier to follow) at the upper echelons of society.[422] An exception to this was the presence of the noblewoman Alda da Sala, wife of Napoleone de' Opizzoni, at the reconciliation celebrated between the counts of Panico and the counts of Monzuno in May 1281 (A, I, '4'). Moreover, when Ugolino da Scoveto killed Comazzo da Tignano in June 1288, he also wounded Comazzo's mother Lady Tommasina, who was present at the scene (this episode is discussed in section 4 below).

The involvement of upper-class ladies in enmities between higher-profile actors could also generate derision and scorn ignited by a perceived subversion of gendered roles. As has been remarked in chapter II, upper-class ladies did not engage in court litigation as much, and may also have been discouraged (or prohibited) from taking part in conflicts: undertaking masculine activities could indirectly put their menfolk to shame. This was different from what has been observed for lower status families, which counted on fewer numbers of adult males and which, therefore, probably had to count on the support of women for activities ranging from working to disputing. The uneasiness generated by the involvement of high status women in conflicts seems to emerge, for example, from a dispute over a plot of land contested between the wealthy

[421] ASBo–*Inquisitionum*, 8, Reg.I, 34rv.
[422] Bennett and Karras, 'Women, Gender, and Medieval Historians', 7.

landowner Giacomo di Isacco of the village of Puccicavoli and the urban elite family of the Zovenzoni. One night in June 1286, Giacomo, his sons, and a multitude of armed men stole fifteen measures of wheat and then surrounded the villa of the Zovenzoni, shouting threats and yelling at those inside. At that time, the house was occupied by Lady Bettina and her servants, as she had decided to spend the Feast of St John the Baptist in the country (as revealed during her deposition). Bona, one of her servants, reported that 'some armed men were shouting and yelling even if she cannot remember which words, although she saw someone who was saying, "Lady Bettina, this is the barber who will shave your beard" (*hic est barberius qui radet tibi barbam*)'. Perhaps, the besiegers were hinting, not very subtly, at the fact that Bettina was there instead of her male relatives, so that 'cutting her beard' – if this was not a sexual allusion of some sort – meant that she was taking a man's role, and that a gender boundary ought to be drawn again. Bona and other witnesses also revealed that Giacomo was surprised by the presence of the elite woman, as when she exited the house in order to confront the crowd, he allegedly said 'Lady Bettina, for what reason are you here, what are you doing here (*ad quid es tu hic quid facis tu*)' and 'said many injurious things and made great threats (*hinc dicendo sibi vituperium et inferendo sibi magnas minas*)'.[423]

The evidence suggests that women were indeed involved in conflict, and not, as has been stereotypically been assumed, as peace-makers. However, this was intersectional: while the presence of low status women in feuds was probably accepted as normal (at least in cases such as the war of S. Giuliano and the feud of S. Felice), their involvement in skirmishes between higher-profile actors could generate uneasiness and derision.

3. The causes of conflict

In March 1293, a fight broke out in the communal palace between several dozen men involved in the war of Saragozza. This crime was immediately tried *ex officio* by the *podestà* (A, XI, '2'). During the interrogations, the witness Niccolò di Angelino gave an unusually detailed account of the origins of the enmity between the two *partes*. As he told the magistrate, some time before,

[423] ASBo–*Inquisitionum*, 8, Reg.VII, 1r-4v.

Rubaconte de' Panzoni had tried to cancel a death sentence issued against his son. His efforts were trumped by the magnates Dalfino and Michele of the Priori family, who had been consulted as law-experts over this matter. The reason why Dalfino and his friends (*et sui amici*) acted against Rubaconte (*procuraverunt ita*), Niccolò reported, was not because of hatred against the latter, but rather because the Priori were enemies of the Masimilli (friends of the Panzoni). As a consequence, Rubaconte began to hate Dalfino and all his friends, who were drawn directly into the conflict. The witness then explained with more precision that the two *partes* of Saragozza were made by Dalfino and his sons on one side, and Tommasino di Bonbologno Masimilli on the other, but there were also 'many and many' (*multi et multi*) other belligerents. The enmity between them had started at least three years before, for a number of different reasons. Among them was the fact that a certain Ranuccino – a client of Dalfino in charge of elections in the *popolo* society of the stripes (*Schisarum pro arma*) – did not choose Bonbologno Masimilli, causing the latter to become outraged (*indignatus*). Therefore, Bonbologno 'began to do evil things against [Ranuccino]' (*cepit facere contra eum mala res)* such as, for example, accusing him of being a Ghibelline.[424]

In a nutshell, the war of Saragozza had many interconnected causes, ranging from general rivalry and animosity to competition over the same political and geographical spaces. Even in the absence of witness accounts so informative as that of Niccolò, the available documentation suggests that many of the conflicts fought in the late 1200s originated from matters similar to those of the war of Saragozza: the sharing of the same circumscribed spaces, the control of local resources, and the animosity and hatred which arose from such competition. The word 'space' is here understood both in its Euclidean meaning – that is, as streets, parishes, villages, or mountain valleys – but also abstractly as areas of social, political, and economic influence.[425] The competition for resources could be divided into two broad categories: political offices and the control of the territory, even if these were often interconnected and entailed concerns of socio-economic and political nature.

[424] ASBo–*Inquisitionum*, 27, Reg.X, 62v-3r.
[425] Zorzi, 'Spazio politico', 167; Lefebvre, *Production of Space*, 11.

3.1 *Politics and minor offices*

The control of civic politics was at the heart of many factional divisions and political conflicts throughout the late-medieval period. Competition over communal offices also generated conflicts between enemy families, even if this aspect has mostly been associated with the bellicose aristocracy. In the early Trecento, the Florentine merchant and contemporary of Dante Dino Compagni opened his chronicle with a woeful account of the divisions which were affecting his city: 'May her citizens cry for themselves and their children, who, because of their arrogance and because of competition for offices (*gara d'ufici*), have ruined such a noble city, offended her laws, and hastily traded her honours, which their ancestors acquired with great effort and in a long time'.[426] Compagni – a supporter of the tough anti-magnate legislation of Florence promulgated in 1293-95 – only described the enmities fought between the *grandi*, rightly pointing out that it was their rivalries and divisions which had resulted in the breakup of political unity. However, in Bologna (and, presumably, also in Florence), the *gara d'ufici* also generated divisions at a lower level.

In the case reported above, Niccolò reported that among the causes of the war of Saragozza was the contested election for office within the arms society of the stripes. A similar dynamic also emerges from the war of S. Giuliano: on 2 January 1288, during the election of the *ministrales* of the parish of S. Biagio, an armed fight broke out between two rival groups, who then filed a series of reciprocal accusations in the criminal court. One of these records reports that during the election, Bartolo, his father Falco, and many other men attacked the demitting *ministralis* Pasquale, crying out: 'little thief, we shall extract your eyes from your head if you have Falco written down as *ministralis* because he has already been elected by Domenico di Giovanni through the ballot, and we do not wish him to be elected' (*latroncelle nos excrepabimus tibi oculos de capite si tu facies scribi Falcum in ministralem qui iam erat electus per Dominicum Zagni qui habuerat breue electionis et dicentes nolimus quod eligatus dictus Falcus*). The assault then transformed into an armed battle which continued in

[426] Compagni, *Cronica*, II, 3.

the streets of the parish, where it also involved various women who sided with the two groups and who insulted and clashed with each other.[427]

It is not clear what exactly the attackers were seeking to obtain by refusing to have one of their members elected to that office, as this position gave its recipients a privileged channel of communication with the *podestà*. While it is possible that the notary of the criminal court misunderstood or made a mistake during the transcription, the survival of the parchment with the details of the 1288 election of the *ministrales* of S. Biagio might provide the key to understanding this episode. As also reported in the accusation, Falco had indeed been elected by Domenico for the office of *ministralis putei androne*, that is, presumably, the officer charged with the upkeep of a particular well.[428] Perhaps, Falco's allies feared that their enemy Pasquale would appoint him to another office or have him written off the list. Either way, this episode shows with clarity that the two groups clashed over the control of local offices. The lists of *ministrales* of this and other neighbouring parishes reveal the presence of many people who appear in various trials and reconciliations linked to the war waged in that area of the city. In 1288, in S. Biagio, among the nine people elected as officers with different competences were three men who took part in the conflict at various stages.[429]

Similar episodes also took place during the feud of S. Felice: the street battle of January 1289 which led to the long courtroom litigation mentioned above had indeed been fought on the occasion of local elections, as was reported by a witness.[430] In January 1291, two hostile groups of peasants from the village of Bagnarolo fought against each other in a violent armed battle. A witness explained to the magistrate that the clash started 'because of a contention (*occasione contentionis*) which the said men of Bagnarolo had between them on the occasion of which officers should be elected in that land (*occaxione quorum officialium qui debebant eligeri in dicta terra*)'.[431]

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[427] ASBo–*Accusationes*, 7a, Reg.I, 1r-3v.
[428] ASBo–*Ministeriali*, 114, *S. Biagio*, 1288.
[429] *Ibid.*, 114-16. These lists survive for almost all urban parishes for the years 1273, 1288, and 1298.
[430] ASBo–*Inquisitionum*, 15, Reg.VIII, 3v.
[431] *Ibid.*, 21, Reg.I, 8r.

Despite the institutionalisation and formalisation of election procedures, interpersonal pressure – whether played out through favours and personal allegiance or through intimidation and physical harm – remained a key component of the everyday administrative and political functioning of the polity. Competition and rivalry also existed at a higher political level. As pointed out in chapter I, a restricted number of Bolognese elite families occupied the majority of offices in the commune and in the *popolo*: their members sat in the civic councils, served as *anziani* dozens of times, and filled the ranks of the most powerful guilds.[432] Among them were several families who fought against each other: it is possible that the rivalries between them were among the causes which fuelled conflict (i.e. A, III, V, VII, IX, X).

3.2 *Control of the territory*

The control of physical space could be exercised both through the legal ownership of landed property, and through the informal projection of one's authority and influence over specific areas of the city and *contado*. Often, land disputes turned violent. As Wickham showed for twelfth-century Tuscany, while violence was rarely sanctioned by statute law, symbolic actions of domination were often employed strategically to contest properties. These would create legal precedent and *fama* which could, in turn, support possession claims in the law-courts.[433] At the same time, violence could also simply be employed in order to intimidate adversaries, make them drop a claim, or as retribution for a perceived wrong (such as the instigation of a civil cause for a property dispute).

Even in the absence of civil litigation records, it emerges that many of the eighty-seven conflicts of my sample originated over contested properties. A clear example is the war of the mountain lords. Some historians have suggested that this enmity originated in the aftermath of the mid-1270s factional divisions, as the Panico supported the Lambertazzi, while the Monzuno sided with the Geremei.[434] However, it is more likely that this was a concurrent cause. Indeed, the

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[432] Blanshei, *Politics and Justice*, 69-134, 529-64.
[433] Wickham, *Legge, pratiche e conflitti*, 141-2.
[434] Pederzoli, 'Poteri signorili', 421-22. Milani, 'Lotte di fazione e comunità montane', for the Panico and Lambertazzi.

two houses had held lordship rights over neighbouring territories since at least the eleventh century.[435] Even if these lands were now under the jurisdiction of the Bolognese commune, the Panico, Monzuno, and their respective allies still owned various neighbouring properties, many of which were disputed between them (figure 9 below).

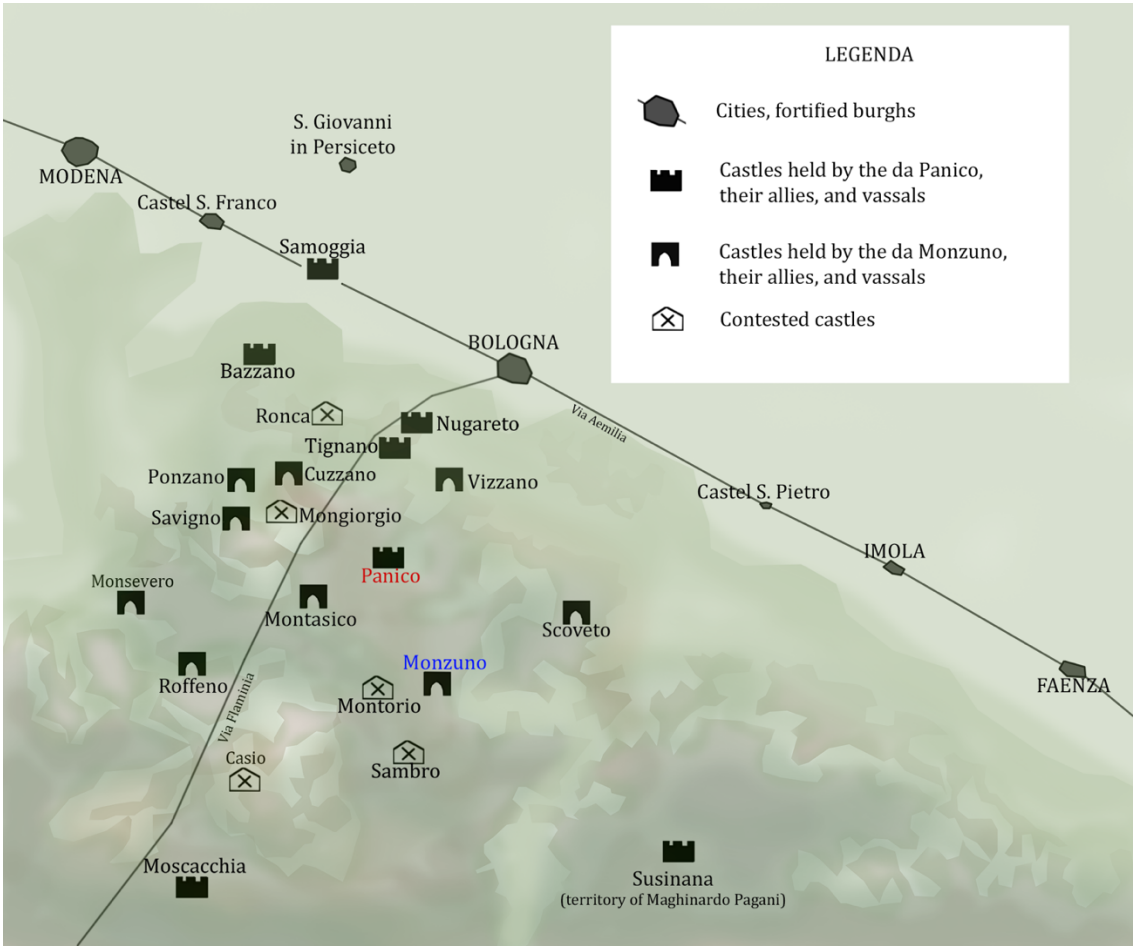


Figure 9. Castles contested during the war of the mountain lords (*c.*1276-1325).
(Made by the author.)

In the arbitration delivered in March 1281, it was ordered that the parties renounce all claims on the contested castles and lands, among which were the fortresses of Sambro and Montorio (A, I, '4'). In the following decades, these localities would be the target of many military expeditions led by both sides. What probably happened was that the enemy counts had taken advantage of the civil war in order to strike at each other, and had then been drawn into a long war which would

[435] Lazzari, *Comitato senza città*, 31. For the origins, expansion, and contraction of the Panico's rural *signoria* see Pederzoli, 'Poteri signorili', 136-44, 202-5, 238-40, 243-44.

continue for several decades. Similarly, their vassals also fought over contested properties. That was the case of the lords of Tignano and the Scoveto, who raided each other's villages many times (A, I, '2, 7-8, 13, 17-18'). The splinter branches of the da Cuzzano also fought against each other over the possession of the castle, village, and ecclesiastical properties of Mongiorgio, as this area was targeted in many reciprocal assaults from 1292 onwards (A, Ib, '33, 35, 40-41').

Contested properties also provoked many conflicts fought within the city-walls. A significant and well-documented example is the feud of S. Felice. While the clients of the Ricci and Boatteri fought against each other for various years and pursued their own enmities, the direct hostilities between their patrons broke out in autumn 1288 because of a dispute over the control of arable lands, woods, and buildings connected to the church of S. Maria in Monte. This was dependent on the Benedictine monastery of SS. Naborre e Felice, although on 28 October 1288, Bono, the rector of S. Maria, had conceded the *ius patronatus* of those lands to the notary Giacomino Avvocati and other men connected to the Boatteri.[436] The problem, however, was that Bono was also involved in a dispute with Silvestro, the lord abbot of S. Felice. The Ricci – who were probably interested in the patronage of those same lands – exploited the on-going dispute between the monastery and its subsidiary church, and allied with Silvestro. On 24 October, the abbot and his monks had appointed two members of the Spavaldi – allies of the Ricci – as procurators for the on-going cause with Bono.[437] Silvestro's authority overruled that of S. Maria's rector, and the concession made by the latter was deemed to be invalid. A council deliberation passed on 7 November 1288 reveals that Giacomino Avvocati (one of the beneficiaries of the concession made on 28 October) filed a false accusation against Silvestro, in which it was claimed that the monks of S. Felice had harassed him and illegally occupied the lands of S. Maria, which in fact he lawfully detained. The council – which had quite possibly intervened at the request of the Ricci and Spavaldi – ruled to invest the *podestà* Corso Donati with special powers in order to try the perjuring notary. The trial was initiated on 11 November, and various men of the Ricci and Spavaldi

[436] ASBo–*Memoriali*, Reg.74, 341r. The rent was fixed at £100 per year, and the contract would be valid for twenty-nine years.
[437] *Ibid.*, 154v.

testified against Giacomino Avvocati, who was condemned *in absentia* (A, VIII, '8'). In response to this lawsuit, Bono and various armed men of the Boatteri and their followers occupied the contested lands, for which crime they were condemned to pay £400 each (A, VIII, '9'). While Silvestro and Bono settled their dispute through an arbitration in March 1289 (A, VIII, '10'), the contention over the lands of S. Maria acted as *casus belli* for the Ricci and Boatteri, who were drawn into a long war. As we shall see in chapter V, keeping this dangerous enmity under control required the prompt intervention and constant monitoring of many elite families, who collaborated both with each other and with civic authorities.

While the *Ius patronatus* and the legal ownership of properties entailed obvious economic interests, there were also other reasons why rival groups clashed over the control of urban and rural areas. Despite the increasing degree of spatial control exercised by civic authorities, the urban and rural geography continued to be perceived as the amalgamation of myriad *contrade*, piazzas, streets, alleys, and fields 'belonging' to different family-units. Controlling these areas meant projecting one's authority and influencing micro-level economic and political dynamics. The 'imaginary cartography' of thirteenth- and fourteenth-century notaries reflects this multiform and overlapping conception of space: the toponyms and spatial indications employed to locate a property referred to the houses and areas controlled by local prominent families.[438] It is telling, for example, that in November 1299, a man was accused of a crime committed in the *contrada* of the Artenisi-Beccadelli (*contrada Artimixiorum*).[439] As we have seen, this family was involved in a long enmity with their neighbours, the Baciacomari, with whom they were probably disputing the control of that area of the parish of S. Stefano (A, IV).

In turn, this explains why ferocious rivalries could arise from the contested control of small and secluded urban areas: as is visible in figure 2 (chapter I), many of the families at war with each other were neighbours. Together with the Ricci and Boatteri, another well-documented case is that of a conflict between the Piatesi and Da Castello, two formerly Lambertazze magnate families

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[438] This term and concept are taken from Smail, *Imaginary Cartographies*, who argued that before the growth of centralised states, the mapping and recording of properties (and of the identities of their owners) was carried out by notaries – who were not, however, solely working for the 'state'.
[439] ASBo–*Inquisitionum*, 48bis, Reg.I, 9r.

which had returned to the city in the early 1280s (A, V). Their houses, situated at the boundary of the respective parishes of S. Giacomo dei Piatesi and S. Maria da Castello, faced each other and shared the same road, an alley perpendicular to the thoroughfare of S. Pietro (modern-day Via Dell'Indipendenza). In or shortly before October 1285, the Da Castello had bought a neighbouring house, and had fortified the access to the shared alleyway by the construction of an overhead wooden bridge which connected their two houses. On 15 October, the Piatesi denounced this fact to the *podestà*, as the construction of fortifications over public space was a criminal offence. After a long courtroom litigation in which the two sides argued their reasons – that is, that the street was public (Piatesi), and that it was private (Da Castello) – the *podestà* decided against the latter, and ordered them to dismantle the bridge (A, V, '1'). Nevertheless, the control of that portion of urban space continued to generate reciprocal hatred. Tensions between the neighbouring families escalated until February 1286, when the Piatesi ambushed their enemies while they were walking in the contested street. A month later, Grimaldino da Castello died from a wound to the head suffered during this assault, so that his killer – Pagano de' Piatesi – was condemned to death *in absentia* (A, V, '3'). The Piatesi had probably felt threatened by (and, perhaps, had also been envious of) the expansion of their neighbours and rivals. These dynamics are remarkably similar to the origins of the enmity between the Cerchi and Donati of Florence as told by Dino Compagni. In around 1280, the Cerchi – rich merchants of recent social ascent – had bought the old palace of the Conti, next-door to the Donati, who were 'of more ancient blood, but not as rich' (*più antichi di sangue, ma non si ricchi*). Because the Cerchi renovated their palace and led a sumptuous lifestyle (*avendo murato e cresciuto il palazzo, e tenendo gran vita*), the Donati 'began to feel great hatred against them' (*cominciorono avere grande odio contra loro*).[440] This enmity would later have devastating consequences for Florence, as it led to the division into the sides of the White and Black Guelfs and the final victory of the latter in 1302 which resulted in the exile of several thousand prominent citizens, among whom was Dante.

[440] Compagni, *Cronica*, XX, 26.

4. THE DYNAMICS OF CONFLICT

The protagonists of conflict managed their hostilities in many different ways. Violent action was often combined with recourse to civil, criminal, and ecclesiastical law-courts, and with the use of peace-acts and arbitrations. The following section is divided into two parts. First, I examine the ways in which violence was employed inside and outside the city-walls. Then, I show how the same people behave in the courtrooms.

4.1 *The use of violence*

While many of the eighty-seven conflicts lasted several years, the groups at war were not fighting each other all the time, even if they presumably came across each other on a daily basis. In the face-to-face life of the urban and rural parish, not speaking to each other was a very effective way to communicate a state of hostility, which was readily picked up by contemporaries. When magistrates wanted to know whether two people hated each other, a frequent question put to witnesses was whether they communicated. This is, for example, what the judge asked the witness Niccolò di Angelino during the interrogation over the fight between the *partes* of Saragozza of March 1293: *interrogatus si dictus Rubacomes* [Panzoni] *loquitur cum dicto domino Dalfino* [Priori] *et amicis suis dixit quod non*.[441]

When enemy sides did have recourse to violence – and they did so often – their actions were rarely unrestrained. It is telling, for example, that the feud of S. Felice did not result in any homicides (as far as is revealed by the surviving documentation), even if its protagonists participated in many assaults and armed battles. The same goes for the Caccianemici and Lambertini (A, II), the Artenisi-Beccadelli and Baciacomari, the banking families of the Rodaldi and Bianchi di Cosa (who also fought over the control of an area of S. Stefano – A, VI), and the magnate Sacchetti and Mantici (A, IX).

This does not mean that killings did not happen. On the contrary, all the other conflicts reported in Appendix A resulted in at least one homicide, and sometimes many more. By far the

[441] ASBo–*Inquisitionum*, 27, Reg.X, 63r.

bloodiest enmity in the city was the war of S. Giuliano, as the surviving documentation shows that at least eight men were killed, while several dozen men and women were seriously wounded. Many of these cases were vendetta killings, as is revealed, for example, by the peace-act solemnised in June 1287 for reciprocal homicides between the Beccari and da Uggiano.[442]

In the countryside, the conflict which produced the highest number of victims was the war of the mountain lords. Between 1276 and 1307, at least thirty-two men (both nobles and peasants) were killed, while countless other men and women were wounded and robbed. In addition, civic authorities issued dozens of condemnations to death, some of which were actually carried out. As has been mentioned, the *dominus* Guido da Cuzzano was captured and executed in 1292 together with his sons and eighteen other aristocrats of his side, while in 1304 and 1307 it was the turn of, respectively, the counts Tardino and Mostarda of Panico (A, I, '20, 27, 31').

While some of the conflicts fought within the city-walls led to street battles with a few dozen participants (i.e., A, VIII, '9', '16'; XII, '1'), the violence employed by rural lords was often unthinkable in the city. Many of the assaults launched during this war involved large armies. The most spectacular of these events occurred when in May 1306 the counts of Panico raided the village of Vizzano with an army of 320 infantrymen and knights accompanied by many drummers, trumpeters, and standard-bearers. Similarly, large-scale assaults were also carried out by the enemy lords of Tignano and Scoveto, and by the counts of Montasico (A, I, '7-8, 12-13, 17-18, 22-23, 28-30'). Probably, the peasants who witnessed (and suffered the consequences of) the passage of these armies found it difficult to distinguish between this conflict and the official wars waged between neighbouring polities. Not even the clergy were spared: among the causes of the dispute was the patronage of ecclesiastical properties, so that these were occupied at various stages. For example, in May 1297, the lord Ugolino da Tignano went to the local church of S. Niccolò and beat the priest Gandolfo 'in the manner of the Germans' (*teotonice*), leaving him half-dead (*semivivus*) on the floor of the church (A, I, '25'). Some of the acts of violence committed during this war were unspeakably brutal and generated great revulsion among contemporaries.

[442] ASBo–*Memoriali*, Reg.68, 544v-45v.

The most poignant case was in March 1287, when the lord Rustighino da Scoveto killed the seven-year-old child of his arch-enemy, Comazzo of Tignano (A, I, '13'). This cruel killing took place in front of the child's horrified mother, lady Tommasina, who was interrogated over these facts but had to interrupt her deposition because 'she was so troubled that she could not remember' (*quare erat sic tribulate quod non memorata de hoc*). This vicious act received the condemnation of contemporaries: the notary who recorded the proceedings of the trial described Rustighino's actions with the adverbs *nequiter et crudeliter*.[443] Like many other lords who participated in this war, Rustighino was condemned to death *in absentia* (more will be said in chapter V).

Despite the brutality of this episode, to assume that this was simply a case of unrestrained rage would be misleading: the surviving evidence indeed shows that the killing of Comazzo's son was also part of a cold and clear pattern of revenge. The assault of March 1287 came after a series of raids between the lords of Tignano and the lords of Cuzzano and Scoveto: two years earlier, in May 1285, the lords of Tignano and the Aigoni da Monsevero – then supported by the counts of Panico – had stormed the village of Scoveto and killed Cuminello's own son together with two other men of his *domus* (A, I, '8'). In turn, the assault of May 1285 had been a vendetta for the assault led by the Aigoni da Monsanpietro and the lords of Cuzzano, Rasiglio, and Scoveto against Tignano, in which the assailants had killed four men of the da Tignano and two peasants (A, I, '7'). This series of retaliatory attacks probably went further back, as the two houses had already been reconciled in April 1280 through a *compromissum* (A, I, '2'). Rustighino had waited two years to avenge the death of his own son: when the moment came, he was ready to take the innocent life of the young Bonifacio. His revenge would only be complete in June 1288, when his cousin Ugolino da Scoveto stormed the village of Tignano and killed Comazzo in front of his mother, who was also wounded in the assault (A, I, '18'). If on the one hand, retaliation served to achieve emotional satisfaction and re-established social order (at least in the eyes of the perpetrators), on the other, it also created new rancour and grievances to be avenged yet again.[444] Rage and cold-

[443] ASBo–*Inquisitionum*, 10, I, 158r.
[444] In the mid-1990s, the question of lordly power (and violence) generated a long and fruitful debate in *Past and Present*: Bisson, 'Feudal Revolution'; *idem*, 'Medieval Lordship'; *idem*, 'Reply'; Barthélemy, 'Debate I'; Reuter, 'Debate III'; White, 'Debate II'; Wickham, 'Debate IV'. I here agree with White that lordly violence

blooded strategy were both part of the use and experience of violence, and contemporaries – the perpetrators, victims, and on-lookers – knew this.

In chapter II, I showed that revenge violence was illegal according to Bolognese statute law. Nevertheless, vendetta and the dynamics of the *Ius ad bellum* – such as retaliatory raids, the burning of buildings and pastures, and the theft of farm animals – continued to drive the logic of conflict both in the city and in the *contado*. In many cases, the protagonists of conflict managed to get away with violence. In order to understand how this was possible, it will be first necessary to analyse the dynamics of peace-keeping, so that this question shall be deferred until chapter V.

Before concluding this section, it is important to stress, once again, that the majority of protagonists of conflict were not unrestrained in their use of violence (although mistakes and mindless actions still took place). As I show in the following subsection (4.2), the same people who had recourse to violence in the streets and who employed and enacted the logic of vendetta behaved in a completely different way in the courts, and were ready to uphold the language and ethos of peace and legality cherished by the *popolo*. In particular, rural lords often planned their actions carefully and strategically. For example, they exploited political turmoil in the city in order to strike their enemies and pursue their own interests, probably in the hope that civic authorities would be too distracted or weak to react aggressively. For example, the counts of Panico resumed military activity in 1304, that is, at a time of severe political turbulence because of the tensions between the White and Black factions (A, I, '28-32'). Similarly, in the aftermath of the victory of the Black faction in April 1306, the counts Ubaldini of the Mugello thought that this would be a good time to take back their ancestral castle of Scaricalasino, which they had given up to the Bolognesi in 1294. The civic government did not take this action lightly: the counts were labelled as rebels of the city and of the Geremea *pars*, and were condemned to death *in absentia*.[445] Despite not being directly involved in civic politics, *contado* nobles kept a watchful eye on what was happening within the city-walls, ready to take advantage of any favourable situation.

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was not out of control, as this could actually play an ordering role. The same argument has also been made for late-medieval England: Maddern, *Violence and Social Order*, 7; Hyams, *Rancour and Reconciliation*, 155-86.

[445] ASBo–*Inquisitionum*, 66, Reg.IV, 14r-15v. The Bolognesi had taken the castle in May 1294 thanks to the intercession of Bishop Ottaviano II: ASBo–*Riformagioni*, Reg.138, 16r.

As Jesse Byock has observed for Viking-age Iceland, feuding parties were probably pressured to moderate their own force by the shared cultural and social settings of what he defined as a 'great village society'.[446] A similar argument could also be made for urban and rural Italy in the 1200s and 1300s. Both citizens and *contado* dwellers were part of complex interpersonal networks, with the consequence that their actions were discussed and judged by relatives, friends, neighbours, business associates, patrons, and clients. These people also knew that when they had recourse to violence, they could not go 'too far' with their actions, or else they would incur severe judicial punishments and social ostracism. The widespread familiarity with the law and with the functioning of the courts described in chapter II meant knowing how to file lawsuits, but also which actions would be punished by the law, and which actions could be tolerated. The Ramenghi and Beccari, Rodaldi and Bianchi di Cosa, Ricci and Boatteri, Piatesi and da Castello, Artenisi-Beccadelli and Baciacomari, and even the counts of Panico and their enemies did not live at the margins of society, but rather filled key roles in public life and knew how to uphold the social, political, and legal values of civil coexistence. They knew when it was time to leave their hostilities behind and be reconciled with their enemies, even if many of these reconciliations were short-lived. As we shall see in the following chapter, the same people who participated in violent enmities also played fundamental peace-keeping roles, and helped to maintain conflicts between third parties under control. The use of violence was not the only means by which contemporaries acquired and protected their status. Acting in a peace-making capacity was an equally-powerful tool, and was the prerogative of a restricted number of influential people.

4.2 *The protagonists of conflict in the lawcourt*

The Ricci and Boatteri, Piatesi and da Castello, and many others conducted their enmities both through the use of violence and by having recourse to judicial action. But the courtroom was also the place in which the protagonists of conflict sought to justify their actions in order to get away with their violence. In the majority of cases, defendants obtained an acquittal before they actually

[446] Byock, 'Feuding in Viking-Age Iceland', 240-1.

had to present a defence, thanks to a system of mediation which will be explained in detail in chapter IV. However, this system did not always work, and at times, defendants were made to answer for the crimes of which they were accused.

As Hannah Skoda has pointed out, in late-medieval Europe, the use of violence in all its forms was characterised by great ambivalence on many levels.[447] In the streets, revenge was felt to be a just and legitimate action which could restore an equilibrium between the parties at war: those who failed to perform a vendetta were often the victims of taunts, mockery, and social ostracism. Things, however, were different in the courts. While many magistrates probably sympathised and were familiar with the logic of vengeance (and employed it themselves in their own conflicts), the *Ius proprium* of Bologna formally condemned this practice, and foresaw harsh punishments for those found in violation of anti-vendetta laws. As a consequence, the same people who engaged in revenge violence never sought to justify their actions in those same terms.[448]

Generally speaking, the analysis of the criminal trials heard in Bologna in the late Duecento reveals the existence of five main defence strategies, which were often combined: 1) presenting an alibi; 2) claiming judicial exemption; 3) legitimising one's actions in the name of existing laws; 4) challenging the right of the adversary to benefit from legal protection, and questioning the evidence presented by the opposition; 5) invalidating the trial on grounds of procedural mistakes.[449] In order to argue their points, litigants relied both on written documents extracted from public and private archives and, most commonly, on what Smail has defined as the 'public archive of memory and gossip', that is, *publica fama et vox*.[450]The majority of defendants for acts of violence upheld the values cherished by the *popolo*: they sought to present themselves as law-abiding citizens and declared their innocence.

This emerges well, for example, from an episode of the war of Saragozza: the courtroom litigation between Belvisa, the guardian of the slain Vincenzo de' Vincenzi, and Bonbologno

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447 Skoda, *Medieval Violence*, 232-8.
448 As also observed by Roberts, 'Vendetta, Violence, and Police Power', 4, who did not however elaborate further on the language of vendetta in the courts.
449 This list is mine. For fact-proving in contemporary courts, see Vallerani, *Medieval Public Justice*, 73-113; Smail, *Consumption of Justice*, 29-88.
450 *Ibid*., 25, 210. For the use of *fama* in judicial settings, see Wickham, '*Fama* and the Law'.

Masimilli, the father of Vincenzo's killer Pietro. In July 1288, Pietro had killed Vincenzo, and had then been condemned to death *in absentia*. In the following months, Belvisa accused Bonbologno of having played a part in the killing (A, XI, '1'). The witnesses presented by Belvisa reported that Bonbologno had directly intervened in the assault, and that previous to that he had explicitly instructed his son to carry out a vendetta against Vincenzo (*quod deberet vindicare se de Vincentio*) for the insults received.[451] The killer's father sought to exonerate himself and defend his good legal name by presenting himself as a meek person who rejected violence. First, he claimed that at the time of the assault, he had been sitting under his porch all evening, and that this was quite far (*satis remota*) from the crime scene. Then, he added that as soon as he heard that his son had killed Vincenzo, 'he began to grieve, cry, and was in great distress' (*cepit dolere conqueri et contristari toto posse*). Finally, he added that the witnesses provided by Belvisa were unreliable, as they hated him and his son to the death – all things which were known publicly.[452] The register says nothing more about this trial, and it is likely that Bonbologno was eventually acquitted (the logic of these practices is explained in the next chapter).

The same goes for bellicose *contado* lords, as is shown, for example, by the many courtroom proceedings initiated during the war of the mountain lords. Its protagonists adopted courtroom strategies similar to those of their urban counterparts – even if often, aristocrats adopted a brazen behaviour before the judges (and we shall see some examples of this in chapter V). For example, in September 1293, the counts Guido and Matteo of Montasico were tried for a raid against the castle of Masenata and the killing of Filippo Aigoni, one of the allies of the 'secessionist' branch of the heirs of Guido da Cuzzano (A, Ib, '36'). In their defence, the counts reported that they had been in their own castle all day and night, and that the witnesses who had spoken against them were their mortal enemies, and thus unreliable.[453] In September 1301, the same branch of the da Cuzzano were assaulted by a large army led by their rival cousins, and by many allied families. The assailants chased Gerardino di Guido da Cuzzano out of his house and killed him in the

[451] ASBo–*Inquisitionum*, 14, Reg.I, 42r.
[452] *Ibid.*, 40r-1r.
[453] ASBo–*Inquisitionum*, 29, Reg.III, 6r.

streets of the village (A, Ib, '40'). While almost all of the attackers managed to escape, the lords Francesco, Giacomo, and Guido Aigoni *de Rocca Rodulforum* were arrested, brought to court, and tried. In their defence, the men argued that the slain lord had not paid taxes during the *estimo* of 1296 (*non fecit se extimari tempore domini Jacobi de Fano*), so that he could thus be attacked with impunity (*impune potuit offendi*).[454] Apparently, the assailants had come up with a legal pretext for the killing, probably in the event of a capture and trial. Not only was violence not irrational and out of control – its perpetrators often planned their actions carefully and strategically, and their decisions were conditioned by subtle legal considerations. This was one of the side-effects of the spreading of legal consciousness discussed in chapter II. The three lords, however, met fierce resistance. Guizzardina da Cuzzano, Gerardino's sister, countered their arguments by claiming that her slain brother had not been required to pay taxes in 1296, but that he had paid them in the following years, so that he could not have been considered as a tax offender (*malpaghus*). To support this claim, Guizzardina's procurators presented as many as sixteen public acts and council deliberations produced between 1296 and 1301: among these were the tax returns of the heirs of Guido da Cuzzano and the registration and evaluation of their goods recorded earlier in 1301.[455] In addition, Guizzardina sought to demonstrate that the Aigoni were mortal enemies of the victim, and called in a number of witnesses to support that claim.[456] The three Aigoni brothers were jailed, but it is likely that they were acquitted at a later stage, as in January 1305, they participated in a raid against Scoveto (A, Ib, '43').

Conclusion

Despite the victory of the Guelf party and the political hegemony of the *popolo*, in the late-thirteenth century, Bologna remained characterised by many internal divisions: the combined analysis of judicial, notarial, and governmental records has made it possible to reconstruct eighty-seven conflicts. These were waged between actors who belonged to the same groups and shared

[454] *Ibid.*, 53, Reg.I, 43v. Not paying the estimo resulted in the withdrawal of one's legal protection.
[455] *Ibid.*, 44r-5v.
[456] *Ibid.*, 53r-6r.

the same geographical, social, economic, and political spaces. The basic action-unit which participated in these enmities was the family, whether this counted dozens of same-surnamed males or more restricted groups of non-lineage men and women. Some conflicts were fought between stratified local *partes*, usually led by one or more elite or middling-status family. While mutilations and killings occurred frequently, violence was rarely unrestrained. This often followed patterns of revenge which were clearly recognisable by the perpetrators, victims, and on-lookers. The wars waged between powerful lords often featured large-scale displays of force. By contrast, within the city-walls, even the larger assaults only counted a few dozen people, and casualties were usually limited. This was because many contemporaries were aware that the excessive use of violence would jeopardise one's standing in society, and would cause a prompt and harsh reaction by civic authorities. Moreover, the same people who had recourse to revenge violence and were involved in long and ferocious feuds were also able to think in legal terms and often planned their actions carefully, seizing the right political and legal moment to strike at their enemies. None the less, many of these conflicts could have disruptive effects for society. Divisions between powerful families with large webs of clients and allies could transform into deeper fractures. As we have seen with the case of the lords of Scoveto and Tignano, vengeance violence could escalate tensions and lead to increasing acts of unspeakable brutality. Keeping these conflicts under control was of the utmost importance. But how was this achieved? And by whom?

Chapter IV.
The people behind the peace

INTRODUCTION

One evening in February 1299, the aristocrats Pietro di Simoncherio Galluzzi and Brandaligi Lambertini went to the tavern of Pietro *Peloia* in order to make peace over a drink. The two had exchanged blows in the communal square a few days before, and had then decided to leave their quarrel behind in an amicable way. Thanks to its playful and informal environment, the tavern had seemed like a good place to choose. Drinking together was one of many sociable activities through which medieval Europeans consolidated friendships old and new, and advertised their relationships to the public.[457] Yet taverns were also notoriously immoral and dangerous, as fights between drunken customers broke out frequently.[458] Having too many cups of wine in the presence of a person who had been an enemy until only a few hours ago was unsurprisingly hazardous. Pietro was probably drunk when right before leaving, he got up and hit Brandaligi's servant Niccolò, who immediately unsheathed his knife and struck him back in the shoulder. Chaos broke out, as the other customers tried to grab the fleeing assailant. When one of them – the notary Giacomo di Vinciguerra Romisi – jumped on Niccolò, the latter reacted by stabbing him in the chest and head, killing him on the spot, and shouted that he would kill anyone who would get close to him. Niccolò was finally seized by Giacomo's companions and brought to the communal palace, where he was tried, condemned to death, and executed.[459]

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[457] Smail, *Consumption of Justice*, 135.

[458] Skoda, *Medieval Violence*, 89-118, for the perception of tavern violence in literary sources and court records. See also Kümin and Tlusty, (eds), *World of the Tavern*; Coulet, 'Inns and Taverns'; Kaiser, *Trunkenheit und Gewalt*.

[459] ASBo–*Inquisitionum*, 47/I, Reg.II, 12r-14v. This reconstruction is based on the accounts given by the witnesses present at the scene and on Niccolò's confession, which reads: 'Petrus Simoncarii habuerat rixam in platea communis Bononie cum Brandalixio de Lambertinis... et ita postea dictus Brandalixius dixit ipso Nicholao "ego velem quod venites mecum et asotiates meco quia velem facere pacem cum illo Petro", et ita ipse Nicholaus ivit cum dicto Brandalixio ad tabernam dicti Petri qui dicitur Peloia et intraverunt dictam tabernam et ibi biberunt et in dicta domo et taverna advenerant dictus Petrus Simoncari et Gominellus Romixii et plures alii et cum ipsi velent recedere... dictus Petrus Simoncarii percussit ipsum Nicholaum de uno bastone super manu et tunc ipse Nicholaus evaginavit cultellum vivum de ferire et percussit et vulneravit dictum petrum Simoncarii in spala et tunc cepit aufugere et gentes curebant post ipsum Nicholaum et fugendo cum cultello evaginato trahebat de cultello quem habebat in manu evaginatum aversus illos qui volebant eum capere. Et ita cum dictus Jacobus Romixii cureret post ipsum Nicholaum ipse percussit et vulneravit de dicto cultello dictum Jacobum ut dixit et confessus fuit videlicet in pectore et

This episode indirectly sheds light on one of those many rituals of peace-making of which there is no mention in the thousands of formal reconciliations copied in the *Memoriali*. These rarely say anything about what former enemies got up to once they had exchanged the kiss of peace, listened to the precepts given by the arbitrators (in *compromissa*), and had the act copied in an official communal register. What is interesting for us, however, is not so much that Pietro and Brandaligi had gone drinking but, rather, that they had done so together with a crowd of powerful men not involved in their enmity. The other customers – those who seized Niccolò and later testified against him – came from the upper echelons of urban society. Among them were the magnates Lambertino Malavolti, Giuliano Tebaldi, Giacomo Baccelieri, and Francesco Samaritani, Giacomo's relative Cuminello, and fellow notaries Luca di Ventura and Pietro di Aliotto. Their presence in that tavern was not a coincidence: as also revealed by Niccolò in his confession, they had come on purpose.

As I argue in this chapter, these men were part of a larger network of some 800 magnates and influential *popolani* from 161 urban elite families. Its members collaborated with each other and with civic authorities in order to keep the peace in the city and *contado*. Officially, these peace-makers (as they shall be defined here) appeared in formal capacities as auxiliaries in juridical acts: they served as arbitrators in *compromissa*, and as procurators, guarantors, and witnesses in both trials and reconciliations. The emergence and consolidation of a group of legal professionals in the thirteenth and fourteenth centuries have received much historiographical attention. This has mostly been focused on the education and formation of these new 'men of law', on their formal roles, and on the ethical aspects of their profession.[460] These have been presented as the technicians who, between the late-medieval and early-modern periods, finalised the transition from a previous political system made of interpersonal relations of fidelity and coercion, to an impersonal one increasingly based on the rule of law, formality, and accountability.[461] (Even if this

in templa et dixit quod interfecisset omnes illos qui volebant eum capere'. Niccolò was executed on 21 February 1299.

[460] Brundage, *Origins of the Legal Profession*, 1-8, 125-56, 489-92; Musson, *Law in Context*, 36-72.

[461] Bell, *Lawyers and Citizens*, 8. For the Italian medieval context, see Artifoni, 'Governi di "popolo"', 19-20; *idem*, 'Tensioni sociali', 461-2; Menzinger, *Giuristi e politica*; Tanzini, *Governo delle leggi* – discussed in the introduction of this thesis. For an English and European perspective, see Sabapathy, *Officers and Accountability*.

transition took many centuries and was not so linear: one historian has argued that still in the late-seventeenth century, the lawyers of Dijon formed an unofficial network through which they effectively controlled that city.)[462] Some historians have also recently proposed that in thirteenth- and fourteenth-century Italy, peace-keeping and crime repression more generally became the prerogative of civic authorities, invested with new coercive power.[463] Because of this focus on governmental and legal institutions, communal-age historians have paid very little attention to the role of intermediaries, and to the existence of informal practices of government and administration.

As I have pointed out, an approach which looks exclusively at the institutions of law-enforcement and the formal roles played by legal professionals and civic officers does not account for the reason why peace-keeping efforts worked at times and failed at others. In order to overcome this problem, it is necessary to uncover the system which enabled the functioning of public justice. These processes will emerge thanks to the close analysis of the proceedings of trials and reconciliations. Section 1 shows that peace-makers went above and beyond their formal duties. These men did not simply support the rules of procedure and represent their clients in court. Through a series of (largely informal, that is, non-codified) practices, they enabled thousands of people to move their enmities from the streets to the courtroom. Then, the mediators brought the trial to a halt, obtained the acquittal of the defendant(s), and reconciled the parties through an out-of-court settlement. The same restricted group of men who appeared as procurators, guarantors, and witnesses in the majority of trials also appeared as auxiliaries in peace-acts and arbitrations. Then, in section 2, I show that all peace-makers were directly or indirectly connected to each other by (often multiple) links of collaboration, in what was an informal network which brought together the most influential families of the city ranging from the old aristocracy to groups of more recent socio-economic ascent. The strength of this network depended on its internal cohesion, as on many occasions, rival families managed to leave their

[462] Breen, *Law, City, and King*, 3.
[463] The argument made by Roberts, *Police Power*; *idem*, 'Vendetta, Violence, and Police Power'; and Grillo, *L'ordine delle città*.

hostilities behind and collaborated with each other in order to keep conflicts between third parties under control. Indeed, among the peace-makers were also many people directly involved in interpersonal and interfamilial violent disputes: violence and peace-making were two means by which these actors acquired and defended their elite position in society.

1. THE PEOPLE BEHIND THE PEACE

When disputants litigated in court, appeared in front of an arbitrator, or met to make peace, they were never alone. Together with magistrates (or arbitrators in *compromissa*), notaries, and the personnel of the court, litigants and former enemies were accompanied by a larger retinue of people (usually, but not always, adult males) who appeared in the quality of procurators, guarantors, and witnesses. These men – and, in particular, guarantors and witnesses – did much more than simply fulfilling their formal roles: they enabled the functioning of public justice and pacified thousands of interpersonal disputes.[464] Often, as we shall see, these roles (arbitrators, procurators, guarantors, and witnesses) were covered by the same men or their close relatives: they, I argue, were the people behind the peace. As anticipated in chapter III, the dynamics of peace-keeping uncovered here and in the following chapters were gendered, as they were almost exclusively taken up by elite males. This, as I will argue, was another way through which this restricted section of society acquired and protected their power.

1.1 *Arbitrators and procurators*

Arguably the most important – and most apparent – mediating role was that of the arbitrator. As anthropologists and historians have written for different societies, arbitrators had to wield sufficient authority for their judgment to be accepted and respected by the parties involved in a dispute. The same was true in thirteenth-century Bologna. The arbitrators who appeared most frequently were urban noblemen and university-trained jurists: thanks to their deep knowledge of

[464] Kumhera, *Benefits of Peace*, 135-55 has dedicated some attention to arbitrators, procurators, and guarantors, but has only analysed these figures from the point of view of their formal roles. By contrast, Jansen, *Peace and Penance*, 156, wrote that 'as the role of mediators is meant to be invisible, it is not surprising that frustratingly little is known about [their] function'.

the law and social standing, these men were highly sought after (and, in turn, demanded high renumerations). However, while magistrates needed a law degree, this was not an indispensable condition to work as arbitrator. Many notaries also appeared in this capacity: their profession required a solid knowledge of procedural law, which they acquired during their apprenticeship and through the study of the *Ars notaria*. Nevertheless – and this point is key – it was not only legal professionals (notaries, lawyers, judges) who took on mediating roles. The banker Romeo Pepoli, for example, was appointed as arbitrator in many civil and criminal disputes.[465] This was possible thanks to the widespread familiarity with the law assessed in chapter II, and to the fact that many of these people were in continuous contact with jurists and notaries (and were often related to men of law). Moreover, while litigants usually argued their cases following the *Ius commune* (and customary law), arbitrators often based their decisions on common sense, rather than on the close interpretation of legal textbooks.

Whether they were law graduates, notaries, bankers, or rich artisans, the majority of arbitrators were lay Bolognese citizens who came from a restricted group of aristocratic and influential *popolo* families. For example, in 1280, a total of sixty-four arbitrators appeared in thirty-seven arbitrations.[466] Fourteen of them only had a patronymic, and most likely came from the middling strata of urban society. Five were members of the clergy (in particular, the priest Pietro of S. Maria da Castello appeared in two different disputes).[467] The remainder (forty-five arbitrators) came from thirty-five recognisable magnate and *popolo* families. Similarly, in 1296, a total of sixty-two men brokered forty-six *compromissa*. Six had also appeared as arbitrators in 1280 (and were all from elite families); twenty-one had no surnames; one was a clergyman; the remainder came from twenty-six urban families, six of which had also appeared in 1280.

Arbitrators could operate both individually and in groups. For example, in June 1280, the arbitration between the enemy factions of Castel S. Franco was brokered by four members of the magnate Galluzzi family, four Lambertini, two Tebaldi, and by the jurist Belvillano *de Pacibus* (A,

[465] i.e. ASBo–*Memoriali*, Reg.43, 375r (11/1280); Appendix A, III, '6'.
[466] ASBo–*Memoriali*, Reg.42-43.
[467] *Ibid*., Reg.42, 51v; Reg.43, 311r.

III, '1'). Usually, both urban and rural litigants chose city-dwellers as arbitrators, although at times this role was fulfilled by local notables: for example, in May 1296, the enemy factions of Vetrana entrusted their reconciliation to the local lord Tommaso di Alberto Cattanei.[468] At other times, *compromissa* between countryside-dwellers were brokered by mixed groups of local and urban arbitrators: that was the case in June 1296, when the enmity between the *partes* of San Rofillo was settled by the *popolani* Niccolò Buvalelli and Lambertino Merzani, and four *boni homines* from that village.[469] Foreigners also sometimes preferred to be judged by fellow countrymen: in January 1296, two groups of Englishmen elected as arbitrators Richard and *Valerianus de Anglia*, and Raymond *de Guasconia*.[470]

By contrast, the *podestà*, *capitano*, bishop, and their judges appeared in a much smaller number of disputes, as their intervention was almost exclusively confined to the most dangerous and significant conflicts. In the period analysed, the only exception that I could find was Antonio da Fissiraga of Lodi (d.1327), *podestà* of Bologna in 1289 and 1291. During his second term, Antonio settled dozens of arbitrations for civil as well as criminal causes. Among these was a case of domestic violence denounced by Giolitta Galli, the wife of the leading banker Rodaldo Rodaldi. Giolitta had complained to the *podestà* that her husband 'does not treat her like he should' (*non tractat dictam dominam ut debet*): Antonio passed sentence that from now on, Rodaldo should keep Giolitta in his house and not beat her nor wound her but behave as a 'befitting to a good man' (*ut debet et expedit bono viro*), on pain of £500.[471] Fissiraga's involvement in this and other disputes was certainly exceptional, especially as contemporary political treatises advised against *podestà* getting too close to their subjects.[472] The Lombard nobleman might have used his term of office in order to experiment with more direct forms of personal rule, as he later fulfilled his seigneurial aspirations by becoming lord of his native Lodi.[473]

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[468] *Ibid*., Reg.90, 66r. In turn, Tommaso was actively involved in the war of the mountain lords (A, I).
[469] ASBo–*Memoriali*, Reg.90, 298rv.
[470] *Ibid*., 315r.
[471] *Ibid*., Reg.79, 219r, 245r.
[472] Waley, *Italian City-Republics*, 41-3.
[473] For a profile, Menant, 'Fissiraga'.

At the same time, this episode also testifies to Giolitta's ability to take advantage of this new situation, as the usual arbitrators – who were colleagues and business partners of her husband – might have been inclined to sympathise with the latter. As will emerge in the following pages, the same men also acted as intermediaries in civic and ecclesiastical courts (which also adjudicated cases of this kind). This is another reminder that women's experience of the law was different from that of their male counterparts, but was also influenced by status. Obtaining justice against a violent husband could be a very difficult thing to achieve, and had to wait for an exceptional magistrate ready to listen to the suffering endured by an elite lady. At the same time, it is to be wondered whether lower-class women would have been directly received by the *podestà* rather than having to go through normal courtroom procedure.

The main role of procurators was to act on behalf of someone else in a juridical act. As for arbitrators, a thorough knowledge of the law was a desirable – although not strictly necessary – requirement for this job. While the majority of procurators in this period were notaries, they did not hold a monopoly (in Bologna, a college of procurators would only be established in 1567). Following Roman law, women and minors had to be represented by male relatives or procurators in all public acts. Adult men also had recourse to this figure when they did not want to appear in person, a frequent occurrence in lawsuits and reconciliations (especially for criminal cases). As Kumhera has noticed, at Siena, in peace-acts featuring procurators, these usually represented the party which was being forgiven for a crime.[474] According to Vallerani's estimations, in late-Duecento Bologna, procurators appeared in around 40 per cent of all accusatorial trials.[475] In formal reconciliations, the acts in which at least one procurator was presented oscillated between around 10 and 40 per cent of the total: in the first six months of 1282, for example, procurators appeared in thirty-nine acts out of 117; ten years later, in 1292, out of 350 reconciliations, procurators only appeared fifty-two times.[476] The average of 25 per cent corresponds in broad terms with what has been calculated for Siena (33 per cent), Florence (28 per cent), and Rome (18

[474] Kumhera, *Benefits of Peace*, 138.
[475] Vallerani, *Medieval Public Justice*, 141.
[476] ASBo–*Memoriali*, Reg.47-49, 81.

per cent). Many of the people who worked as arbitrators also appeared as procurators in trials. For example, the magnate Mattiolo Galluzzi – who was neither a notary nor a university-trained jurist – appeared in both capacities various times.[477] As we shall see below, Mattiolo and many of the arbitrators encountered above – and their close relatives – also appeared as guarantors and witnesses.

1.2 *Guarantors (*fideiussores*)*

Pledging was one of the main pillars of the whole system of peace-keeping analysed here. The main purpose of a *fideiussor* – an institutional figure derived from Roman law – was to pledge a surety on behalf of someone else in virtually all acts which foresaw a penalty or required the promise of a future payment. The judicial system in use in Bologna (and other Italian cities) required the posting of economic guarantees at every procedural stage.[478] The origin of this practice is still to receive an in-depth study, but it is possible that the reason why simple oaths were no longer sufficient was a consequence of the progressive monetisation of society in the course of the high Middle Ages.[479] In order to really understand the significance of pledging in this period, it is necessary to take a step back and examine the fundamental role played by trust in late-medieval societies. As Ian Forrest has pointed out, *fides* – a word which could simultaneously mean trust, faith, and belief – was a fundamental concept for late-medieval people. According to a distinction made by St Augustine, *fides* – with its seven articles of faith – was at the same time an object of belief and a means through which Christians could see what could not be seen and believe beyond the mysteries which mankind could not solve.[480] The importance of good faith and trust in one's neighbour extended beyond the purely religious sphere, and shaped all relationships from friendship to economic contexts. Contrary to an evolutionary narrative which saw the replacement of medieval trust with modern legal rights, Forrest has argued that in late-medieval

[477] Arbitrator: ASBo–*Memoriali*, Reg.42, 181r (1280); Reg.81, 471r (1292). Mattiolo also represented the Aigoni da Gesso in a trial for homicide in September 1290: ASBo–*Inquisitionum*, 20, Reg.V, 20r.
[478] Vallerani, *Medieval Public Justice*, 143-6.
[479] This is an aspect which I hope to explore in a future research project.
[480] Forrest, *Trusworthy Men*, 18-25.

England – as well as in Europe and beyond – a balance existed between informal bonds of good faith and obligations protected by laws and institutions.[481] The figure of the *fideiussor* bridged the gap between interpersonal relations and institutional guarantees of future behaviour.[482] Presenting a guarantor in court meant much more than simply meeting a formal requirement. This was an effective demonstration of one's good standing in society and reliability. Being part of a trust network was indispensable in order to do business, obtain credit, and, in this case, be able to access the courtroom: as will be remarked below, the relationships between lenders and borrowers and those between pledgers and pledgees were often similar – if not identical.[483] Without a guarantor, it was impossible to initiate a trial, present witnesses, and – for the accused – to defend themselves: those who could not find someone to pledge on their behalf faced an inevitable condemnation, and were exposed to the brutal repressive mechanisms of public justice.

In theory, anyone could act as a guarantor. The only exception was that magnates could not post sureties for *popolani* and vice-versa: this was done in order to prevent the formation of ties of dependence to the former, as the strength of the *popolo* was partly based on the subjection of this class.[484] In theory, women were allowed to pledge, although out of thousands of guarantors examined for the years 1285-1296, I could only find one woman-*fideiussor*, from the aristocratic clan of the Uberti.[485] Pledging – and peace-keeping more generally – were almost exclusively male prerogatives.

As we saw in chapter II, the costs of justice were high: the sums necessary in order to appear in court or to produce witnesses were out of reach for the majority of litigants. Moreover, few people could rely on friends and relatives with sufficient capital to sustain the heavy sureties required.[486] So, whom did non-elite men and women ask to be their guarantors, when they had

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[481] *Ibid*., 34-6. In the early 1900s, various commercial historians argued that from the late middle ages onwards, credit assumed an increasingly impersonal nature: Postan, 'Credit in Medieval Trade'; De Roover, 'Money, Banking, and Credit. For a discussion: Smail, *Consumption of Justice*, 136-7.
[482] Forrest, *Trusworthy Men*, 54.
[483] See Pimsler, 'Solidarity in the Medieval Village?'; Postles, 'Pledging in Manorial Courts'; Briggs and Koyama, 'Pledging and Credit Markets'.
[484] *Statuti di Bologna 1288*, b.IV, r.XV.
[485] ASBo–*Accusationes*, 7b, Reg.XII, 26v (11/1288). Sibella di Giacomino Uberti accused her relatives Simberto and Pietrobono di Matteo of assault. The guarantor for Sibella was her brother Lorenzo, whereas her opponents were guaranteed by *domina* Bella and *dominus* Schiatta Uberti.
[486] Smail, *Consumption of Justice*, 142, for the costs of justice.

recourse to public courts? Prosopography reveals the presence of a restricted group of elite men who appeared as *fideiussores* in multiple, disconnected trials. For example, in the second semester of 1288, 618 men posted 913 sureties in 194 accusatorial trials.[487] Of these 618 guarantors, 170 posted more than one surety each, making a total of 419 *fideiussiones*. Of those guarantors who only posted one surety, ninety-three were part of the same seventy-six families, and were related to sixty-six guarantors who posted more than one surety, either in the same trial or in different ones. In total, 263 men out of 618 (43 per cent) who were either active in more trials or were part of family-groups with more than one active guarantor posted 584 sureties out of 913 (64 per cent). The remainder of the guarantors, by contrast, were not part of identifiable family-groups and only posted one surety each in total.

The existence of a restricted group of families whose members pledged several times also emerges from the sampling of 1044 criminal trials officiated in the period 1285-1296 (Table VI, below). In order to determine which families belonged to this group of professional *fideiussores*, I have set as a threshold the appearance of the members of any family-group in at least five different trials. In my sample, this criterion is met by some 600 men from 124 families (out of a total of 497 recognisable family-groups and a few hundred non-lineage individuals who appeared as *fideiussores*).[488] Many of these families were active in dozens of different suits. For example, both the *popolo* families of the Da Savignano and Ruffini posted pledges in forty-four trials, immediately followed by the Malpigli (forty), and the Caldari (thirty-three). Among this group were also various magnate clans: the most active were the Tebaldi (pledged in seventeen trials), Galluzzi (ten), and Lambertini and Simonpiccoli (nine each). These and other families are listed in Appendix B, with the number of trials in which they appeared as guarantors listed in column D (the first number reported). This table lists a total of 161 families of peace-makers, that is, the 124 family-groups mentioned above plus an additional thirty-seven houses whose members appeared as auxiliaries

[487] ASBo–*Accusationes*, 7b, Reg.X-XV.
[488] While many of these families counted several active members, others only had one individual. In order to avoid confusion, I have treated all as family-units. For the importance of family cooperation in this period, see my discussion in chapter III.

in at least seven acts, but who posted less than five pledges.[489] (For a more thorough explanation of this table, see below.)

A less systematic look at the registers not included in this sample confirms the presence of the same families over and over again. Since, as we have seen, the actual number of trials officiated in this period was far higher, the same frequent guarantors appeared in this capacity in hundreds – if not thousands – of trials. (Conversely, this also means that the number of families of frequent guarantors was most likely higher than 124 – but not by far – and included many of the other families listed in Appendix B, plus some others.) As we can see in Table VI (row B), this restricted number of families (124 out of 497, or 25 per cent) appeared in almost all of the trials in the sample analysed (799 out of 1044, or 77 per cent). Finally – and this is point will be expanded below – the members of at least two different families of frequent guarantors posted sureties in the same trial in 439 cases (or 55 per cent) (row C). Finally, the same people were periodically employed as *approbatores securitatum* in the criminal courts: for example, in 1288, the *approbator* was the banker Candaleone Gozzadini, from a powerful *popolo* family of frequent guarantors.[490] Through this office, professional guarantors exercised a further degree of control on who could post sureties.

These data are relative to criminal trials, as civil lawsuits and ecclesiastical actions have not survived. It is likely that the same families were also involved in the other law-courts: a promise of payment recorded in the *Memoriali* in October 1288 informs us that various men of the Lambertini and Caccianemici pledged in the bishop's lawcourt on behalf of a clergyman.[491] (As we saw in the previous chapter, these families had been at war with each other. Collaboration between former and current enemies was a characteristic of the system of peace-keeping analysed here – more will be said below.)

[489] For the explanation of Appendix B, see section 2 below.
[490] ASBo–*Accusationes*, 7b, Reg.X, 32v.
[491] ASBo–*Memoriali*, Reg.73, 323r.

	1285	**1287**	**1288**	**1290**	**1292**	**1293**	**1296**	**Total**
A) Total trials examined (100%)	73	150	194	51	207	265	104	1044
B) Trials in which families of frequent guarantors appear	58 (79%)	115 (77%)	133 (69%)	31 (61%)	158 (76%)	212 (80%)	92 (88%)	799 (77%)
C) Trials in which at least two families of frequent guarantors appear (percentages relative to row B)	37 (64%)	64 (56%)	85 (64%)	14 (45%)	98 (62%)	113 (53%)	28 (30%)	439 (55%)

Table VI. Activity of 124 families of 'frequent guarantors' in a sample of 1044 trials officiated between 1285 and 1296.
ASBo–*Accusationes*, Buste 4, 6b, 7b, 9a, 10a, 11a, 11b, 17a. ASBo–*Inquisitionum*, Buste 4, 14, 23, 36. ASBo–*Corone*, Busta 4.

All of these 124 families belonged to the middling- to upper strata of urban society (although they were, in turn, divided by socio-economic differences). Nine had magnate status. The rest, as shown in Appendix B, were all enrolled in *popolo* societies.[492] In particular, seventy-nine had members enrolled in the three most prominent *arti*: forty-nine in the notaries, ten in the bankers, one in the merchants; three both in the bankers and notaries, five in the bankers and merchants, three in the merchants and notaries; finally, two families (the Mezzovillani and Baciacomari) were represented in all three *societates*. The members of these three corporations had the necessary capital to pledge for several thousand pounds, and had a good idea of how the courts worked.

While at times, these people pledged for their own relatives – as many of these families were directly involved in various criminal suits – the analysis of criminal records reveals that most of the time, they posted sureties on behalf of third parties. In contrast to loans, however, money did not actually change hands, unless the pledgees lost a cause or failed to follow injunctions. These men were effectively lending their trust, in order to make it possible for their trustees to initiate a lawsuit or present a defence. (This is similar to what Charles Briggs and Mark Koyama have noticed for English medieval villages, where guarantors worked as 'connectors', as they enabled local villagers to obtain credit from lenders outside their community.)[493] As many historians have

[492] For the political activity of many of these families see Blanshei, *Politics and Justice*, *ad vocem* (although the data relative to their auxiliary judicial activity stem entirely from my own research). For the *matriculae* of the bankers' guild, see Albertani, *Città, cittadini, denaro*, 137-96.
[493] Briggs and Koyama, 'Pledging and Credit Markets', 6.

observed for various medieval and early-modern societies, extending credit was a sociable act, but it was also a profitable activity – as these two dimensions were not mutually exclusive.[494] In the thought of many contemporaries, economics had an ethical dimension, as credit effectively enabled society to function.[495] The members of these 124 families pledged for thousands of men and women from the city and *contado*. As with credit networks, this massive web worked on the basis of trust, reputation, and honour.[496] Such an extension was possible thanks to the fact that the majority of families involved in serial pledging had one or more members enrolled in the *ars notariorum*. As each notary recorded the private transactions of hundreds of people, they had access to an enormous quantity of information, which they probably employed when they or their relatives had to decide whether to lend their trust to a new litigant.[497]

It is possible that in some cases, guarantors demanded a payment for their service, either as a fixed fee or as a percentage of the surety posted as deposit. Our only evidence for this, however, is indirect and circumstantial. A passage in Rolandino's *Ars notaria* does suggest that there were *fideiussores* who charged between 8 and 10 per cent on sureties posted for commercial ventures. Rolandino warned against this usurious practice, however only if done by *milites*, in what was – most likely – an attempt at defending the corporate interests of the *popolo*.[498] It is possible that the extension of 'judicial credit' was part of that wider dimension of money-lending which existed and thrived outside institutionalised channels. Indeed, as recent studies have shown, many people with capital to invest lent money for everyday expenses and necessities. Among them was the notary Domenico Tolomei, an influential *popolano* not enrolled in the bankers' guild who posted dozens of *fideiussiones* and also appeared as arbitrators various times (the Tolomei are in Appendix B, 94). In August 1302, Domenico redacted his will, in which he promised to return all the 'ill gains' (*male*

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494 On credit economics in late-medieval Italy and Europe, see Padgett and McLean, 'Credit in Renaissance Florence', and Albertani, *Città, cittadini, denaro*; Briggs, Credit and Village Society; McIntosh, 'Women, Credit, and Family Relationships'; Muldrew, *Economy of Obligation*; *idem*, 'Cash and Its Value'; *idem*, 'Interpreting the Market'; Howell, 'Credit Networks and Political Actors'.

495 Todeschini, 'Credito, credibilità, fiducia', 29; Armstrong, 'Law, Ethics, and Economy', 41-2.

496 Chester Jordan, *Women and Credit*, 28; Smail, *Consumption of Justice*, 138. For the importance of trust in everyday relations, see Forrest, *Trustworthy Men*, 33-62.

497 A similar point about notaries as recipients of information on creditors has been made for early-modern Paris by Hoffman, Postel-Vinays, and Rosenthal, *Priceless Markets*, 6.

498 Rolandino, *Summa totius artis notariae*, 97r. '[…] Nam plerumque sunt nobiles qui nullam exercent mercaturam qui tamen accipiunt pecuniam ad mercandum pro octo aut decem pro centenario […]'.

ablata) which he 'had acquired and extorted by depraved usury' (*se habuisse et extorsisse per usurariam pravitatem*) for a total of £171, in order to receive a Christian burial.[499] Perhaps, some of these gains derived from Domenico's direct involvement in the judicial market, although it is impossible to know for certain: the fees paid to professional guarantors were most likely below £20, and were thus not recorded in the *Memoriali*. The absence of notarial protocols and account books makes it impossible to check whether money effectively circulated between guarantors and their trustees. Pledging for profit would explain the heavy involvement of middling-status banking-notarial families such as the da Savignano, Malpigli, Bonacatti, Ruffini, Caldari, and many others, each of which posted sureties in dozens of trials. From the point of view of poorer litigants, having recourse to a professional guarantor was the only option, and it was considerably more convenient than contracting loans for thousands of pounds.

Pledging was not always a for-profit activity. Often, as we shall see, the same men who appeared as *fideiussores* in disputes between lower-status litigants also pledged on behalf of powerful lords and elite bankers. It is difficult to imagine that on these delicate occasions, guarantors acted in order to make a (small) profit: their involvement in high-profile enmities was aimed at preventing a fracture of the *bonus et pacificus status*, without which there could hardly be any *lucrum* at all. Similarly, at times, it is also possible that the posting of economic sureties on behalf of poorer litigants was part of patron-client relationships. That might have been the case, for example, in the feud of S. Felice, in which both the Ricci and Boatteri pledged on behalf of their clients (A, VIII, '4', '9', '18'). Finally, guarantors could also act out of neighbourhood solidarity, as one of those many acts of altruism which reinforced social ties in the dynamic life of the parish.[500]

The power relationship between lenders (guarantors) and borrowers (pledgees) was not always clearly defined.[501] Often, guarantors were of higher socio-economic standing, but that was not always the case. Whatever the reason why they pledged on behalf of third parties, guarantors

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[499] ASBo–*Memoriali*, Reg.104, 57v.
[500] For neighbourhood sociability in late-medieval and early-modern Italy see Gazzini, 'Solidarietà vicinale'; Henderson, *Piety and Charity*; Eckstein, *Neighbourhood Life in Renaissance Florence*; Terpstra, (ed), *Politics of Ritual Kinship*. For mid-fourteenth-century Bologna see Wray, *Communities and Crisis*, 193-222.
[501] Smail, *Consumption of Justice*, 147.

benefited society as a whole, as they effectively allowed thousands of people to have access to the courts. For this reason, *fideiussores* were protected by the law: the statutes of 1288 authorised the *podestà* and his judges to arrest and confiscate the goods of insolvent trustees.[502]

So far, I have demonstrated the existence of a restricted group of recurring guarantors. As has been anticipated, these families were part of a slightly larger group of what I have defined as 'peace-makers'. But where does the peace-making part come into play? In order to answer this question, it is first necessary to make another observation. By extending 'judicial credit', in theory, lenders-guarantors exposed themselves to great risk. One of the effects of the growing financial awareness of this period was the development of new tools and practices of risk assessment.[503] In order to protect the sums that they pledged, guarantors devised an ingenious system which, at the same time, also benefited society as a whole, as this resulted in the resolution of thousands of disputes.

In a surprisingly high number of trials, the same people – or members of the same family-groups – posted sureties for the prosecution as well as the defence (and, when the trial reached that stage, for their witnesses also – more on witnesses is said in section 1.3 below). Domenico di Tolomeo did this many times. In March 1287, for example, he posted sureties for the witnesses presented by the accuser – Richard the Englishman – in a case brought against the sculptor Lando for assault. At the same time, Domenico also posted a surety for £200 for Lando, in order to allow the latter to appear in court and face trial.[504] The same happened in delicate trials between high-profile actors. For example, as shown in Appendix A, column, 2, members of the same families posted sureties for both parties in eight out of twelve conflicts, for a total of eighteen different trials (I, '8-9, 14'; III, '4'; IV, '3'; V, '1-2'; VI, '1-2'; VIII, '2-4, 9, 17-18'; IX, '1, 3'; XIII, '1'). A similar dynamic took place when members of allied families pledged for different parties. Let us take, for example, the *popolo* families of the Donzelli (B, 48) and Sabadini (*ibid.*, 40), both from the wealthy parish of S. Vitale. Their members were neighbours, allies, and business partners. (For the high

[502] *Statuti di Bologna 1288*, b.IV, r.XXXXIII.
[503] Hunt and Murray, *Business in Medieval Europe*, 62.
[504] ASBo–*Accusationes*, 6a, Reg.II, 33r.

level of economic interdependence which existed between these families, see section 2 below.) In September 1288, for example, Ugolino and Musso Donzelli lent £34 to Ugolino di Alberto Sabbadini.[505] A year later, in November 1289, eight men of the Sabadini and four of the Donzelli (among whom was the same Ugolino) appeared on the same side (as protagonists) in a *compromissum* with the Prendiparte.[506] The two families also served as auxiliaries in the same trials: in August 1288, Ugolino Donzelli pledged for Nunzio di Corso in a case brought against four men of the parish of S. Antonio for assault, and also acted as the plaintiff's procurator. As this trial advanced to the phase of the *litis contestatio*, Nunzio's witnesses were guaranteed by Musso and Filippo Sabadini.[507] A few months later, however, the two guaranteed for the opposing sides. Musso Sabadini and Bonbologno Tonsi pledged £500 for five peasants of Quarto accused of assault, while the sureties for the two witnesses presented by the plaintiff (£1100) were posted by Pietrobello Donzelli and Michele Parisi.[508] (For the Tonsi: B, 41.)

What were they doing? While this emerges only implicitly, the logical answer is that rather than actually supporting enemy sides (and, therefore, betting against their own interests), these men were mediating between the disputants. Let us take an example involving, again, the Donzelli and Sabadini, even if the latter appeared as protagonists and not as auxiliaries. On 29 July 1288, Musso Sabadini denounced the *contado* magnate Alberico da Medicina for stealing twenty-seven measures of wheat from his rural property. Musso was guaranteed by his friend Ugolino Donzelli. Alberico and his men appeared in court on 3 August and denied the charges pressed against him. Two days later, the magnate presented his guarantors: three men of the magnate Simonpiccoli clan, a Galluzzi, a Lambertini, and a Gardini. The *fideiussores* for Alberico's men, instead, were the *popolani* Alberto Astanova, Diotallevi Zambracci, and the same Ugolino Donzelli. On 2 September, the trial moved to the *litis contestatio*. The plaintiff produced two witnesses who were

[505] ASBo–*Memoriali*, Reg.73, 68v.
[506] *Ibid*., Reg.76, 290v-92v.
[507] ASBo–*Accusationes*, 7b, Reg.X, 3v. Musso and Ugolino also pledged for Corso when he appeared as defendant in a counter-accusation: *ibid*., 8v.
[508] *Ibid*., 69r (10/1288).

guaranteed by Ugolino. The trial was interrupted immediately: the notary of the *podestà* annotated that Alberico had returned the stolen goods.[509]

First, the guarantors made it possible for an individual to initiate a lawsuit, as they formally reassured the judge about the plaintiff's trustworthiness and promised the capital to cover any potential judicial expenses – the latter being particularly key for people of lower socioeconomic condition than Musso. Second, either the same guarantors or their colleagues established a contact with the defendant(s). If the guarantors refused to help out a defendant because of lack of trust or other reasons (or if the defendant refused their mediation and could not be helped by friends and relatives with sufficient capital), the trial ended in an automatic contumacy ban. If the defendant agreed to be represented by the guarantors, however, the trial could start. At this point, rather than encouraging a confrontation, the guarantors probably orchestrated an out-of-court settlement, thereby obtaining an acquittal for the defendant and, at the same time, protecting their investments. Most likely, this is what happened with Musso and Alberico, as the latter returned the stolen goods only after the intervention (and intermediation) of various high-profile men. By extending this kind of 'judicial credit', guarantors-lenders created links of obligation with the disputants, something which gave them influence and mediating power – whether their trustees were people of lower status or their peers: as Smail observed for Marseilles, 'credit gave power over the behaviour of others'.[510] Betraying the trust of guarantors could lead to serious consequences, and could effectively mean cutting ties of solidarity for future endeavours. This did not simply mean being unable to obtain credit: it meant being excluded from a cohesive web of influential men who effectively interceded between litigants and the courtrooms. Without their support, the majority of city- and countryside dwellers would have been unable to effectively file a lawsuit and would have been exposed to the more repressive side of public justice. In chapter II, we saw that at times, even powerful and well-connected members of society were maimed and executed, as they lost the support of this 'safety net'.

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[509] *Ibid*., 7rv. 'Munsus de Sabbadinis […] dixit et confessus fuit quod sibi restituta fore et etiam pleno iure cum effectu ad eius voluntatem per dominum Albericum supradictum possessionem et fructus in dicta accusatione contenutos et sibi esse regulariter satsifactum […]'.
[510] Smail, *Consumption of Justice*, 148.

As reported in chapter II, 60 per cent of all accusatorial trials (around 14,000 cases) were interrupted either immediately after the presentation of *fideiussores* by the defendant(s), or after the presentation of witnesses by the plaintiff. It is safe to assume that in many cases, this outcome was a consequence of the mediation operated by these families of guarantors. In a way, this method is reminiscent of the modern-day practice of plea bargaining, which plays a particularly central role in the US system of criminal justice. In 2012, 97 per cent of federal convictions came from guilty pleas: by avoiding a full trial, this system takes an enormous weight off the shoulders of criminal courts. (Although recently, many concerns about plea bargaining have been raised, as defendants from deprived backgrounds are pressured to plead guilty in the absence of clear incriminating evidence, thus undermining due process.)[511] Nevertheless, apart from the obvious dissimilarities between these two historical contexts, two main differences stand out. First, *fideiussores* did not pressure their trustees to plead guilty: on the contrary, as we have seen, the intervention of guarantors-mediators led almost automatically to an acquittal. Second, while plea bargaining is regulated and is a legally recognised practice (and is even officially encouraged), the system in use in thirteenth-century Bologna was completely informal, and operated, as we have seen, on an interpersonal basis. For this reason, there is very little evidence of the nature of the agreements reached between the parties (the case of Musso and Alberico is a notable exception). As I pointed out in chapter II (3.4), 99 per cent of all peace-acts were drafted after a ban, while almost all arbitrations were alternative to courtroom procedure. As the out-of-court settlements mediated by Domenico di Tolomeo, Ugolino Donzelli, and many others had no juridical standing, they were not recorded. Nevertheless, we know for a fact that these same men were skilled mediators, as they also appeared in hundreds of reconciliations in the quality of arbitrators, procurators, guarantors (more rarely), and witnesses (see section 1.3 below).

Not all trials were interrupted immediately after the appearance of the defendant(s). In 40 per cent of accusatorial trials (around 7,500 cases), the plaintiff wanted to produce witnesses, and

511 'Defendants who plead guilty effectively act as their own judge and jury': McConkie, 'Pre-Plea Criminal Discovery', 1. For a denounce of the racial and gender bias of this system, see Berdejo, 'Disparities in Plea Bargaining'.

around 2,000 of these saw a full confrontation between the parties. (As I explain below, courtroom witnesses also played a key role in this mediating process.) Often, the parties were not ready to make peace, and the mediation phase could last many weeks (as seen in the case of Musso and Alberico). Going to court was often a means by which to damage enemies and gain emotional satisfaction at their expense. Therefore, actual litigation could be a way to let off steam. Once this was done, guarantors-mediators could intervene and finally bring the trial to an end. This is, for example, what happened between the clients of the Ricci and Boatteri in February 1289: the two sides accused each other in court, and then produced dozens of witnesses, who were heard across several days. Eventually, the same men who had pledged for the disputants and their witnesses organised a formal arbitration, in which they required the parties to renounce on-going litigation and make peace (A, VIII, '9, 11').

The system of peace-making through pledging described so far also applied to inquisitorial trials (which are included in the sample of Table VI above): also in this procedural model, presenting guarantors and pleading not guilty was often enough to obtain an acquittal (although this was not always the case, as prosecution witnesses were found locally and did not require pledges). Moreover, pledges were also required when the *podestà* issued special orders to the protagonists of conflict, such as confinement to specific areas of the city or *contado*, or exile to foreign polities (for which, see chapter V). As we shall see, also in these cases, guarantors did more than simply providing a formal reassurance to civic authorities, as they took it into their own hands to make sure that their trustees followed the dispositions and kept the peace. None the less, as we shall see, guarantors-mediators did not intervene in all trials, even when the defendants were well-connected and powerful members of society. The decision whether to intervene or not– and, therefore, whether to employ forgiveness or coercion – depended on a series of legal as well as extra-legal considerations, which ranged from the status of the defendants, to the nature of the crime committed. As I argue in chapter VI, these decisions followed a more or less precise intellectual logic, even though not everyone always agreed on which course of action should be taken.

By contrast, in reconciliations, economic sureties were usually directly posted by the parties through the obligation of their goods (*sub obligatione bonorum eorum*). This, however, varied throughout Italy: Kumhera has calculated that in Siena, guarantors appeared in only 0.7 per cent of peace agreements, whereas in Rome they appeared in 78 per cent of all cases.[512] In Bologna, the presence of external guarantors was usually reserved for particularly dangerous situations. For example, that was the case in March 1292 for the arbitration between the rival counts Alberti of Mangona (discussed in chapter III): the two were guaranteed by four Galluzzi, three Baciacomari, two Friulani, two Lambertini, and an Artenisi-Beccadelli, a Simonpiccoli, a Ghisilieri, and a Malavolti, for a total of 1000 silver marks.[513] Often, the men who pledged in reconciliations were, unsurprisingly, the same who also posted sureties in the courtrooms.

I have here demonstrated the existence of a restricted group of elite members of urban society who pledged in a high number of trials. By doing so, they allowed thousands of people to use the courts, thereby effectively supporting the functioning of public justice. Yet they did more than that. By collaborating with each other and building links of obligation and trust between themselves and the disputants, guarantors-mediators pacified thousands of disputes and dozens of dangerous conflicts (we shall see these dynamics in action in the following chapter). Their role was, therefore, essential, as it was this largely informal system which made it possible for public justice to function as a platform for conflict resolution and as a peace-keeping tool. This also means, however, that a restricted group of elite families effectively interfered and controlled the functioning of justice. In a way, this is similar to what Gervase Rosser has observed for late-medieval English sanctuaries: while their legal underpinnings depended on secular and or ecclesiastical institutions, it was local communities that policed the functioning of these structures and determined the politics of admission and exclusion.[514] A consequence of this was that the decision whether to use coercion or forgiveness was not the exclusive prerogative of the judge or ruler, but was first taken by the guarantors, probably in accordance with civic authorities. This

[512] Kumhera, *Benefits of Peace*, 153.
[513] ASBo–*Memoriali*, Reg.81, 706v.
[514] Rosser, 'Sanctuary and Social Negotiation', 65.

considerably restricted the liberty of action of the magistrates, although their ability to pass judgment and to apply equity (and not, merely, to apply the law) was not completely lost. Indeed, by law, the *podestà* and his judges had discretion (*arbitrium*) over various crimes prosecutable by inquisition: in the event that a defendant was found guilty, the magistrate could thus decide whether to set an exemplary punishment, or to be more lenient.[515] In the following chapter, it will also become apparent that the interference of local elites also had another significant side-effect, with potentially disruptive consequences: indeed, this made it indirectly possible for well-connected actors to use violence with near impunity, while those who did not benefit from their support were exposed to the repressive side of public justice.

1.3 *Witnesses*

The same families of arbitrators, procurators, and guarantors also had members who appeared as witnesses both in trials and reconciliations. In theory, their role was, simply put, to answer questions during the interrogation in the former setting, and to confirm the validity of an act in the latter. Yet, as I argue here, witnesses also played an important – and informal – capacity in the peace-making process both in trials and reconciliations.

The prosopography of the witnesses who appeared in peace-acts and arbitrations reveals very clearly that these were rarely random people who happened to be about in the place where the act was being recorded.[516] On the contrary, the same family names appear over and over again. In particular, the reconciliations between high-status actors were usually attended by the members of magnate and elite *popolo* clans. For example, in January 1287, various men of the Artenisi-Beccadelli, Baciacomari, Delle Querce, Lamandini, Lambertini, and Soldaderi congregated in the basilica of S. Domenico (perhaps in front of the saint's tomb) to attend the arbitration between the Corbellari and Gozzadini – brokered by a man of the Lambertini (A, X, '1'). That same month, these and other families gathered in the house of Enrichetto Delle Querce

[515] Steinberg, *Limits of the Law*, 53-88; Meccarelli, *Arbitrium*.
[516] As, instead, is held by Kumhera, *Benefits of Peace*, 153. My focus on a restricted period has made it possible to track those with an active public life.

for the arbitration between the magnate Sacchetti, Mussolini, and Mantici (A, IX, '3'). In total, the members of sixty-nine families appeared as witnesses in the twenty-five reconciliations reported in Appendix A. The Galluzzi appeared in six different acts, the Artenisi-Beccadelli, Caccianemici, Ghisilieri, Lambertini, and *de Pacibus* in four, the Baldovini, Ramponi, Samaritani, and Baciacomari in three, and fourteen other families in two. Of these sixty-nine families, forty-three also had members active as guarantors in at least five different trials (and were thus part of the group of 124 houses discussed above). Their presence was not limited to acts between powerful actors, as the same men (women virtually never appeared) also attended thousands of reconciliations (both for civil and criminal suits) which were not part of wider conflicts.

Their presence was not a coincidence. This is especially the case if we consider that often, pacifications were hosted in churches or private houses: in order to attend them, witnesses had to be invited by the parties, or – as was most likely the case – met beforehand and planned these events together. The presence of the representatives of powerful families was a desirable addition to pacifications, and was, therefore, fulfilling a specific role.[517] Despite the religious and political importance of peace, in late-medieval Italy, forgiving an enemy was often perceived as dishonourable. Failure to perform vendetta could be shameful, a stain on personal and family reputation which could damage one's standing and even trustworthiness in the tight-knit social life of the parish. Those who did not right suffered wrongs were ridiculed and mocked. Contemporary literary and judicial records offer many examples of this. One of them comes from the *Comedy*, as Dante's family was directly involved in a vendetta or – better – the failure to perform it. Dante's relative Geri del Bello had been killed but not avenged, something which came back to haunt the pilgrim when he and Virgil came across his soul in *Inferno* XXIX. It is possible that Dante was here expressing – or trying to solve – a sense of uneasiness that came with the failure to avenge this wrong. In the poem, Virgil indeed tells him not to worry about that matter ('non si franga / lo tuo pensier da qui innanzi sovr'ello', 22-3). This episode makes more sense if read together with the legal prosecution of injurious speech (*verba iniuriosa*). Many of these insults were

[517] Bordone, 'Élites cittadine', 9, observed that elite men appeared frequently as witnesses in private acts of various kind.

often directed at people who had not performed vendetta. In December 1292, for example, the *podestà* of Bologna launched an inquest against the magnate Antolino Tebaldi – a frequent procurator, guarantor, arbitrator, and witness – and one Azzolino. The two had exchanged *verba iniuriosa* in the communal palace – a crime which could be tried *ex officio*. As various witnesses reported, Antolino had rebuked his adversary saying 'you did not vindicate your father, whose throat was cut open' (*non fecisti vindictam de gula segata patris tuo*), to which Azzolino replied 'leave me my vendettas' (*dimitte michi vindictas*), and 'I carried out my vendettas better than any man in Bologna' (*ego feci meas vindictas melius quam homo de Bononia*), adding moreover that he would have had Antolino's nose cut off. The trial ended with the acquittal of both men, as Antolino – who was a skilled lawman – demonstrated that the interrogation of one of the witnesses had introduced a procedural error.[518]

At first sight, it might seem surprising that Antolino – an active peace-maker – would uphold this logic of affront and victim-shaming. Yet as we have seen in many examples, many of the people who contributed to peace-keeping were frequently at war with each other. Making peace was a potentially humiliating activity, and one which required a considerable psychological effort. It is in this light that we should contextualise the presence of influential families at reconciliations. Like Virgil did when he told Dante not to worry about Geri, we could wonder whether the presence of powerful men had a legitimising role when it came to leaving animosities behind. If this were the case, their presence did not simply give validity to the act, but it also encouraged the actors to forgive each other in the name of the *bonus et pacificus status*. This is also suggested by the fact that clergymen attended dozens of reconciliations alongside lay citizens (although they were often related). Among them were not only mendicant friars – who preached extensively about the importance of peace and were behind the most important penitential movements of the thirteenth century – but also knights-friars, monks, and members of the secular clergy (more on this is said below).

[518] ASBo–*Inquisitionum*, 22, Reg.VI, 34r-38r.

During trials, witnesses were supposed to answer the questions posed during the interrogation. So, how did trial-witnesses participate in the peace-making process? As we have seen, around 7,500 accusatorial trials officiated between 1280 and 1296 reached the stage in which the prosecution presented their *testes*. Nevertheless, only 2,000 of them saw a full confrontation between the parties. Let us take an example from the War of S. Giuliano. On 9 August 1287, Giuliano Ragusi accused Gerardo Contessa of assault, from which Giuliano was in danger of death. The defendant appeared in court and presented his *fideiussores*. On 3 September, the plaintiff presented his two witnesses: Guido da Dugliolo and Lando Artenisi-Beccadelli, guaranteed by a relative of the latter, Musso Artenisi-Beccadelli. The witnesses were sworn in, and when they were interrogated about what they knew, they said that they did not know anything about the accusation (*dixit nichil scire de contentis in ea*). At that point, the judge declared the depositions of the two witnesses to be open for confrontation, and the trial was interrupted: the notary scribbled the word *ab*[*solutus*] in the margin of the *libellus*.[519] This seemingly bizarre episode was, in fact, quite common. During the same conflict, witnesses *de nichilo* ('of nothing') appeared in sixty accusatorial trials, all of which ended in an acquittal. In many cases, the people acting as witnesses were relatives of the *fideiussores* – as in the example above – or, sometimes, the *fideiussores* themselves. In another trial linked to the war of S. Giuliano officiated in June 1293, the banker Bonfantino Malpigli guaranteed for both parties and also appeared as a prosecution testis, claiming to know nothing.[520]

What was the logic of this practice? In his study of medieval criminal procedure, Vallerani suggests that the witnesses *de nichilo* were not produced by the accuser to testify about the facts concerning the trial but, rather, that they were needed to confirm the validity of the trial. In other words, the presentation of these testes 'serve no purpose other than to make the trial continue'.[521] This interpretation is problematic. First, *testes de nichilo* do not appear in all accusatorial trials, but only in those which had reached this preliminary stage of the *litis contestatio* and which did not

[519] ASBo–*Accusationes*, 6b, Reg.XI, 17v.
[520] *Ibid.*, 11a, Reg.III, 128v.
[521] Vallerani, *Medieval Public Justice*, 140.

reach a full courtroom confrontation. When the witnesses answered the questions asked by the judge, their words were recorded either on the same folio as the trial or in a separate *liber testium*.[522] Second, as Vallerani also pointed out, the only written mention of these witnesses – which are not discussed in any procedural manual, notarial treatise, or statutes – comes from a *riformagione* voted on 24 January 1295. What was proposed in this deliberation was that the production of such witnesses ought to be abolished. However, a careful reading of the text tells us that these *testes* were employed not so much to further the validity of the trial, but in order to interrupt it. Indeed, the text stated that 'the witnesses or those who produce witnesses *de nichilo* for accusations filed in front of the lord *podestà* [...] should not be received from now on' (*non recipiantur deinceps*). Instead, 'let it be sufficient that the accuser, before any witnesses are accepted or proofs presented [...] or before any witnesses are selected for inquisitorial trials [...] may renounce the accusation by means of a public document' (*sed sufficiat accusatorem* [...] *renuntiare accusationi*). Those plaintiffs who wanted to withdraw from an accusation at this stage should pay 12s. Those who failed to do by the given date would be charged for non-prosecution, and would be liable to a fine of *s*20, that is, the sum of the pledge required in order to initiate a trial.[523] There is no suggestion that the purpose of *testes de nichilo* was to add further validation to the trial: rather, this text suggests the contrary, that is, that plaintiffs employed these witnesses in order to interrupt it. The whole point of this deliberation was to simplify and lighten the procedure, after a year (1294) which had seen an unmanageable boost in the number of accusations. Prohibiting this practice and introducing a system by which accusers could formally renounce their accusations would prevent trials from uselessly dragging on for days and weeks, thereby taking some weight from the over-worked judges and notaries who administered the criminal courts.[524]

In the light of this, therefore, it is possible that the presentation of *testes de nichilo* had served not only to retrieve the pledge of £1 posted at the beginning of a trial, but also to add a further

[522] i.e., ASBo–*Accusationes*, 5b, Reg.XI, 25r (11/1286): the witness Tommaso dei Lateringhi answered the question in full, so that the formula 'dixit se nichil scire' was not recorded.
[523] ASBo–*Riformagioni*, Reg.149, 141v.
[524] Vallerani, *Public Justice*, 162, briefly discussed the *riformagione*, however failing to see the nexus between the abolishment of the witnesses *de nichilo* and the following norm on withdrawals from on-going accusations, treating them as parts of different processes aimed at achieving different results.

(and informal) element of pressure in order to force the opposing side to reach an agreement. Once this was achieved, the witnesses declared that they had nothing to say, so that the trial came to an end. This would also explain why the same men – or their relatives and collaborators – often appeared in this capacity: rather than leaving it to other people – who could not be fully trusted, especially in situations of mortal hatred – the guarantors-mediators probably preferred to have every stage of the process under control. Some men worked as 'professional witnesses'. For example, in the first semester of 1287, the notary Antonio Burelli testified in as many as eight different trials in little over a month.[525]

Despite frequent concerns about the presentation of false witnesses, the legislation which abolished this practice made no reference to perjury. As Emily Corran has recently argued, while lying was deemed to be a general evil, since the twelfth century, European intellectuals explored the morality of selective truth-telling, and justified lying in particular circumstances.[526] This affected every aspect of life and culture, from literature to legal practice. If cheating and fraud were particularly harmful because they undermined those links of trust which held society together and enabled its functioning – and were indeed treated with the utmost contempt and punished with harsh corporal sanctions – doing so in the name of the common good was a different thing entirely.[527] The witnesses *de nichilo* did not act in order to deceive, as they contributed to those informal processes of mediation which led to the re-establishment of harmony between enemies.

Testes de nichilo were not always employed. In around 2,000 trials, the parties decided to proceed to the stage of confrontation and battled against each other in the courtroom. Moreover, this system could only be applied in accusatorial trials, as in the inquisitorial procedure, the prosecution witnesses were found *in loco* by the judge: in this case, when witnesses declared themselves to know nothing, that was usually because they – for various reasons – preferred not to get involved. The outlawing of the *testes de nichilo* had an immediate effect on courtroom

525 ASBo–*Accusationes*, 6a, Reg.I, 60v-73v.
526 Corran, *Lying and Perjury*, 148.
527 On the condemnation of falsity in Roman and Canon law, see Herde, 'Römisches und Kanonisches Recht'; *idem*, 'Bestrafung von Fälaschern'. On judicial responses to fraud, see Caravaggi, 'Truffa delle statue di zucca'.

litigation and, presumably, also on the informal practices of mediation. Fewer trials reached the *litis contestatio*, and those which did dragged on for longer (this also altered the physical nature of accusatorial registers: from 1295 onwards, notaries began to stitch additional parchments to the *libri*, as the lengthy procedural writs could not be fitted onto single folios.) It is possible that this drawback also contributed to the slow decline of the accusatorial procedure in the course of the fourteenth century, although this aspect requires further investigation.

2. A NETWORK OF PEACE-MAKERS

From a sample of 1950 acts officiated between 1280 and 1296 (the 1044 criminal trials of Table VI plus 906 formal reconciliations), it emerges that 161 families played an important mediating role (see Table VII below). These were the 124 families of guarantors examined above plus thirty-seven other family-groups whose members appeared in at least seven acts as arbitrators, guarantors, or witnesses; or in at least five acts of the sample plus at least one of the conflicts reported in Appendix A (and not included in the sample) in those capacities. The table of Appendix B reads as follows: columns A and B report, respectively, the rank of each family based on the number of acts in which they appeared (in descending order), and the family-name. Names in small capitals indicate that at least a member of that family also appeared with a mediating role in at least one of conflicts listed in Appendix A. Bold indicates aristocratic families. Column C reports the total number of acts in which the members of each family appeared in a mediating capacity. The bracket indicates any additional acts listed in Appendix A and not included in the sample. Column D tells how many of the acts reported in the previous column were trials and reconciliations. Column E reports the 'collaboration index', that is, the percentage of acts in which each family collaborated with other families of peace-makers listed in the same table: these may refer to an arbitration brokered by a member of family X together with a member of family Y, a reconciliation attended by the members of X and Y, a trial in which X and Y pledged together (whether for the same party or not), and so on. Column F lists the number of other families with which each family collaborated. Finally, column G tells whether the members of a family were enrolled in one, two, or all three of the main *popolo* societies (merchants, bankers, and notaries).

Let us take, for example, the da Savignano (B, 1): six men of this family appeared in a total of sixty-seven acts, of which forty-four were trials and twenty-three reconciliations. The da Savignano collaborated with seventy other families in 84 per cent of the 67 acts in which they appeared. This means that in 16 per cent of those acts, their members appeared either by themselves or together with people not included in the sample.

The 800 or so members of these 161 families were a fraction (21 per cent) of the 750 recognisable kinship groups (plus a few hundred individuals only defined by patronymic) who appeared in auxiliary roles in the 1950 acts analysed in my sample. As stressed earlier on, these families did not hold a monopoly over peace-making. At times, *contado* lords and local notables appeared in the same capacity. The counts of Panico, for example, attended (as witnesses) at least four reconciliations between 1282 and 1296, and even settled a civil dispute between the magnate Dalfino de' Priori and the banker Giacomo Orsi.[528] Moreover, hundreds of individuals who did not belong to powerful families and who were not enrolled in the main guilds served in the same capacity – although they were almost never present in acts which had high-profile actors as protagonists. Clergymen only brokered few arbitrations (and never pledged in the court of the *podestà*), but they attended eighty reconciliations out of the 906 analysed in my sample (9 per cent). Similarly, the *podestà*, *capitano*, and their judges were present (as witnesses) in forty-eight peace-acts and arbitrations (5 per cent). While they were not alone, peace-maker families took the lion's share: their members were present in 1496 acts (77 per cent), and collaborated with each other in 811 cases (54 per cent). By contrast, the members of the other 590 or so recognisably family-groups who were also active with auxiliary roles in the same sample, appeared in fewer than five acts.

[528] For the arbitration: ASBo–*Memoriali*, Reg.47, 9r (1282). For the other acts: *Ibid*., 241v; Reg.49, 57r (1282); Reg.81, 78r (1292); Reg.90, 65r (1296).

	1280 (R)	**1282 (R)**	**1285 (T)**	**1287 (T-R)**	**1288 (T-R)**	**1290 (T)**	**1292 (T-R)**	**1293 (T)**	**1296 (T-R)**	**Total**
A) Total acts examined	94	115	73	407	282	51	428	265	233	1950
B) Acts in which peace-maker families appear (percentages relative to row A)	68 (72%)	99 (86%)	58 (79%)	308 (75%)	209 (74%)	31 (61%)	333 (78%)	212 (80%)	179 (77%)	1496 (77%)
C) Acts in which at least two peace-maker families appear (percentages relative to row B)	33 (49%)	57 (58%)	37 (64%)	150 (49%)	130 (62%)	14 (45%)	200 (60%)	113 (53%)	78 (44%)	811 (54%)
D) Peace-maker families active	75	95	77	146	146	39	154	114	114	161[529]
E) Peace-maker families which collaborated with each other in at least one act (percentages relative to row D)	65 (87%)	94 (99%)	68 (88%)	128 (88%)	131 (90%)	26 (67%)	144 (94%)	107 (94%)	102 (89%)	

Table VII. Activity of 161 peace-maker families in a sample of 1044 trials (T) and 906 reconciliations (R), years 1280-1296.
ASBo–*Memoriali*, Reg.42-43, 47-49, 67-70, 73, 81, 90 (plus the sources of Table VI).

Network analysis makes it easier to examine the extent to which peace-maker families collaborated with each other. Figure 10 (below) provides a graphic representation of the 811 acts of my sample in which at least the members of two families appeared as auxiliaries in the same case (rows C and E of Table VII). Each node represents a peace-maker family (with their size being determined by the number of connections). Each link (edge) represents an instance in which the members of two peace-maker families appeared as auxiliaries in the same act. Darker and thicker edges indicate repeated instances of collaboration. Finally, the families of peace-makers which were also directly involved in conflicts have a red node. Table VIII below reports the betweenness centrality values

[529] All 161 families listed in Appendix B collaborated with at least six other peace-maker families. Bottom of the list are the magnate Priori, who collaborated with other peace-maker families in three out of seven acts (from my sample).

(average, highest, and lowest values are given) of seven categories of family-nodes represented in Figure 10 (more is said below).[530] Together, Figure 10 and Table VIII show very effectively that many of the protagonists of conflict encountered in chapter III were also appearing as peace-makers in wars between third parties and in other disputes. These families were very-well connected to each other and to the other families of peace-makers (even if there were important differences, as explained below). While magnate clans (in capital letters) are grouped together in the lower part of the map (as these collaborated in a high number of acts), the absence of separate clusters of families is a testament to the high degree of interconnectedness of this network. Take, for example, the Lambertini: as we have seen, the members of this family were involved in a war with the Caccianemici, in a dispute with the *de Pacibus*, and in a brawl with the Galluzzi: nevertheless, the Lambertini occupy a central place in the network, and are linked to several other 'big connectors' by many darker edges. Rows D and E of Table VII (above) show that internal collaboration remained consistent throughout the period analysed: each year, more than 87 per cent of active 'peace-maker' families collaborated with each other.

[530] For the algorithm employed (available through GEPHI) see Brandes, 'Algorithm for Betweenness Centrality'. Betweenness centrality indicates the number of times any given node is at the centre of the shortest path between other nodes. Nodes with higher betweenness centrality values play a more central role in the network.

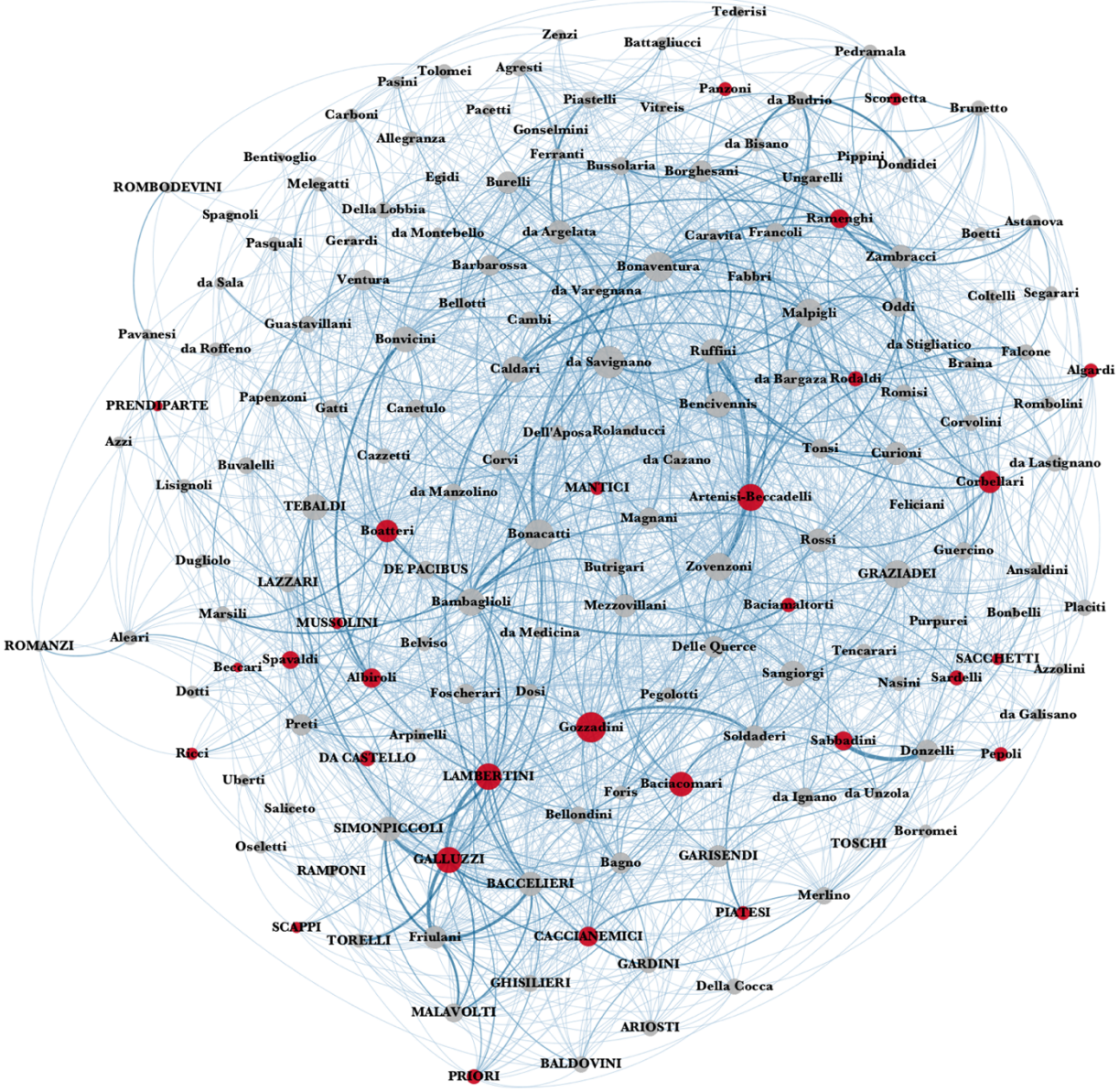


Figure 10. Network analysis of the collaboration between 161 peace-maker families in 811 acts, 1280-1296. (Small-capitals indicate aristocratic families, red nodes are families directly involved in conflict. For indexes of betweenness centrality, see Table VIII below)
Sources: same as Table VII
(Made by the author with GEPHI.)

	Categories	**Number of families**	**Betweenness centrality (average, highest, and lowest values)**
1	Peace-maker families (total)	161	Average: 95.76 Highest: 770.04 (Da Savignano) Lowest: 2.14 (Tederisi)
2	Magnate families	27	Average: 103.49 Highest: 428.23 (Graziadei) Lowest: 6.89 (Mussolini)
3	*Popolo* families whose members were enrolled in at least one of the three major corporations	86	Average: 146.1 Highest: 770.04 (Da Savignano) Lowest: 2.14 (Tederisi)
4	*Popolo* families whose members were not enrolled in any of the three major corporations	45	Average: 39.89 Highest: 124.31 (Da Bargaza) Lowest: 2.59 (Beccari)
5	Magnate and *popolo* families involved in at least one conflict (red nodes in Figure 10)	30	Average: 118.51 Highest: 503.65 (Gozzadini) Lowest: 2.59 (Beccari)
6	Magnate and *popolo* families whose members were active as mediators in the conflicts of Appendix A	109	Average: 125.06 Highest: 683.67 (Caldari) Lowest: 2.14 (Tederisi)
7	Magnate and *popolo* families whose members were active as mediators in at least twenty acts	50	Average: 242.78 Highest: 770.04 (Da Savignano) Lowest: 53.82 (Bussolaria)

Table VIII (relative to Figure 10). Betweenness centrality (average, highest, and lowest values) of the family-nodes represented in Figure 10. Calculated with GEPHI.

While the 161 families listed in Appendix B belonged to the upper strata of society, they were divided by internal socio-economic differences. First, twenty-seven were magnate clans, and many of their members were listed as *lupi rapaces* in the Ordinances of 1282 and 1284. In turn, this shows very clearly that while many modern historians have presented the magnates as a class incompatible with the values promoted by *popolo* regimes, in fact, many of them actually played a fundamental peace-keeping role. Take, for example, the case of the Galluzzi: at least fourteen of their members appeared in a mediating capacity in ten trials and twenty-five reconciliations (sample), plus sixteen more acts listed in Appendix A. In the following chapter, we shall see that this family played a key role in the management of dangerous conflicts, among which was the war of the mountain lords. This does not mean that magnate clans did not employ violence to pursue

their objectives: various members of the Galluzzi got into trouble many times (as also seen at the beginning of this chapter). In 1291, the brothers Galluzzo and Lippo di Catalano Galluzzi were condemned to death *in absentia* for ordering the murder of a peasant of Pollicino.[531] In 1293, the same sentence was issued against the brothers Albizzo and Maghinardo di Bonifacio Galluzzi for the killing of the judge Osberghetto de' Poeti.[532] Three months later, their relative Comazzo was tried (though acquitted) for the violent beating of a *popolano* (who swore to the judge that he did not know who had hit him).[533] In addition, Comazzo had also been involved in the conspiracy of summer 1287. Violence and peace-making could be complementary, as through these, powerful families such as the Galluzzi negotiated their place in society and maintained their elite status (more on this is said below).

Socio-economic inequality also ran between *popolani*: of the forty-four *popolo* families which appeared in twenty or more acts, thirty-nine (89 per cent) had members enrolled in at least one of the three main *arti*. However, of the ninety (*popolo*) families which appeared in fewer than twenty acts, only 63 per cent were enrolled in either the bankers, merchants, or notaries' guilds. This does not mean that the families at the top of Appendix B were necessarily wealthier or more influential. The case of the Pepoli is exemplary: Romeo was by far the richest man of Bologna (and one of the richest in Italy), and would later set the scale of civic politics. Yet his family only appears in eight acts of my sample (B, 141) and only once in Appendix A (III, '6'). By contrast, the da Savignano and Malpigli appeared in dozens of acts, but were far from being richer or more influential than many of the *popolo* houses listed below them. Moreover, neither family appears among the peace-makers in Appendix A. At the same time, not all actors invested their resources in the same way. Almost all magnate clans appeared more frequently in reconciliations than they did in trials. Conversely, *popolo* families were usually more active as courtroom guarantors. The reasons for this might be many: the *Ius proprium* of Bologna prevented magnates from pledging for *popolani* and vice-versa, and magnates did not have access to the same capital as rich merchant-

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[531] ASBo–*Inquisitionum*, 22, Reg.VI, 45r-53r for the trial; ASBo–*Accusationes*, 9b, Reg.XXXVI, 2rv for the sentence.
[532] ASBo–*Inquisitionum*, 27, Reg.VIII, 28v-31r.
[533] *Ibid.*, Reg.IX, 4r

banking dynasties (see below). At the same time, because of their superior social condition, the presence of magnates at reconciliations was most likely more desirable than that of middling-status men who mingled in the courts. Table VIII shows that families of different socio-economic status did not play equal roles within the network: the average betweenness centrality of *popolo* families whose members were enrolled in at least one of the three major corporations (Table VIII, row 3) is higher than that of aristocratic families (Table VIII, row 2) and far higher than that of *popolo* families not enrolled in any of the three major *arti* (Table VIII, row 4). In particular, and unsurprisingly, the highest index of betweenness centrality belongs to the fifty magnate and *popolo* families whose members appeared as mediators in at least twenty acts of my sample (Table VIII, row 7).

Nevertheless, all the 161 peace-maker families were part of the same, cohesive network. What they had in common was their recognised status as influential people who – thanks to their capital, connections, and knowledge of the law – could be trusted with the resolution of thousands of disputes. It is clear that at least to some extent, peace-makers knew that they could count on each other's support. This is revealed by the existence of repeated instances of collaboration between actors of different condition, who nonetheless built enduring relationships of mutual trust.[534] For example, the magnate Galluzzi worked alongside the *popolo* notarial families of the Bambaglioli (B, 9) and Bonacatti (B, 3) in at least four different acts.[535] When new *podestà* took office, they were probably informed of the existence of this network. Indeed, as we shall see in the following chapter, many foreign officers who faced difficult situations at the beginning of their terms of office sought the help of local elites.

The existence of such a web is similar to what Ian Forrest has observed for late-medieval English villages, in which groups of explicitly recognised trustworthy men (*homines fidedigni*) worked as intermediaries between the bishops and local communities. While rural villages were less socially complex than thriving metropolises, they were stratified enough to have substrata of

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534 As has been observed for credit networks: Briggs and Koyama, 'Pledging and Credit Markets', 6; also Greif, 'Institutions and Impersonal Exchange'.
535 ASBo–*Accusationes*, 6a, Reg.X, 46r (1287); *Ibid.*, 10, Reg.I, 36v (1292); *Memoriali*, Reg.81, 721r (1292); *Inquisitionum*, 14, Reg.XII, 32r (1288).

wealthier and more influential locals. These men assisted the bishops during pastoral visits, helped with the administration of the village, appeared as witnesses in inquisitions, and supplied precious information about other villagers and about the conduct of clergy-members. At the same time, these men – at least in theory – enacted those mechanisms of (moral) social control which were promoted by the bishops. In the English context, these people were institutionally recognised since the thirteenth century: their role as reliable advisors and points of contact for church administrators had almost assumed a formal nature.[536]

By contrast, in Bologna, the existence of such a group is not mentioned anywhere in the surviving documentation. The words *homines fidedigni* appear in the text of inquisitorial trials from the 1290s onwards. However, this formula did not refer to a specific group of people, but was employed more generally in order to stress the reliability of those who had denounced a specific crime to the *curia*: *ad notitiam ipsorum* [*dominorum potestatis et iudicis eius*] *pervenit fama publica clamorosa insinuatio precedens non a malivolis sed a fidedignis hominibus* [...].[537] The only explicit reference to a small (and institutionally recognised) group of peace-makers emerges in a number of *compromissa* copied in the *Memoriali* in the early 1300s, in which the arbitrators are referred to as the 'lords (or) officers for peace-making' (*domini* or *officiales ad paces faciendas*). The early Trecento was a turbulent time for Bologna, as the war against Azzo VIII and the rapidly-changing interregional political scenario faced citizens with divisive choices, which resulted in the formation of new tensions and the resurfacing of old animosities. In this context, keeping the peace had become, once again, a matter of great importance. Therefore, it is possible that the *domini ad paces faciendas* were one of many special commissions (*balìe*) created in this period of heightened emergency.[538] This was entrusted to a restricted group of powerful men from seven elite families of peace-makers.[539] Rather than

[536] Forrest, *Trustworthy Men*, 95-158, 307-48.
[537] I.e., ASBo–*Inquisitionum*, 23, Reg.VI, 10r (1293).
[538] The existence of this magistracy is only attested in the *Memoriali*, and is not discussed in any study of communal-age Bologna. In 1270, the government created a 'magistracy of peace', then covered by the consuls of three arms societies: Ghirardacci, *Della historia*, 220.
[539] i.e., ASBo–*Memoriali*, Reg.103, 245v, 335r, 364v, 366v, 391r, 393v, 499r, 657r (1302). The families were the magnate Piatesi and Rombodevini, and the popolane Tolomei, Borromei, da Canetulo, Artenisi-Beccadelli, and Soldaderi. The Artenisi-Beccadelli later sided with the Black faction, and were exiled in 1303.

creating a new practice *ex novo*, the government had simply institutionalised pre-existing informal (and efficient) practices.

The network of peace-makers active in the 1280s and 1290s probably emerged organically, and was built on top of several pre-existing webs of diverse nature. Associationism was a key part of late-medieval life.[540] Men and women took part in multiple, overlapping units, both formal and informal: families, confraternities, business companies, corporations, and city councils, but also extended webs of friendship, local factions (*partes*), and credit networks. The 800 jurists, bankers, merchants, notaries, and other professionals who appeared as auxiliaries in thousands of trials and reconciliations were also friends, neighbours, and business partners. Trust and credit economics were inextricably linked. The extent to which economic interdependence linked these families together emerges with striking clarity from the sampling of 174 loan contracts (*mutui*) recorded in the *Memoriale* of July-December 1288. Eighty-four of the families listed in Appendix B were directly involved in 109 loans (62 per cent) either as lenders or borrowers (or both, as money-lenders often borrowed from third-parties in order to fund their cash reserves). In particular, forty-six peace-maker families took part in the same twenty-seven financial transactions. Of these, the members of thirty families who either lent money to each other or borrowed together in fifteen acts also acted as mediators in a large number of trials and reconciliations. For example, on 13 October (1288), the banker Pietro Artenisi-Beccadelli lent £116 to various men of the Astanova, da Savignano, Dell'Aposa, and Delle Querce, to be repaid in six months.[541] In 1287, the Artenisi-Beccadelli had appeared as witnesses in three different reconciliations with, respectively, the da Savignano,[542] Dell'Aposa,[543] and Delle Querce.[544] In 1292, various men of the Artenisi-Beccadelli and Astanova would pledge together in two different trials.[545] In addition, members of the da Savignano attended reconciliations together with members of the Astanova and Dell'Aposa in, respectively, 1282 and 1287,[546] and acted as *fideiussores* in a criminal trial together with the Delle

[540] As also observed for early-medieval societies: Althoff, *Family, Friends, and Followers*.
[541] ASBo–*Memoriali*, Reg.73, 325r.
[542] *Ibid*., Reg. 69, 258v.
[543] *Ibid*., Reg. 68, 353v.
[544] *Ibid*., 266r.
[545] ASBo-*Accusationes*, 10, Reg.I, 65r-66v.
[546] ASBo–*Memoriali*, Reg.47, 91v; Reg.67, 125v.

Querce in 1290.[547] It is difficult to tell whether these transactions were part of business ventures or whether they were aimed at reinforcing the links between borrowers (it could well be both). Money-lending was not the only economic activity which linked different peace-maker families to each other. Another common joint business venture was tax-farming. For example, in September 1288, Bernabò Gozzadini, Bonacosa Mussolini, Bolognetto Bonaventura, and members of other elite families invested £1000 in return for the right to collect the consumption tax on wine and vinegar (*datium vini*) for two years.[548]

Not all peace-makers were natural allies. Enemy families such as the Lambertini and Caccianemici, Galluzzi and Priori, Piatesi and da Castello, Artenisi-Beccadelli and Baciacomari, Ricci and Boatteri, Ramenghi and Beccari, and many others joined forces repeatedly. Cooperation between enemies was a key to the functioning of this system, as this prevented the formation of internal factions: Figure 10 above shows clearly that all 161 peace-maker families were part of the same, dense relational cluster, and that the families involved in reciprocal wars were not isolated.

The pursuit of the *bonus et pacificus status* was key to the political programme pursued by the *popolo* regime: the achievement of this goal was not simply a prerogative of governmental councils, but also depended on the collective (and collaborative) efforts of those who participated in the government. But there were also many other reasons for participating in peace-keeping. First, acting as a peace-maker probably brought considerable social and political renown. It is not a coincidence that between the thirteenth and fourteenth centuries, new *signori* sought to consolidate and legitimise their rule by pacifying disputes between their subjects: the case of the *podestà* Antonio Fissiraga (above) is exemplary, but similar cases may be found throughout central and northern Italy.[549] The same could thus be argued for Bolognese peace-maker families. Many of the families

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[547] ASBo–*Accusationes*, 9a, Reg.II, 53r.
[548] ASBo–*Memoriali*, Reg.73, 59r-62v. Other tax-faming contracts from 1288 are preserved in ASBo–*Procuratori*, 4, Reg.XXXV. See also Vendittelli, 'Interessi privati e finanza pubblica', 54-116.
[549] Moglia, 'Pacificare per governare', for the pacification of enemy factions in mid-1200s Parma. Also Antonioli, *Signoria di Taddeo Pepoli*, 146-62: Taddeo Pepoli (Romeo's son), who ruled over Bologna in 1337-1347, styled himself as the *conservator pacis et iustitie*. For the peace-making activity of the Florentine rulers in the early 1300s, see Klapisch-Zuber, *Ritorno alla politica*, 101-8; see also Zorzi, 'Governo personale in Toscana'; Perani, 'Signori capifazione'.

whose members appeared as mediators in the conflicts of Appendix A were among the most powerful and politically active of the city. As I have suggested, violence and peace-making were two faces of the same coin, through which the elites consolidated their position as trustworthy members of society. Peace-keeping was about power. Violence alone was not enough: as we have seen, the language of vendetta was appropriated by virtually anyone ranging from peasant women to urban aristocrats (and members of the clergy), and its excessive use resulted in judicial condemnations and social ostracisation (and this will emerge with clarity in the following chapter). By contrast, as we have seen, peace-making was almost exclusively operated by lay males from urban socio-economic and political elite families. By doing this, this restricted group appropriated a series of practices which, in the hands of some historians, has been gendered female. It is possible that women acted in peace-making capacity in other ways: for example, by pressuring their male kin to accept the mediation attempts of peace-makers, or by convincing the latter to join efforts with their enemies in order to pacify disputes. However, because of the informal nature of these dynamics and the silence of the documents, this is destined to remain a conjecture. Echoing what Forrest has noticed for the English context, these unequal and gendered dynamics were not simply a reflection of the society of which they were part, but also served to reinforce and structure those same power dynamics.[550]

Peace-keeping was also good for business. Simply put, political stability meant that trade could prosper. As I have suggested, many professional guarantors-mediators probably demanded the payment of a small fee, although this was not always the case. In addition, by enabling political stability and securing the prosperity of the *popolo*, magnates could obtain vital benefits. By the late 1200s, many noble families were experiencing a phase of economic decline, with the consequence that their own fortunes paled in comparison with those made by merchant-banking groups.[551] Therefore, aristocrats had frequent recourse to borrowing, but because of their notorious insolvency, extending credit to them was risky: it was not uncommon for bankers to sell their debt-recovery rights in a secondary market, often to members of other aristocratic families. For

[550] Forrest, *Trustworthy Men*, 6, 155-57, 241-45.
[551] Poloni, *Lucca nel Duecento*, 21-8, 68-76; Cammarosano, 'Evoluzione dei ceti dirigenti', 17-8.

example, in July 1286, the banker Bettino Bianchi di Cosa was forced to sell his rights on a credit of £600 owed by various men of the Baccelieri, Caccianemici, Galluzzi, Lambertini, Piatesi, Prendiparte, and Samaritani: the buyer was Tommaso di Bonifacio Ariosti, another magnate frequently in contact with the insolvent aristocrats.[552] It is possible that by helping the regime to remain in charge, magnate clans also indirectly enhanced their credit-worthiness, thereby managing to receive rich loans from wealthy merchant-banking families. The extent to which this section of society had recourse to borrowing is revealed by the 174 loans analysed for 1288: of these, thirty-one (18 per cent) were contracted by eighteen noble families, for a total sum of £2673, 4s:

Sums borrowed (range)	**Number**	**Borrowers (magnate clans)**
£20-£50	16	Ramponi (x2), Tebaldi (x2), Galluzzi (x4), Caccianemici (x2), Romanzi, Catalani, Toschi, Baccelieri, Graidoni, Priori, Prendiparte, Catalani, Lambertini (x2), Mussolini
£51-£100	7	Asinelli, Mussolini, Prendiparte, Malavolti, Lambertini (x2), Galluzzi
£101-£200	5	Lambertini (x4), da Badalo, Galluzzi, Maranesi, Prendiparte
£201>	3	Mussolini (x2), Lambertini

Table IX. Loans contracted by eighteen magnate clans in 1288, II semester.
ASBo—*Memoriale*, Reg.73.

Finally, helping one's neighbours and keeping the peace fulfilled a quintessentially Christian role.[553] As we have seen, the peace-makers visible in the documents were almost exclusively lay members of society, although clergymen did broker a number of *compromissa* and appeared as witnesses in around 9 per cent of reconciliations. Christianity could not be separated from any part of secular life, let alone the ending of conflict: peace-keeping was fully imbedded in religious

[552] ASBo–*Memoriali*, Reg.60, 6r.
[553] Jansen, *Peace and Penance*, 1-12.

discourse and symbolism, whether this was carried out by laypeople or by members of the religious orders. The *bonus et pacificus status* sought after by the *popolo* regime was a material as much as a spiritual condition: this could only be achieved if conflicts were brought to an end (or anyway kept under control) *and* if *boni mores* were upheld. We can only imagine what peace-makers told enemy sides when they tried to reconcile them. Disputants actively involved in the economic and social life of the polity might have been particularly receptive to discourses on the importance of peace for the obtainment of *lucrum*. At the same time, it is also possible that peace-makers reminded their trustees that charity, penance, and meekness were essential for the salvation of the soul. For example (and to remain within the Bolognese context), in his *arringhe* – nine of which were on the topic of peace-keeping and ten on the correct administration of justice – the notary Matteo dei Libri included many citations from the Book of Proverbs, St Augustine, St Gregory the Great, St Paul, and the books of Jeremiah and Isaiah.[554] By collaborating with each other and settling thousands of disputes, the people behind the peace secured political stability and – as in the drawing made by Enrichetto Delle Querce in mid-August 1287 – created an ideal community closer to the City of God.

CONCLUSION

> Look well at us, and you will see that we have all the character and habits of the wasps [...]We collect in swarms as if in hives, and some of us go judging at the Archon's Court, others at the Court of the Eleven and others at the Odeon [...] As to how we make our living, we can come up with many schemes: we sting everyone with a bitter sting and out pops our loaf of bread.
>
> (Aristophanes, *The Wasps*, 1101-1115)

In his 422 BC comedy – a political satire of the Athenian jury system – Aristophanes poked fun at the group of 5,000 or-so citizens-jurors (dicasts) who adjudicated all cases brought to the various lawcourts of their city. The satirist thought that because of the very small fee which jurors got in return for their service, the whole system was exposed to corruption, while the citizens who

[554] Vincenti, 'Introduzione', ciix.

participated in the judiciary were dependent on dangerous demagogues.[555] In thirteenth-century Bologna, as in classical Athens, the courts were frequented by a tight web of citizens who played a central role in the administration of public justice. By the late 1200s, peace-keeping was far from being the exclusive prerogative of civic authorities. Nevertheless, the similarities between these two different historical contexts are only apparent. In Athens, the jurors were mostly elderly and poorer citizens, for whom the 'loaf of bread' earned thanks to their work in the courts constituted their only source of income and sustenance.[556] Moreover – at least according to Aristophanes – Athenian jurors were vengeful and mean (perhaps, in the playwright's view, because of their deprived condition), and took pleasure in 'stinging everyone with a bitter sting' – that is, in issuing guilty sentences.[557] By contrast, the 161 families of peace-makers which I have identified in this chapter belonged to the upper echelons of urban society. Most importantly, Bolognese mediators did not seek to sentence all defendants but, on the contrary, strove for forgiveness, one of the main two attributes of public justice: virtually all trials in which they intervened ended in an acquittal of the defendants, who were then reconciled with their former enemies.

These men did not work against the 'state', nor did they favour private relations over public institutions. They were the same men who made up the civic government, sat in its councils, and administered its courts. Some of them taught Roman and Canon law in the local *Studium*, and were consulted by the *anziani* and by civic and ecclesiastical judges. Especially in Bologna, the rules of procedure had an almost sacred importance, and the right of due process was granted to everyone, although status influenced the application of that right. Therefore, when peace-makers brought trials to an end, they did not seek to undermine the functioning of public justice. Their main aim was not to reinforce public apparatuses but, rather, to reconcile enemy parties in order to achieve the *bonus et pacificus status*: that is, that material and spiritual condition which would allow society – and, therefore, all individuals – to prosper.

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[555] Rodgers, 'Wasps in Court', 154.
[556] *Ibid.*, 155; Also Murray, *Aristophanes*, 82.
[557] Rodgers, 'Wasps in Court', 157.

The system of peace-keeping uncovered here was largely informal. While mediators took on formal roles, the ways in which they used their positions was uncodified, and can only be reconstructed indirectly. The tavern scene with which this chapter opened shows that peace-makers continued to offer their support well beyond the courtroom or the redaction of a peace-act: that evening of February 1299, the two former enemies had been accompanied by members of various families listed in Appendix B. Nevertheless, the same episode also shows that pacification attempts were not always successful. In the following chapter, we shall see that this system had other limits: its reliance on internal collaboration meant that the formation of political divisions could have an immediate effect on its efficiency. At the same time, the intercession of a restricted group of powerful individuals could be a double-edged sword. If on the one hand, they provided help to thousands, on the other, they did not assist everyone in equal measure. As a consequence, this undermined the right of due process, and created a liminal area between tolerance and illegality (an aspect further explored in chapter V). But for all its faults, this system worked well enough to settle thousands of disputes and to keep the most dangerous conflicts under control, as I show in the following chapter.

Chapter V.
Keeping the peace

INTRODUCTION

In the late 1200s, the city and *contado* of Bologna remained characterised by dozens of internecine conflicts, some of which involved multiple family-groups and posed serious threats to the stability of the regime. The present chapter argues that these enmities were prevented from creating city-wide divisions like those experienced in the mid-thirteenth century. Such an outcome could be avoided thanks to the collaboration between civic authorities and the network of peace-makers analysed in chapter IV. I here engage with and contribute to the on-going debate on the attitudes of communal governments towards conflict and violence, with a special focus on the question of vendetta.

On the one hand, a group of revisionist historians led by Andrea Zorzi have presented conflict as a common and persistent feature of communal society. On this argument, feuding and vendetta were among many other accepted and sanctioned infra-judicial practices of dispute resolution, alongside the recourse to criminal justice, and private reconciliations. The parties at war thus conducted their own enmities without too much external interference, provided that they followed the rules of the *Ius ad bellum*. Civic authorities only intervened if these laws were contravened, or if the hostilities went too far and threatened to cause extensive divisions.[558] On the other hand, in recent years, other scholars have argued that from the second half of the Duecento onwards, many cities (with the notable exception of Florence and few others) outlawed vendetta, while public institutions became stronger and less tolerant towards interpersonal violence.[559] These new studies have abandoned an older statist assumption according to which internecine fighting was a sign of the weakness of communal governments, then unable to achieve a monopoly of violence. Yet the argument has been that by the late 1200s, peace-keeping was

[558] Zorzi, *Quadro politico*, 91-4; Gardoni, 'Conflitti, vendette e aggregazioni familiari', 84; Guarisco, *Conflitto attraverso le norme*, 149-98; *idem*, 'Pratiche della vendetta'.
[559] Dean, 'Violence, Vendetta, and Peacemaking'; Kumhera, *Benefits of Peace*, 6-7; Roberts, 'Vendetta, Violence, and Police Power', 3-4.

becoming a centralised process of law-enforcement in the hands of the *podestà* and other civic magistrates.[560]

As I showed in chapter II, the *Ius proprium* of late thirteenth-century Bologna did not sanction vendetta and did not recognise the right of feud. However, the evidence analysed in the following pages nuances both sides of the debate. Peace-keeping was more complex than many existing studies have conceded, as it was not simply a matter of enforcing existing laws. The nature of the responses given to conflict were dynamic and responded accordingly to evolving situations. Both forgiveness and coercion – the two main attributes of public justice – were employed: in order to work, these required full collaboration between different jurisdictional units and local elites.

Section 1 focuses on peace-keeping inside the city-walls, and uses the feud of S. Felice (A, VIII) as a case study. Section 2 turns the attention to conflict resolution (or management) in the *contado*, an aspect which (especially in communal-age studies) has received little historiographical attention. Section 3 shows that the system of peace-keeping analysed here did have significant side-effects, as it made it possible for well-connected actors who knew the 'rules of the game' to use violence with near impunity. Finally, the conclusion addresses the question whether peace-keeping was effective, and what this might have meant in the thought of contemporaries.

1. KEEPING THE PEACE IN THE CITY

1.1 *The feud of S. Felice (c.1285-1293) (A, VIII)*

The feud of S. Felice is the best documented example of a conflict fought within the city-walls. The main belligerents were the elite *popolo* houses of the Ricci and Boatteri, each supported by middling-status families (respectively, the Spavaldi and Albiroli, and the Baciamaltorti and Avvocati), and by extensive webs of clients. Their rivalry arose from coexistence within the same geographical, political, and economic spaces. Both families resided in the *borgo* of S. Felice, and were enrolled in the arms society of the Lions and in the notaries' guild. Their members featured

[560] *Ibid.*, 5. This is also the main argument made in *idem*, *Police Power*; and Grillo, *L'ordine delle città.*

prominently in the restricted council of the *anziani*, and were active in wool trade. When the wool-makers formed their own guild in the early-fourteenth century, both the Ricci and Boatteri joined its ranks.[561]

Before 1288, the two families did not fight against each other directly, although their allies and clients did (A, VIII, '1-6). The latter were not simply carrying out a proxy war on behalf of their patrons, as they were motivated by interpersonal hatreds, and were pursuing their own objectives, such as the control of local offices (see chapter III). Direct hostilities between the Ricci and Boatteri only broke out in 1288, following a heated dispute over the *Ius patronatum* of lands connected to the Benedictine monastery of SS. Naborre e Felice (A, VIII, '7-8, 10-11'). In the following five years, the Ricci and Boatteri took part in at least two brawls in the communal palace (A, VIII, '12, 14'), and in a street battle (A, VIII, '16'). The enmity was also conducted in the courtrooms, as both sides filed lawsuits against each other and even had recourse to false accusations (A, VIII, '7, 15').

Even if conflict was not inevitably disruptive of social order, the Ricci and Boatteri were not left alone to wage their war. In Bologna, as seen in chapter II, the right of feud was not contemplated by the statutes, and assaults motivated by vendetta were actually punished more harshly. Each episode of violence saw the direct intervention of their peers and social superiors. While from a legal point of view, the quality of the crimes committed did not change dramatically – as no homicides were apparently committed – the counter-measures taken by civic authorities became increasingly more serious as the conflict unfolded. The effectiveness of these measures completely depended on the peace-makers' support. In turn, the protagonists of conflict could not afford to disregard the attempts at mediation, since they otherwise risked ostracism and exposure to the more repressive side of public justice.

When hostilities broke out in 1288, high-ranking civic authorities and many influential families intervened immediately. The false accusation filed by Giacomino Avvocati against abbot Silvestro (discussed in chapter III) was taken up to the council of the *popolo*. Having sensed the

[561] For the political activity of these two families: Blanshei, *Politics and Justice*, 40-1, 549.

dangerousness of this situation, the councillors voted to confer arbitrary power on the current *podestà*, Corso Donati of Florence, in order to try the perjuring notary (A, VIII, '7'). Forgery was a very serious crime, as this undermined those links of trust which held society together: the fact that Giacomino was a notary – a figure invested with *publica fides* – accentuated the gravity of his actions. Therefore, despite the fact that the Avvocati were well-connected, none of the guarantors-mediators pledged for the defendant, who was forced to flee the city and was thus condemned *in absentia*. This episode shows that in order for such measures to be effective, it was vital that peace-maker families maintained a united front. Deciding not to represent a defendant was also a form of collaboration, arguably as important as pledging together in the same trials, or showing up to the same reconciliations. Of course, the relatives or allies of the accused could have posted sureties, although, as explained in chapter IV, the *approbatores securitatum* were the same people who acted as frequent *fideiussores*: in 1288, this office was controlled by the Gozzadini.

When in November, the notary Giacomo Spavaldi filed a lawsuit against the Boatteri for the illegal occupation of the contested lands of S. Maria, the same strategy was employed: the accused were not represented by any guarantors, and were thus condemned to pay a fine of £400 (A, VIII, '8'). By letting the Boatteri and their allies be punished by public justice, their peers and social superiors were, simultaneously, distancing themselves from the party at fault, and carrying out a retaliation on behalf of the Ricci, without permitting them to have recourse to violence. These were delicate operations, which required planning and liaison between the network of peace-makers and civic authorities. It is possible that these matters were discussed in the council of the *podestà*, or even informally in the houses or courtyards of peace-maker families. The communal period could be defined as an 'age of assemblies': these were held for virtually anything from the decision whether and how to carry out a vendetta, to (local and interregional) political matters. It is only logical to assume that peace-keeping brought people together in a similar fashion.

Tensions resurfaced again a few months later. In July 1289, some members of the two sides brawled in the communal palace, a crime which was immediately tried *ex officio* by the new *podestà* Giacomo de' Giacomi. This time, both sides were reconciled through the system of pledges

explored in chapter IV (A, VIII, '9'). The trial ended in an acquittal, but it was clear that an informal out-of-court settlement would not suffice. Early in September, shortly after the conclusion of the judicial proceedings, the merchant Rolando Sabbadini – who had also pledged for the Boatteri – requested permission to address the council of the *popolo* on the matters of S. Felice, for the sake of the *bonus, quietus et pacificus status hominum dictarum contratarum*.[562] The council was the main legislative and executive governmental body, and the fact that the feud of S. Felice was brought to its attention twice demonstrates the extent to which contemporaries feared the potential disruption caused by this conflict. Rolando's proposal won by a large margin, and on 29 September, the council authorised the *capitano* Enrico da Martinengo to proceed 'for the benefit of the commune and *popolo* of Bologna, and especially of the men of the *borgo* of S. Felice' (*utilitate communis et populi Bononie et maxime hominum burgi Sancti Felicis*).[563] (The *podestà* was away at Reggio Emilia on a diplomatic mission: although the order to call him back to Bologna had been issued on 26 September, he had not yet returned.)[564]

Enrico acted swiftly. On 1 October, he summoned the representatives of the two sides and required them to follow his orders on pain of £1000 per family-member. The surety was deposited by the members of various peace-maker families who had already intervened as mediators. Then, on 12 October, the *capitano* set out the conditions of the arbitration in the communal palace, in the presence of the main belligerents, their *fideiussores*, and the members of various powerful families, among whom were the Galluzzi (A, VIII, '13'). Enrico did not simply impose a pacification. 'Willing to eradicate the origin of this [conflict]' (*volens extirpare horiginem dicte rei*), he sought to find a solution which would satisfy both parties and restore their honour. First, Enrico ordered that Giacomo Spavaldi (an ally of the Ricci) pay £300 to Graziolo Boatteri as compensation for the accusation filed against his family in November 1288 (A, VIII, '8'). Apparently, regardless of the false accusation made by Giacomino Avvocati, the Boatteri had actually held a valid claim to the contested properties, so that the condemnation of £400 had

[562] ASBo–*Riformagioni*, Reg.129, 282v-83r.
[563] *Ibid.*, 284r.
[564] *Ibid.*, 281v.

been issued unjustly and was now being partly compensated. Then, Enrico also acquitted Giacomino Avvocati from the condemnation issued against him a year before, and restored his legal rights and privileges to which he was entitled as a *popularis*. In return, the *capitano* ordered Giacomino (and his party) to renounce all rights and claims he had on the contested lands of S. Maria, and that, therefore, all recent transactions concerning those lands be repealed. Finally, the *capitano* freed the guarantors from their obligations. The terms of the arbitration were to be respected on pain of £1000, a sum pledged directly by the belligerents. Incidentally, Enrico's decision to cancel the sentence issued against Giacomino annoyed the *podestà*, as the administration of criminal justice was his exclusive prerogative.[565] The matter was resolved, but this minor incident demonstrates that the collaboration needed in order to keep the peace was as essential as it was delicate: internal disagreements could lead to further instability, and seriously jeopardise the functioning of the whole system.

Despite these efforts, the animosity between the two families did not fade. Because of the scarce survival of judicial records for the years 1290 and 1291, we only know of three episodes in which the Ricci and Boatteri clashed, but it is likely that there were more (A, VIII, '14-16'). The first was another brawl in the communal palace which had as protagonists Tommaso Ricci and Martino Boatteri: the trial ended in an acquittal thanks to the intercession of guarantors-mediators. By contrast, the second episode was more serious. In April 1290, Bettino Ricci wounded his own hand and then pretended that he had been assaulted by Baldo and Giacomo Boatteri. The two promptly denounced the fact to the *podestà* Raimondo dei Cancellieri of Pistoia, who launched an inquisition against the accuser. Similarly to what had happened with Giacomino Avvocati in 1288, the perjurer was left to his own devices. Rather than fleeing the city, however, Bettino appeared in court and confessed to his crime, perhaps hoping to obtain clemency.[566] Unfortunately for him, however, the *podestà* had little patience for this kind of crime: during his term of office, Raimondo condemned a fraudster to be burnt at the stake, a peasant who had filed

[565] The *podestà* Giacomo de' Giacomi wrote to the *capitano* that he 'must not interfere in those matters which are proper to the office of the *podestà* [...]': ASBo–*Inquisitionum*, 17, Reg.I, 9v-10r.
[566] ASBo–*Accusationes*, 9a, Reg.III, 1r.

a false accusation for homicide to be decapitated, and another false accuser to have his right hand amputated.[567] Bettino met a similar fate: in a *contrappasso*-style punishment, the rector condemned him to have the hand which he self-injured amputated from his arm (*manus dextra in qua vulnus sibi fecit... sibi amputetur*). The sentence was executed.[568]

Finally, the hostilities and tensions between the two houses climaxed in December 1291. The two groups – each counting a few dozen men between family-members, allies, and clients – were heading to the communal palace when they crossed paths near the *curia communis*: insults soon gave way to the throwing of stones, after which various men of the two sides unsheathed their swords and knives and charged into each other. The battle produced many 'blows and bloody wounds' (*percussiones et feritas sanguinolentas*): among the wounded were Zaccaria Ricci, the belted knight Cervo Boatteri, Desio di Graziolo Boatteri, and many clients of both sides (A, VIII, '16'). The *berroerii* of the *podestà* ran to the scene, and arrested all the people who had taken part in the clash. As this had taken place within the boundaries of the *curia communis*, the *podestà* could proceed by inquisition. At that time, the office was occupied by Enrico da Martinengo, the same Lombard nobleman who had served as *capitano* two years before, who was thus familiar with the protagonists and dynamics of this enmity. Rather than organising a new reconciliation, this time he proceeded with the investigation, interrogating both witnesses and the protagonists of the tumult (A, VIII, '17'). After the first examination, Enrico decided that the men should be kept in the communal prison, in order to prevent further outbreaks of violence. Jail was an unsafe and temporary option: the guards swore to keep the prisoners and not to release them, on pain of the astounding fine of £20,000 (*banno vigintimille librarum debeant eos custodire*).[569]

When Enrico's successor, Rosso Della Tosa of Florence, took office on 1 January 1292, he did not waste any time. Rosso immediately summoned seven men of the Boatteri, a Baciamaltorti, four Ricci, and a Spavaldi, and ordered them to follow his future precepts, on pain of £1000 per person. This time, among the pledges were members of the highest civic elite: the Boatteri and

[567] *Ibid.*, 2v-3r. I discuss the case of the fraudster in Caravaggi, 'Truffa delle statue di zucca', 3-9.
[568] ASBo–*Accusationes*, 9a, Reg.III, 1r.
[569] ASBo–*Inquisitionum*, 22, Reg.II, 147v.

Baciamaltorti were guaranteed by the magnate Ariosti, Baccelieri, Caccianemici, Galluzzi, Malavolti, Priori, and Simonpiccoli, while the sureties for the Ricci and Spavaldi were posted by the magnate Baldovini, Gardini, and Garisendi, and by the *popolani* Codeghelli, da Bagno, Della Cocca, Della Lana, Gozzadini, and Lunani.[570]

It was essential to keep the Ricci and Boatteri away from each other, but civic jails, as we have seen, were not a long-term option. Therefore, on 3 January, Rosso decided to impose territorial restrictions (*confines*), a coercive measure which could be employed in the most dangerous situations.[571] The Ricci were ordered to reside in the house of Francesco de' Preti in the parish of S. Tommaso del Mercato (Porta Ravegnana). Meanwhile, the Boatteri were first moved to the house of the magnate Dalfino de' Priori in S. Maria della Baroncella (Porta S. Procolo), and were then relocated to the residence of the aristocrat Baldovino Baldovini in S. Barbaziano on 20 January, as this was closer to the communal palace.[572] The Baldovini, Preti, and Priori were all families of frequent peace-makers, and had intervened as mediators in this conflict at various stages. This is a very explicit demonstration of the extent to which peace-keeping continued to depend on the direct collaboration between civic authorities and local elites. Yet this collaboration went even further. Since both the Ricci and Boatteri had to reach the communal palace for various reasons, Rosso assigned specific paths that the confined had to follow in order to avoid running into each other. These routes were most likely designed with the help of councillors familiar with the socio-political and territorial geography of the city, and they deliberately passed through a series of 'checkpoints' controlled by powerful peace-maker families. For example, the Ricci had to take the road which led from the houses of the Preti to the houses of the *de Pacibus*; from there, they would have to take the road to the house of Francesco Savelli, then turn towards S. Senisio, and from there proceed to the palace of the bishop. Then, they were to pass through the *trivium* controlled by the Lambertini, and enter the communal square from the left (facing south). The Ricci were not to take any other paths, on pain of £1000.[573] Both paths

[570] ASBo–*Corone*, 4, Reg.III, 33v-36r.
[571] *Statuti di Bologna 1288*, b.IV, r.XX, 186.
[572] ASBo–*Corone e Armi*, 4, Reg.III, 33v-35r.
[573] *Ibid.*, 35v-36r.

went through alleyways, streets, and courts controlled by elite families. In addition to demonstrating, once again, the centrality of informal instances of collaboration, this example also shows that 'private' control of urban space did not necessarily work against the *publicum* (as I anticipated in chapter III). The same families which waged war against each other in order to defend their territories were also ready to grant 'transit rights' and to support the measures taken by civic authorities in order to protect the *bonus et pacificus status*.

The trial ended in an acquittal, and on 16 May 1292, Rosso allowed the Ricci and Boatteri to return to their own houses in S. Felice. On 1 July, at the beginning of his end-of-term review, the *podestà* ordered the two families to stay at home for a fortnight, probably to avoid any surprises whilst his actions were under scrutiny.[574] Tensions probably rose for a final time in the summer of 1293, as in August of that year, the *podestà*, Ottolino da Mandello of Milan, summoned the males of at least fourteen years of age of the Ricci and Boatteri, and assigned the same *confines* of a year before, with the Preti and Baldovini acting as guarantors (and, again, as hosts) (A, VIII, '19'). The path given to the Ricci was modified slightly, as rather than passing through the territory controlled by the Lambertini, the *podestà* ordered them to reach the communal square via the court of the Prendiparte, another magnate clan of peace-makers.[575] After this date, the conflict between the two families probably died down, as nothing else emerges from the judicial and notarial documentation produced in the following years.

By contrast, the clashes between their clients did not generate as much apprehension. Their enmity was probably not deemed to be dangerous enough to justify the employment of coercive measures. This does not mean that non-elite men and women were allowed to fight against each other but, rather, that their actions could be kept under control though standard criminal procedure and by local mediators. As I argue in the following chapter, proportionality and relativity were key characteristics in contemporary scholastic thought, and might have also influenced the working logic of peace-keeping practices.

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[574] *Ibid.*, 91r.
[575] ASBo–*Inquisitionum*, 27, Reg.VIII, 5v.

For example, when the allies and clients of the Ricci and Boatteri clashed in a violent street battle in January 1289, this matter was neither taken to the council of the *popolo*, nor did it elicit coercive measures (A, VIII, '9'). The protagonists of the clash accused each other of assault in the criminal court of the *podestà*. Interestingly, the Ricci and Boatteri did not side with their clients, but tried to mediate between the two sides by pledging for both. The hatred was probably too intense for the guarantors to achieve an early settlement, and the trial advanced to the examination phase. Between late January and early February 1289, dozens of witnesses were presented by the belligerents and interrogated by the judge Alberto da Gandino. Once the belligerents had reached some sort of emotional satisfaction, peace-makers could finally intervene and organise an arbitration (A, VIII, '11'). This was celebrated on 11 March, and was mediated by the consuls of the arms society of the Lions, in which many of the mediators and protagonists of the clash were enrolled. The arbitrators required the enemies to exchange a kiss of peace, leave all animosities behind, and respect the peace on pain of £1000.[576] A similar scenario was played out three years later in February 1292, when the clients of the two sides fought against each other in a series of street assaults and then accused each other (A, VIII, '18'). The situation was even more delicate, as the battle fought between their patrons in December 1291 had generated great concern. Nonetheless, no drastic measures were taken to counter this new breakout of hostilities between the clients. The enmity was managed through the same system of pledges, and the trial ended in an acquittal: this time, no formal reconciliation was organised.

1.2 *Other examples*

The measures analysed above were not uncommon, nor were they specific to the Bolognese context.[577] For example, of the nine other conflicts fought within the city-walls which are listed in Appendix A, four required the intercession of the council of the *popolo* (II, IV, IX, X). The council also intervened twice in the war fought between the *partes* of Castel S. Franco in the *contado* (A, III, '5-6'). The feuds in densely-populated and socially stratified villages such as this were managed in

[576] ASBo–*Memoriali*, Reg.75, 348r.
[577] See the epilogue for similar dispositions taken by the civic authorities of Cremona.

the same ways as conflicts fought within the city-walls. Another enmity also saw the direct intervention of the bishop: in March 1286, Ottaviano II brokered a *compromissum* between the Piatesi and da Castello, in which he imposed that Grimaldino da Castello's daughter should marry Bettino Piateti's son. Present at the scene were the magnate Baccelieri, Caccianemici, Galluzzi, Malavolti, and *de Pacibus* (A, IV, '4').

Confines were employed in at least five other urban wars (A, III, IV, V, VI, IX). Some families were ordered to remain in the city, as with the Ricci and Boatteri in 1292. For example, in January 1286, the *podestà*, Stricca dei Salimbeni of Siena, ordered the adult males of the Artenisi-Beccadelli and Baciacomari to remain locked in their houses (A, IV, '2'). Then the rector assigned routes to reach the communal palace. The Artenisi-Beccadelli had to pass through the houses of the Algardi, and access the communal square through the *trivium* of the Lambertini. They could only go on Thursdays, Fridays, and Saturdays, on pain of £3000. On the other days of the week, the Baciacomari would take the Strada Maggiore to the north-west, pass through the house of the jurist Lambertino Ramponi, and proceed downwards in order to avoid the houses of the Lambertini (*et a dictis viis inferius per vias voluerint ita quod non ingrediantur domos Lambertinorum*).[578] More generally, because of the high status of its protagonists, this conflict was handled with the utmost seriousness and saw the intervention of civic authorities throughout the years: in January 1282, the *podestà* imposed a truce on the two houses (A, IV, '1'); in June 1289, the council of the *popolo* invested the *podestà* with powers of arbitration, in order to impose a reconciliation (*ibid.*, '3'); in February 1295, the two houses made peace once again, in presence of the *podestà*, *capitano*, various Franciscan friars, and the members of various elite families (*ibid.*, '4').

The failed attempt at abrogating the Ordinances in August 1287 was also managed through the recourse to *confines*. The four main conspirators – Comazzo Galluzzi, Ubaldino Malavolti, Sanzanome Sanzanomi, and Lazzaro Lazzari – were ordered to take residence in, respectively, Pistoia, Florence, Prato, and Padua. The confined were to send written proof of their position every week, on pain of £10,000, a sum pledged by other aristocratic clans. Thanks to the

[578] ASBo–*Inquisitionum*, 7, Reg.X, 12rv.

cooperation between elite families and the magistrates, this dangerous situation could be defused before it could cause aftershocks and pitch the magnates against the *popolo* government. The life of the conspirators was spared, and after a period spent in exile, they all returned to the city and resumed their public duties in support of the regime.[579]

The recourse to judicial exception was another feature of the peace-keeping measures taken to defuse dangerous conflicts between high-profile actors. One dramatic example is the *guerra* which opposed the aristocratic Sacchetti and Mussolini to the Mantici (A, IX). In February 1287, the council of the *popolo* had conferred powers of arbitration on the jovial friar Giacomo Ghisilieri, the jurist Filippo Lambertini, and the sacristan of the Dominicans of Bologna, in order to impose a peace between the two groups. The arbitrators ordered the enemies to be reconciled and to intermarry, on pain of £10,000 (A, IX, '3'). A year later, however, the families were on the warpath again. A petition to the council in December 1288 allows us to reconstruct the events which unfolded. The Sacchetti and the Mussolini filed a civil lawsuit in which they complained that the Mantici had not upheld their own end of the agreements, and claimed that they should thus be fined £10,000. In turn, Gerardo Mantici had appealed to the *podestà* in order to obtain a nullification of the arbitration of February 1287. The disputants battled in court for over a month, but the jurists who were adjudicating the case were struggling because of the large number of witnesses and documents presented by each side. The problem was that the statutes of Bologna stipulated that all civil disputes be adjudicated within forty days, after which a cause would be statute barred. Unless a sentence – or compromise – was reached imminently, war would break out again. Thus it was established that an extra fifteen days should be granted in order to continue the examination of the witnesses and reach a verdict.[580] Despite the extension granted to the

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[579] *Ibid.*, 11, Reg.IV, 58r-67v for the trial (commented and partially edited in Milani, 'Bologna's Two Exclusions'). The sureties were pledged by the Baccellieri, Bonconsigli, da Castello, Dotti, Friulani, Lambertini, Maccagnani, Oddofredi, Prendiparte, Samaritani, and Simonpiccoli: ASBo–*Inquisitionum*, 11, Reg.VIII, 13v-15r.

[580] ASBo–*Riformagioni*, Reg.128, 126r. 'Item cum ex forma statutorum communis Bononie nouiter editorum lites pecuniarie et ciuiles diffiniri et terminari debeant per iudicem et offitialies... infra xl dies... et due maxime et ardues lites uertentes inter dominum Nicolaum de Muxolinis et Pisanum de Sachittis et eorum sequaces ex una parte et dominum Gerardum de Manticis et eius sequaces ex altera... et sic possent partes predicte incurrere grave dampnum si lites predicte tali modo perirent et etiam intendunt sapientes predicti circa ueram concordiam in predictis faciendam quod esset honor et utilitas toti populo civitatis... quid placet

judges, in January 1289, the two parties settled their dispute through a peace-act, in which they renounced all on-going litigation on pain of £2000. The peace was celebrated in the church of S. Bartolomeo, in the presence of the jurist Lambertino Ramponi as well as various leading families of peace-makers (A, IX, '5'). The exception to the rule was a principle included in Roman law, and was justified by a state of emergency which could seriously threaten the health of the *res publica* (as also emerges from the petition of December 1288 analysed above).[581] Its employment reflected a wider propensity for negotiation which permeated late-medieval practices of law (and which was also used at many stages to mediate between *contado* lords, for which see section 2 below). Nevertheless, as is argued below (section 3), the use of exception also had an important side-effect, and indirectly made it possible for many actors to use violence with impunity.

By contrast, as for S. Felice, enmities between less socially prominent actors did not elicit the same kind of urgent responses, even if these produced grave acts of violence. That, for example, was the case of S. Giuliano. Despite the ferocity of this enmity – which resulted in many murders and mutilations – neither the *podestà*, *capitano*, nor bishop brokered any reconciliations. The highest-ranking officers who intervened in a mediating capacity were the consuls of *popolo* societies: these were the same men who pledged for the disputants in court and appeared as witnesses in reconciliations. For example, in December 1287, the consuls of the butchers – among whom were members of the da Manzolino and Ramenghi – brokered a *compromissum* for the killing of a member of the Seregnani by the da Camplano.[582] As explained in chapter III, the Ramenghi tried to mediate between the parties at war for various years, before being directly drawn into the conflict in 1289. The da Manzolino did the same: for example, in August 1288, they pledged for the Beccari in a trial for assault;[583] in December 1290, when the Beccari were reconciled with the Ramenghi in a peace-act, the da Manzolino were among the witnesses (A, XII, '5'). While various men (and women) involved in this feud were condemned for their actions (some *in absentia*; others

conscilio quod finitis dictis xl diebus... non currant terminum partibus predictis nec instantiam cause nisi infra alia xv dies... infra quos lites predicte... possint diffiniri et terminari...'

581 Barbagallo, *Misura eccezionale*.; Steinberg, *Limits of the Law*, 89-126; Vallerani, 'Paradigmi dell'eccezione'; Milani, 'Legge ed eccezione'.

582 ASBo–*Memoriali*, Reg.70, 188v.

583 ASBo–*Accusationes*, 7b, Reg.X, 28v.

were arrested and executed or mutilated), the majority of trials were resolved thanks to the intervention of local peace-maker families. *Confines* were never employed, nor was this enmity at any point discussed in the council of the *popolo* (at least in 1288-1296). The intellectual logic behind these different responses will be discussed in chapter VI.

2. KEEPING THE PEACE IN THE *CONTADO*

The ways in which communal governments dealt with conflict and violence in the *contado* have received relatively little attention.[584] In his recent book on public order in communal-age Italy, Paolo Grillo has mentioned the duty of local communities to arrest outlaws, the foundation of castles and fortified burghs to control the territory, and the armed patrols carried out by urban governments into the country.[585] Other studies have shown that the use of private peace-making in notarial acts was also widespread in the *contado*.[586] While important, these works do not really explain the dynamics of peace-keeping beyond the city-walls, nor whether these were effective (and what this meant). Generally speaking, while conflict is no longer considered indicative of chaos and disorder, the image of the *contado* as a lawless area has tended to persist.[587] For example, Blanshei has written that the civic government of Bologna exercised a weak control over the *contado*, because of the presence of powerful lords who recognised the city's authority only nominally.[588] This was true to some extent. In the course of the thirteenth century, the commune managed to erode and incorporate rural *signorie*. Comital houses such as the Panico lost their ancient jurisdictional powers (and gave up many lordship rights), but remained powerful actors very much in control of the lands and castles where they resided. This could generate contrasts, as we shall see, as still in around 1300, the commune had to intervene militarily against these and other nobles. When rival lords feuded (and they did so frequently), they carried out large-scale military operations, with sieges, pitched battles, and cavalry raids. Moreover, city-dwellers had

584 See chapter I, 1.1.
585 Grillo, *L'ordine delle città*, 41-50.
586 Kumhera, *Benefits of Peace*, 71-85.
587 I.e., Larner, 'Disorder in the Romagna'.
588 Blanshei, *Politics and Justice*, 437.

mixed thoughts about the countryside. On the one hand, the *contado* remained a secure form of investment and sustenance, and, especially in the Tre and Quattrocento, would also become an idyllic place for otiose retreats from the busy (and dangerous) life of the city. On the other hand, the *contado* was often depicted as an uncivilised and disorderly place. Many thirteenth-century intellectuals drew direct analogies between rural life and bestial, uncivilised living, while the city was presented as the ideal political community, in which individuals could aspire to a life of virtue.[589]

So, was the pacification of the countryside by civic authorities an unrealistic aspiration? Before answering this question, two clarifications are needed. First, the Bolognese *contado* was heterogeneous. Large fortified villages such as Castel S. Franco had a degree of social stratification which resembled that of the urban environment. Local elites entertained frequent economic relations with urban peace-makers: therefore, their conflicts were pacified (or anyway kept under control) in the same ways as have been observed for the city (i.e., A, III). By contrast, pacifying the wars waged between powerful aristocrats in remote mountainous areas was a different story. As we shall see, this required a different kind of approach from that attempted in the city, and produced different results. Second, the long series of sieges, large-scale battles, and brutal murders which emerges from the judicial documentation could give the impression of the *contado* as a lawless place in the hands of powerful lords who did as they willed. It is also possible that when news of these events reached the city, many city-dwellers might have had similar thoughts. Yet as has been shown in chapter III, lordly violence was neither chaotic nor unrestrained. Even without the intervention of civic authorities, the *contado* would have not descended into self-destructive anarchy. Whether it was legal or not, feuding was governed by a series of implicit and explicit norms, which were recognised by the belligerents (and even sometimes indirectly tolerated by mediators, as we shall see) – even if these were often bent, broken, or outright ignored.[590] Moreover, lords such as the counts of Panico had anciently held jurisdiction over their territories until the mid-1200s, and had been the local administrators of civil and criminal justice. Even if

[589] Artifoni, 'Retorica e organizzazzione', 163.
[590] Kaminski, 'Noble Feud', 77. See also Keen, *Laws of War*, 79; Hyams, *Rancour and Reconciliation*, 3-33.

these prerogatives were now taken up by the commune, the counts most likely continued to solve disputes between locals (minor nobles and peasants), much in the same way as the Ricci and Boatteri did with their clients within the city-walls. The relationship between civic government and rural lords should not be understood as a dichotomy between the rule of law and anarchic violence. Still, feuds between *contado* lords came at a great human cost: often, it was the lives of innocents which were ruined or even taken. The case of the young Bonifacio da Tignano – the child brutally slaughtered by Rustighino da Scoveto in 1287 (A, I, '13') – is particularly poignant, but there were also many instances in which the victims were defenceless peasants who lost their property and were wounded or even killed during destructive retaliatory raids.[591]

2.1 *The war of the mountain lords (1270s-1320s) (A, I and Ib)*

The best-documented example of peace-keeping in the *condado* is offered by the analysis of the long war waged in the Apennines south of the city between the enemy houses of the Panico, Montasico, and Monzuno (A, I and Ib). As explained in chapter III, the origins of this conflict are to be ascribed to territorial rivalries existing not only between the main belligerents, but also between their respective vassals and within the same clans. The first known episode of the conflict is the killing of Maghinardo I of Panico by Artusio da Monzuno in 1276 (A, I, '1') – although it is likely that their rivalry dated to earlier times. While my analysis ends in 1307 with the capture and execution of count Maghinardo I's son Mostarda, the war continued for several more years. Still in 1325, in the aftermath of the battle of Zappolino – in which the local Guelfs were defeated by the Ghibellines of Northern Italy – the Panico (who had sided with the latter) raided Montorio: this was one of the castles disputed between the two families since the 1270s.[592] By this stage, the Panico were inflicting their last blows: soon, the last remaining counts would either take residence in Bologna, or migrate to other areas of Northern Italy.

[591] In 1315, a group of peasants from the areas around Monzuno listed a long series of material and physical damages suffered at the hands of the counts of Panico in the previous forty years: Bertacci, 'Storia della torre; 15; Pederzoli, 'Poteri signorili', 421-2.
[592] Pederzoli, 'Poteri signorili', 423; Bertacci, 'Storia della torre', 18.

From the point of view of city-dwellers, this war was frightening for a number of reasons. First, the pacification of society was a fundamental Christian duty, as peace on earth (or its closest approximation) was indispensable in order to achieve salvation in the afterlife. Second, it created a climate of fear and disrupted the productivity of the *contado*, which was indispensable to feed the demanding urban population. In the 'fresco of war' – or 'allegory of bad government' – in the communal palace of Siena, Ambrogio Lorenzetti portrayed the countryside ravished by passing armies – one of the effects of a government which did not maintain the common good as its main goal. This was a nightmare scenario which the Bolognesi – like the Senesi – wanted to avoid at all costs. Second, while the *signorie* of the Panico, Monzuno, and other lords had been formally subjected to the commune, local aristocrats were needed in order to protect Bologna's borders. The danger was that local divisions might cause the belligerents to seek the help of the enemies of the government, thus opening up the *contado* to invading armies. In fact, this scenario materialised various times: in the mid-1270s, a branch of the counts of Panico had supported the exiled Lambertazzi and their Ghibelline allies, among whom was the feared lord Maghinardo Pagani. This family would do the same in 1306 – when its members supported the exiled White Guelfs; and in the mid-1320s, when the last remaining counts allied with the Ghibellines of Northern Italy. Similarly, in February 1296 – at a moment of maximum tensions between Bologna and Ferrara – the counts of Monzuno and their vassals joined the army of Azzo VIII (A, Ib, '38'). Finally, as explained in chapter III this conflict could also have direct repercussions within the city-walls, since many of its participants were related to the sides involved in the war of Saragozza (A, XII) and influenced the animosity between the Galluzzi and Priori.

Keeping the enmity between the mountain lords under control was of the utmost importance. This required the direct intervention of (and collaboration between) the council of the *popolo*, the *podestà*, *capitano*, and of several magnate clans of peace-makers. The secular clergy also helped at various stages. For example, the priest and deacons of S. Giovanni in Monte were present at a peace-act celebrated between the Aigoni da Samoggia and counts of Montasico in January 1287 (A, I, '11'). Similarly, in February 1282, the canons of the cathedral of S. Pietro witnessed an arbitration between the counts of Panico and the lords of Sala (A, I, '5'). In August

1293, when the *podestà* confined the rival branches of the da Cuzzano to, respectively, Parma and Cesena, he was helped by the bishop, as well as by the usual families of peace-makers (A, Ib, '36'). Indeed, among the belligerents was the aristocratic prelate Bonvicino da Ponzano, an ally of the heirs of Guido da Cuzzano. Since the *podestà* did not have jurisdiction over clerics, the bishop's vicar ordered Bonvicino to go in exile to Parma, and to 'present his caution to the lord *podestà*... as the others of his side did... and to respect [his] orders and those of the commune of Bologna'.[593] Cooperation between different jurisdictional units was, once again, a key factor behind peace-keeping. In addition, city-based actors also collaborated with local elites. Of the sixty-six families which appeared in a mediating capacity in this conflict, five were aristocratic clans from the *contado*: three of them were directly involved in the hostilities (Aigoni da Gesso, da Badalo, da Mongiorgio).

But how did collaboration work, in this case? In the city, this was effective because the parties at war were connected to the peace-makers by multiple and overlapping socio-economic ties. Therefore, the belligerents were basically forced to accept the mediation of their peers and social superiors, in order to avoid isolation and exposure to judicial repression. In remote areas of the countryside, however, things were more complicated. *Contado* nobles did not entirely depend on the city for their sustenance. For example, the counts of Panico had ancient ties with various ecclesiastical complexes as far as Ravenna and the Casentino valley (between Florence and Arezzo), as well as with several abbeys around their castles.[594] Moreover, as we have seen, the Panico and Monzuno entertained political (and economic) relations with neighbouring polities, as both were able to shift their alliances at various stages. A substantial part of their income came from landowning privileges and ancient lordship rights. Still in the thirteenth century, various comital houses drew a profit from exacting tolls for the use of water courses (*ius aquaticum*), woods (*boscagium*), pastures (*erbagium*), and transit permits (*passagium*).[595] Moreover, *contado* nobles often lent and borrowed locally. This element emerges with clarity from the tax assessments (*estimi*) of 1296-

[593] ASBo–*Inquisitionum*, 29, Reg.VIII, 8v.
[594] Pederzoli, 'Poteri signorili', 293-5.
[595] *Ibid*., 367-70, 371-5.

1297 and 1304-1305.[596] For example, in 1296, the Cuzzano of Mongiorgio reported debts owed by local peasants as well as by lords who fought on the same side, such as the da Scoveto and the da Samoggia.[597] Similarly, the da Vizzano reported debts and credits contracted with local men and women.[598]

Ties between city and countryside families did exist. *Contado* lords turned to city patricians for the borrowing of higher sums. For example, in 1296, Bonifacio, Matteo, and Giacomo da Mongiorgio owed £56 to the banker Vandino Principi, and £180 to Romeo Pepoli.[599] In 1304, the latter had an out-standing credit of £50 owed by the lord Baldo Aigoni da Monsanpietro.[600] It is possible that creditors knew that such loans would yield political – rather than financial – benefits: if, as explained in chapter IV, lending to notoriously insolvent city aristocrats was a risky business, it is to be wondered whether city bankers had any realistic expectations about recovering credits extended to mountain lords. Moreover, *contado* nobles intermarried with urban families: for example, in 1296, Gualtieri di Sinibaldo da Cuzzano owed £43 to the urban magnate Giacomo Tebaldi, as a residue of his daughter's dowry.[601]

While *contado* nobles could not afford to compromise their relationship with urban elite families, their scope of action was much less restrained than if they had been fully immersed in the socio-economic and political life of the city. This had many consequences both for the ways in which the parties at war conducted their enmity, and for the measures taken to keep this conflict under control. The belligerents reopened the hostilities frequently, disregarding the reconciliations orchestrated by city-dwellers. For the same reasons, collaboration with local elites rested on thin ice, and was often ineffective. Early in 1285, the *podestà*, Maffeo Maggi of Brescia, had confined count Mostarda of Panico to the castle of Susinana, under the jurisdiction of the lord Maghinardo Pagani. However, when in May that year the da Tignano were tried for the assault against the da Scoveto, several witnesses reported that the attackers had been led by the

[596] For rural *estimi*, see Bocchi, 'Le imposte', 295-300.
[597] ASBo–*Estimi*, II, 48, *Stiera*, parchment 36.
[598] *Ibid*., 22-3, 25-6.
[599] *Ibid*., *Procola*, 8.
[600] *Ibid*., 102, *Procola*, 29, 3r.
[601] *Ibid*., 48, *Stiera*, 36.

same Mostarda, and that after the assault, they had repaired to the castle of Panico (A, I, '8'). When the *podestà* interrogated count Mostarda over these facts, he defiantly denied knowledge of the attacker's identities, and insisted that he had not left his host's castle because he had been sick all along (*respondit quod nescit quia erat ad confinia ad Susenanam comitatus Florentie ad domum domini Maginardi de Susenana* [*et quod*] *infirmus erat nec discessit de dicto loco*).[602] Clearly, the *podestà* (and whoever advised him) had overestimated Maghinardo's willingness to collaborate: this was rather different from what happened within the city-walls, where (bellicose) magnate houses actually tended to support the measures taken by the magistrates.

These dynamics also affected the nature of peace-keeping measures. The guarantors-mediators did not intervene every time a new trial was initiated. In fact, Appendix A reveals that in the majority of cases, those who attacked first were left without guarantors, and were thus condemned *in absentia*. Before initiating the processes of reconciliation, the mediators often waited for the offended party to strike back. This was the case, for example, in 1285. When in March, the da Scoveto and da Cuzzano raided Tignano and killed five men of the Aigoni da Nugareto, the attackers did not show up at the trial (A, I, '7'). Two months later, the da Tignano retaliated by attacking Scoveto and killing two men of that family, as well as a nobleman of the da Roffeno. This time, the guarantors intervened and posted sureties for both parties, who were later acquitted. Then, six months later, the two sides were reconciled through an arbitration (discussed below) (A, I, '8-9'). Similar dynamics took place in 1287 with the Aigoni da Samoggia and da Aybo (A, I, '12, 14'), and in the early 1300s with the rival branches of the da Cuzzano (A, Ib, '41-44').

The fact that the enemy lords were feuding (in the customary-legal sense) was well known, and even implicitly recognised by the peace-makers. In May 1281, the arbitrators who settled the *compromissum* between the Panico and Monzuno had requested that the belligerents renounce all claims to damages incurred during the war: by doing this, they were enforcing one of the norms of the *Ius ad bellum*, that is, that nothing done within the framework of the feud was actionable

[602] ASBo–*Inquisitionum*, 3, Reg.I 101v.

afterwards.[603] As explained in chapter II, while the statute law of Bologna did not recognise this practice, arbitrations could combine Romano-canonical procedure with customary and feudal law, within which the right of feud was fully recognised. The urban magnates who sought to pacify this conflict were familiar with the logic of feuding, and also knew that the offended party would hardly agree to a mediation before they could take revenge. This, however, was not simply toleration (or encouragement) of the right of feud: rather, it was an informal – and exceptional – measure through which the guarantors-mediators – in accordance with civic authorities – probably sought to pressure the parties to be reconciled. This is another indication that tolerating an action did not necessarily mean it was legal: whether certain actions were tolerated or condemned did not solely depend on the law (*Ius commune* or *Ius proprium*), but on a wider series of considerations of an economic, ethical, and political nature. Below, we shall see that because of its informality, the decision to tolerate or condemn an action could result in heated disagreements.

Another way to counter the volatile nature of the relationship between mountain lords and urban peace-makers was to reinforce the ties between guarantors and trustees. For example, this is what happened in January 1286 for the pacification imposed on the Panico, Tignano, and Aigoni da Nugareto on one side, and the Monzuno, Scoveto, and Cuzzano on the other. The *capitano*, Ubaldino degli Antelminelli of Lucca, summoned the *fideiussores* of the two sides: these were four members of the Lambertini, two Galluzzi, two Torelli, and three other nobles from the Baccellieri, Catalani, and Ramponi. They were ordered to make sure that their pledgees appeared for the arbitration, on pain of £200 for the *fideiussores*.[604] This was a clever move. If punishment for failure to appear had been a ban issued against the rural lords, these might have simply ignored the orders and stayed put in their *contado* fortresses. With this disposition, however, the *capitano* had forced the families of peace-makers to exert even more pressure upon the *contado* nobles. While the latter had greater scope for action, they could not push their guarantors' patience too far, and were thus forced to accept the *compromissum* brokered by the *capitano* (A, I, '9').

[603] Kaminski, 'Noble Feud', 63.
[604] ASBo–*Capitano*, *Giudici*, Reg.80, 6r.

At times, the brazen conduct of rural lords did test the resilience of the network of peace-makers. A year after the complex pacification of 1286, war had broken out again with great ferocity. In March 1287, the lords of Scoveto and Cuzzano assaulted Tignano for a second time, leading to the vicious killing of Comazzo's child (A, I, '13'). The fighting went on for another year, and culminated with the assassination of Comazzo and the wounding of his mother, Lady Tommasina, in June 1288. The main suspect was thought to be the lord Ugolino da Scoveto, who was captured and brought to the *podestà* with the accusation of having acted on behalf of his relative Rustighino (the head of his house). Indeed, two months later, Rustighino was the target of a (failed) vendetta by Comazzo's relatives (A, I, '17'). This ultimate act of violence by the da Scoveto generated an outcry among some of the elite urban families which had mediated until that point. A tumult broke out in the communal palace: the Caccianemici, Galluzzi, Pepoli, da Sala, da Savignano, and Torelli wanted Ugolino's head, while the Baldovini, Bonacatti, Corvi, Gozzadini, Guarini, and Malavolti pushed to settle the enmity in the usual way. Each of the two sides shouted their reasons to the *podestà*, who promptly had everyone arrested and tried for breaking the peace in the palace.[605] During the trial, one of the witnesses claimed that the Galluzzi and their side 'hate (*habent hodio*) Ugolino and all the men of Scoveto and Cuzzano and prosecute all actions against Ugolino as if they were their own (*et negotia et iura in palatio contra dictum Ugholinum tamquam suas proprias persecuntur*)... and they say that Ugolino is an assassin, and a bad man worthy of death by fire, and that it is necessary that he dies for the things that he did (*igne mortis dignus et necesse est quod moriatur propter predicta et alia que commixit*)'.[606]

When Ugolino appeared in court, he presented a vehement defence against these defamatory allegations, especially that he had acted as a paid assassin. The nobleman proudly claimed descent from an ancient house which had lived the aristocratic life 'with horses, weapons, and other honourable things' for the past 300 years. Never did Ugolino commit any dishonourable crimes (although he did not go as far as to say that he had committed no crimes at all), and also added that he had many faithful vassals who would be happy to do anything he asked – meaning

[605] ASBo–*Inquisitionum*, 14, Reg.I, 23r-31r.
[606] *Ibid.*, 27v.

that he did not need to kill on commission.[607] After this fierce defence of his (and his family's) good name – most likely aimed at reinstating himself as a *homo bone reputationis* in the eyes of his audience – Ugolino denied taking part in the killing. As he explained, and unbeknownst to anyone but him, Comazzo had actually been killed by his own treacherous brother (also confusingly called Ugolino), while Giacomina had been wounded when she tried to shield Comazzo.[608] This defence was hardly credible, but while Ugolino was not immediately released, he was spared the death sentence, probably at the request of his guarantors and lawyers.[609] Eventually, the families in favour of a reconciliation convinced their more reticent peers that Ugolino should be acquitted, and that, once again, forgiveness was to be preferred to coercion. The Tignano and Scoveto were pacified for at least the third time in March 1289, thanks to a new intervention by the council of the *popolo* and to the mediation of the Galluzzi, who brokered the arbitration (A, I, '19').

This episode calls for comment. First, this is a concrete example of the fact that peace-keeping was not simply a matter of law-enforcement. Mediators responded dynamically to evolving situations, and based their actions on many different considerations. The killing of Comazzo was probably felt as a provocation by the Galluzzi and other magnates, who might have felt that their authority was being questioned, if not ridiculed. (This is similar to what has been suggested for the involvement of the Ramenghi in the war of S. Giuliano.) Second, the tumult which broke out in the communal palace is another reminder that in order to be effective, peace-keeping required complete collaboration between various sections of society: the moment peace-maker families stopped cooperating, the whole system could stall and collapse. Finally, the fact that Ugolino presented a heartfelt defence (combined with a distinctive celebration of the

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[607] *Ibid*., 61r. '[domini de domo de Scoveto] habiti et reputati sunt et fuerunt nobiles divites homines comitatus Bononie honorifice et decentis nobilis et honeste et magne conditionis et vite et qui etiam vitam eorum gesserunt et trasserunt in equis et armis et aliis quibuscumque honorabilibus... a trecentis anni citra... Item quod notorium est quod ipse Ugolinus astinuisse temporibus preteritis a quibuscumque turpiis et indecentibus malleficiis et incovenientibus... Item quod habet fideles vassallos scutiferos et servientes in magna quantitate per quos ipse Ugolinus et pater explicant... omnia servicia et ministeria et necessaria ipsorum cuiuscumque conditionis'.

[608] *Ibid*., 61v. 'tempore homicidii perpetrati in Comaccium de Tignano... domina Jacobina mater dicti Comacii opponens se Ugolino quondam Bonifacii de Tignano fratri dicti Comacii ne occideret dictum Comaccium recepit de fero cuiusdam lancee quam dictus Ugolinus frater dicti Comacii habebat in manu incisionem in manu'.

[609] A list of inmates from August 1288 reveals that Ugolino as still in jail: ASBo–*Memoriali*, Reg.74, 263r.

aristocratic way of life) shows that rural lords were conscious that they could not afford to tarnish their social and legal reputation, even if this meant refusing to take part in a vendetta.

At times, more energetic measures were required. In March 1281, for example, the counts of Panico failed to answer and 'scorned' (*contempserunt*) a summoning order given by the *capitano*, Ugolino Rossi of Parma. Earlier that month, these noblemen had besieged and conquered the castle of Sambro, as part of the war with the Monzuno. Therefore, the *capitano* issued a political condemnation against the Panico, declaring them as Lambertazzi rebels and enemies of the commune. The *comites* were to remain on a perpetual ban, their goods were to be destroyed, and they could be attacked with impunity by anyone who wished to do so.[610] This does not mean that the Panico were actually supporting the Ghibelline exiles against the commune of Bologna. This condemnation is more likely to be understood as a tool to force the Panico to negotiate the terms of a reconciliation. This manoeuvre worked because the Lambertazzi had been recently driven out of Faenza, and were now being pushed back to the Romagna: the Panico were left isolated, and were thus forced to come to terms with the civic government. On 9 May, the council authorised the *podestà* and *capitano* to organise an arbitration. On 30 May, nine men of the da Panico and five of the Monzuno made their way to the communal palace in the company of *omnium propinquorum et sequantium suorum,* and argued their cases to the arbitrators. Then they were formally reconciled in front of the whole council of the *popolo*, and of several urban magnates (A, I, '5'). The same strategy was also employed at other times: the counts of Panico were declared as rebels in December 1294, in September 1304, and, again, in May 1306, in the aftermath of the victory of the Black Guelfs (A, I, '24, 28-29'). A political condemnation was also issued against the Monzuno and their vassals in February 1296, when these joined the army of Azzo VIII in the *contado* of Modena (A, Ib, '38'). At least until 1296, these strategies were successful, as the lords negotiated with the civic government: in the month of June that year, the council lifted them from their condition of rebels, in return for military help against Azzo VIII (A, I, '25').

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[610] ASBo–*Capitano*, *Giudici*, Reg.9, 10r-11v. This was a political condemnation, hence why it was given by the *capitano* rather than the *podestà*.

Finally, when even these attempts at reconciliation failed – or when the belligerents really went too far with their actions – forgiveness gave way to coercion, and the civic government intervened with military force. In April 1283, for example, the civic army destroyed the castle of Panico, because this had been fortified illegally by its owners (A, I, '6'). The same happened again in May 1306, because of the support given by the Panico to the White Guelf exiles (A, I, '30'). Moreover, when rural lords were captured and no guarantors interceded on their behalf, they were not spared from the executioner. For example, in February 1291, the *podestà* summoned twenty-nine lords from both sides, most likely following yet another breakout of hostilities. As his orders were ignored, a death sentence was issued against the absentee lords. Almost a year later, nineteen of these noblemen – among whom was Guido da Cuzzano – were captured, brought to the communal square, and decapitated in front of a large crowd (A, I, '19-20'). The same destiny was met by the counts of Panico Tardino and Mostarda in, respectively, 1304 and 1307 (A, I, '28, 32'). Even the use of coercive force required the support and collaboration of local elites. After the victory of the Black faction in 1306, the commune of Bologna was openly at war with the counts of Panico. The military operations were entrusted to the elderly count Artusio da Monzuno, who had killed Maghinardo I in battle thirty years earlier. Early in 1307, he captured Mostarda – Maghinardo I's son –, delivered him to the *podestà*, and witnessed his execution in the communal square. Not only had Artusio survived more than three decades of brutal feuding: he also managed to win the support of the government, and to take the lives of two hated enemies, thirty years apart.

Keeping the peace in the *contado* required political acumen and inventiveness, continuous collaboration and dialogue between different sections of society, and a remarkable degree of patience. The mountains south of the city were never really at peace, as the same lords resumed fighting against each other over and over again. Nevertheless, the efforts made by the civic government and the families of peace-makers were not in vain. On many occasions, the hostilities were defused when they reached a critical stage, even if several people (many of whom were innocent) were killed, wounded, or dispossessed before truces could be negotiated. Most importantly (from the point of view of city-dwellers), the civic government managed to keep the

rural lords on its side, and was able to count on their military expertise when this was needed. In July 1296, count Ranieri of Panico was appointed 'captain of the mountain' (*capitaneus montanee*) for the commune of Bologna, a special magistracy tasked with judicial and military prerogatives. Now fighting on behalf of the city, the war-hardened nobleman obtained a series of military successes against the Este.[611]

3 The consequences of peace-keeping

Many of the protagonists of the conflicts analysed above took part in overlapping socio-economic and political networks, and participated actively in public life. The same, to some extent, was also true for rural lords. As we have seen, these men could not afford to cut all ties with city-dwellers, as they depended on their economic and financial support, and had recourse to civic lawcourts for their own disputes. This interconnectedness secured the functioning of peace-keeping measures (although with different results), provided that peace-maker families and city magistrates maintained a united front. The parties at war were effectively forced to accept mediation attempts, or else they would face isolation, and would be exposed to the repressive side of public justice. The cases of Giacomino Avvocati, Bettino Ricci, Guido da Cuzzano, Tardino and Mostarda da Panico, and many others are very clear examples, as these men were punished with severity. Similarly, when Grimaldino da Castello died as a consequence of the wounds inflicted by Pagano Piatesi in 1286, the latter was condemned to death *in absentia*, and had to live in exile until he was finally forgiven in 1292 (A, V, '5-6').

Nevertheless, the system of peace-keeping analysed here did not prevent the use of violence, as this was not immune to ill-planned, hot-tempered, or stupid decisions – and, more generally, to actors who decided to have recourse to force regardless of the consequences. In fact, the propensity for mediation and compromise – exemplified by the use of exception and the heavy recourse to acquittals – actually made it possible for well-connected and powerful actors to employ violence with near impunity. This system did allow for high levels of violence, while at the same

[611] Bortoluzzi, 'Città davanti alla guerra', 160; Benevolo, 'Capitano della montagna', 181-2.

time also providing some sense of internal balance. In the majority of cases, the protagonists of conflict could maintain their elite positions in society: it is striking, for example, that during the trial of the Ricci and Boatteri for the battle of December 1291, the heads of these two houses were given special permission by the *podestà* to leave their *confines* in order to fulfil their respective public duties.[612] Count Ranieri of Panico was invested with an important military and judicial role. The conspirators of July-August 1287 were exiled for a short period, but could then return to the city and resume their public functions, as they continued to appear as peace-makers and jurists in many acts.

This was not because the use of violence was sanctioned by the law: on the contrary, all forms of interpersonal violence were illegal, and were prosecuted in the court of the *podestà*. Rather, this was a side-effect of the fact that a restricted and interconnected group of elite families effectively controlled, influenced, directed, and deflected the course of judicial action. Those who benefited from the support and trust of this web probably knew that unless they really went too far, their actions would not be punished. The same people who appeared as peace-makers in conflicts between third parties were often directly involved in interpersonal and interfamilial enmities. These people knew the 'rules of the game', and knew what they could and could not do (although, again, this did not prevent mistakes). These 'rules' were not solely dictated by the law, but by the whole series of peace-making practices analysed here and in chapter IV.[613] In turn, this also explains the differences in the use of violence between city and *contado*. People were more constrained inside the city-walls, as cutting the ties of solidarity with the rest of society would determine a family's socio-economic and political ruin. Therefore, while the protagonists of conflict fought in the city could still have recourse to violence and get away with it, they could certainly not pillage and burn enemy *contrade*, or kill scores of opponents. By contrast, *contado* lords

612 ASBo–*Corone*, 4, Reg.III, 11rv. Tommaso Ricci was a wheat officer (*dominus bladii*), while Graziolo Boatteri was a salt officer (*dominus sali*).

613 The idea that institutions – here intended in their general, and not merely normative, meaning – set the rules of the game was enunciated by North, *Institutions, Institutional Change*. This has then been applied to different fields, from political science to the economy: Acemoglu and Robinson, *Why Nations Fail*; Cassese, *Buon Governo*, 6-11.

had more liberty of action, and were thus readier to gamble, although, at times, they were made to pay dearly.

While contemporaries would have been unfamiliar with the modern concept of game theory, many were aware that strategically-minded people took advantage of legal loopholes in order to use violence with impunity. This emerges well from the following example. In 1292, when the council legislated that from now on, condemnations for homicides could be lifted if the killers were reconciled with their victims' relatives, it was also decided that this only applied to homicides committed before December 1290.[614] All homicides committed after that date could not be forgiven before, at least, ten years. The text explains that as the expiry date of the 1282 Ordinances drew closer, 'it [was] said publicly around the city of Bologna that those banned for homicide... will be able to exit from the ban once they have obtained a peace... so for this reason, many bad men are planning to commit murders and other crimes (*cogitent homicidia et malleficia comittere*)... and men are easily swayed to offend (*facile moveantur ad delinquendum*)'.[615]

CONCLUSION. WAS PEACE-KEEPING SUCCESSFUL?

In around 1290, the Florentine notary ser Giovanni da Vignano composed a collection of vernacular discourses similar to the *Arringhe* authored by the Bolognese Matteo dei Libri. One of these taught what to say in the event of internecine divisions, taking, as an example, the dangerous enmity between the Florentine magnates Vieri dei Cerchi (d.1313) and Corso Donati (d.1308).[616] The two had been rivals and then mortal enemies since the early 1280s, mostly because the aristocratic Donati felt threatened by the rapid ascent of their richer (but socially inferior) neighbours.[617] The notary explained that just as one must tend the fire lest it goes out, the same must be done with love (*si como lo fogo materiale se vole studiare, solicitare et recreare azò che non s'amorzi, cusi chi vole che amore se mantenga e dure convè che 'lsolicite*). If one fails to renew friendship (*amistà*), it will fade and eventually disappear (*s'amortase e tornase a niente*). This, wrote Giovanni, was what

[614] See chapter II, 2.2
[615] *Statuti del Popolo di Bologna*, 200.
[616] For a profile of these two men, see Cardini, 'Cerchi, Vieri'; and Raveggi, 'Donati, Corso'.
[617] Zorzi, *Quadro politico*, 101.

happened between the two men, as the *amore* which had once existed between them had been transformed into hatred and had thus led to a feud (*hodio e comenzamento de briga*). The author thus suggested that those addressing the council (*parlamento*) on similar matters should focus on the importance of friendship, and then commit to solving the problem (*in tal guisa procedammo*...).[618] In Florence, the Cerchi-Donati feud was generating great concerns, and for a good reason. This enmity escalated in the course of the 1290s, leading to many judicial actions, street brawls, and assassinations. Rather than mediating between the two sides, the other Florentine families eventually picked a side, giving rise to the White (Cerchi) and Black (Donati) Guelf factions. Eventually, the Blacks/Donati gained the upper hand thanks to the support of pope Boniface VIII and his trusted liegeman, Charles of Valois. Having entered the city under the pretext of peace, the French nobleman favoured his allies, with the consequence that several hundred leading citizens of the White faction were exiled in 1302. Like Dante, Vieri was never to return to the city of the lily.[619]

Like the city and *contado* of Bologna, Florence was never really at peace. The Cerchi and Donati – like the Ricci and Boatteri, Artenisi-Beccadelli and Baciacomari, Panico and Monzuno, and many others – suspended the hostilities for brief periods, only to reopen them every few years or even months. From a modern point of view, this would seem to confirm the old idea that communal society was overcome by – and doomed to succumb to – internecine fighting, as civic governments were too weak to contain the divisions which arose from polycentrism. And yet, in the early 1290s, Giovanni da Vignano could write that the Cerchi-Donati feud was under control: in another one of his model speeches he instructed how to thank the *podestà* for the successful resolution of the conflicts which threatened the peace, and used this same enmity as an example. Thanks to the intervention and wisdom (*tractato e senno*) of the civic rector, 'that great predicament which much afflicted us (*la gran molestia chi gravava nu' molto*)... that is, the discordance between the Cerchi and Donati (*zo era la descordia chi era tra li Cercli e li Donati*)' had been resolved. The whole population had thus 'taken a step from such great bitterness to sweetness (*lo paso lo quale avemo facto*

618 Giovanni da Vignano, *Flore de parlare*, XIV, 251-2.
619 Zorzi, *Quadro politico*, 105-8 and 118-20.

de si grande amaritudine in dolzeza), that is, from war and discord to peace and concordance (*zoe de guera e descordia in amarituine in dolzeza*)'.[620] Similarly, in around 1270, Matteo dei Libri had implored the *capitano* to protect the 'great state in which [Bologna] is' (*lo gran stato in lo qual è*) at all costs, taking his city as an oasis of tranquillity in a land otherwise desolated by internecine strife.[621] This is the case even if the documentation from those years shows that clashes between enemy families occurred almost on a daily basis.[622] Finally, as showed in the introduction of this thesis, Enrichetto Delle Querce depicted the city as an idealised political community forged by peace, even if in that same year, the polity was far from at peace: the war of the mountain lords was raging, while the fragile political equilibrium of the city was threatened by many internal enmities between influential families. Even if the enthusiasm felt by Giovanni, Matteo, and Enrichetto might have been propaganda in support of the regime in which they were participating, it is clear that these people had different expectations about peace-keeping, and that they measured its success in different ways from today.

In her study of peace-making in twelfth-century England and Denmark, Jenny Benham argued that for contemporaries, successful peace-making did not mean enduring peace, as the royal treatises which ended wars or disputes rarely lasted more than a few years. Rather, this success could be measured by the extent to which pacifications satisfied the needs of their protagonists, such as demonstrating a ruler's ability both to wage war and to make peace.[623] A similar argument could also be made for communal-age Italy. While long-term resolutions were certainly desired, successful peace-keeping should probably be understood as the ability to defuse dangerous enmities before they could produce devastating effects for the *bonus et pacificus status*.

As has been argued, dangerous enmities such as the war of S. Felice were prevented from creating wider divisions. Such an outcome was not to be taken for granted, as the enemy sides were powerful and well connected, and counted on extensive webs of allies and clients. Similarly,

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620 Giovanni da Vignano, *Flore de parlare*, XVIII, 255-6.
621 Dei Libri, *Arringhe*, L, 146-8 (commented in chapter I).
622 Ghirardacci, *Della historia*, 211-23. His accounts may be verified by the reconciliations copied in the *Memoriali* from 1265 onwards.
623 Benham, *Peacemaking in the Middle Ages*, 201-9.

when needed, the warring mountain lords could be transformed from thorns in the flesh to valuable allies: count Ranieri of Panico led the Bolognese army against Azzo VIII, while Artusio da Monzuno took arms against the Panico on behalf of the commune (although this probably did not require too much convincing). In 1282, 1296, 1301, and 1304 (as well as in later years), the rural lords even paid their shares of taxes in the *estimi* imposed by the civic government.

This chapter has demonstrated that peace-keeping required a skilled and dynamic employment of forgiveness and coercion. Their effectiveness depended on sustained collaboration between different jurisdictional units and local elites, although the forms of this cooperation played out in different ways, and led to different results. Collaboration was easier and more effective in the city, as both the peace-makers and the parties at war participated in the same networks, on which they depended for their socio-economic and political success (and survival). By contrast, fewer and more tenuous links tied city-dwellers to mountain warlords, so that while these bonds could not be completely ignored, the belligerents were less constrained than their urban counterparts. Moreover, rural lords had to be kept as allies, as these defended the borders from enemy armies and offered valuable military support. Therefore, civic authorities and local elites opted for negotiation, compromise, and exception, even if the use of military force was sometimes contemplated and employed.

Before acting, the magistrates consulted with the families of peace-makers, and took into account not only legal principles, but also a wider series of economic, ethical, political, and religious considerations. While this system made it possible for the government of Bologna to remain in charge for more than two decades and to avoid the formation of destabilising fractures (at least until 1296), it also produced important side-effects. Its most significant collateral was that it offered belligerents the chance to use violence with impunity, although the risks were high, and careless or brazen 'players' sometimes paid very dearly for their mistakes. None the less, even in a society obsessed with the economic, political, and religious importance of peace, violence remained a viable option: one which even individuals who appeared as peace-makers and spoke of the importance of reconciliation hundreds of times would consider using to conduct their own enmities. As a consequence, the Bolognesi never really managed to free themselves from the

danger of internecine fighting. Even if contemporaries managed to ward off the spectre of city-wide factional divisions for many years, this remained ever present, and would return to threaten their polity again in the early 1300s.

Chapter VI.
The logic of peace-keeping

INTRODUCTION: PEACE-KEEPING AND THE IMPORTANCE OF BALANCE

The previous chapter demonstrated that peace-keeping required a series of dynamic responses to evolving situations. In order to be effective the system of formal and informal practices analysed in chapters IV and V required collaboration between jurisdictional units and local elites. Mediators had to be creative in their approaches, and before acting, they had to take into account a combination of different economic, ethical, legal, political, and religious concerns. This *modus operandi* did not follow a rigid protocol, and was never explicitly conceptualised as a system nor described in dedicated treatises. It is telling, for example, that the financial interactions between guarantors that enabled mediation may only be reconstructed indirectly from pragmatic sources such as notarial acts and the proceedings of criminal trials. Neither the statutes of Bologna nor the various procedural textbooks produced around 1300 discussed or regulated this practice. Nonetheless, as I argue in this chapter, by the late Duecento, a number of intellectuals – some of whom were directly involved in civic government and peace-keeping – had become aware that these various practices of mediation worked as a system that aimed at recreating a working balance in order to preserve the good and peaceful state of the polity.

Equilibrium (*aequalitas*) was a key value of medieval thought, and permeated virtually all intellectual disciplines: it constituted the founding principle of the ordered universe, it was a quality desirable by the morally virtuous, and also governed the just functioning of the law.[624] The Bolognese notary Matteo Dei Libri put this explicitly in his *arringa* entitled 'In what way it may be said to the *podestà* that he should not afflict one side more than the other in his condemnations' (*Quomodo potest quis dicere potestati qui non gravat nisi unam partem et non aliam in condempnationibus suis*). This explained that the *podestà* should 'love justice, create equality, [and] punish evildoing' (*d'amar iusticia, fare egualanza, punir lo male*), and should not 'love one more than the other' (*non plu amar un ka un altro*). The notary also reminded his reader that if the rector enforced the law for one, he

[624] Kaye, *History of Balance*, 1-2.

should do the same for the other (*quella lege ke voi fati ad uno sustinere, fatile sustinere a l'altro*). Otherwise, the risk was a dangerous imbalance which would create 'turbulence' (*turbanza*).[625] The recreation of harmony was a key Christian concern, and in the course of the thirteenth century, the stress on penance and forgiveness had directly driven communal law-makers and legal practitioners. The reception and circulation of the *Nicomachean Ethics* reinforced this idea, and stressed that the main purpose of justice was to reduce everything to its proportionate due. In his *Book of the Treasure*, Dante's preceptor Brunetto Latini of Florence (d.1294) commented:

> Justice is equal, as injustice is unequal [*E così la giustizia è cosa eguale, come la ingiustizia è cosa ineguale*]. The judge seeks to equalise unequal things [*si sforza di aggualiare le cose che sono ineguali*], so that he kills one, strikes another, and sends a third one in exile, until he has satisfied the unhappy and the damaged... the judge takes away from one and gives to the other until they have been equalised [*infino a tanto ch'elli sono agguagliati*]... so that his subjects may live in a good and stable equilibrium [*acciò che i sudditi suoi vivano in bona fermezza di metade*].[626]

As we saw in the previous chapter, the actions of civic officers and peace-makers often sought to restore equilibrium between the parties. For example, when the *capitano* Enrico da Martinengo brokered an arbitration between the Ricci and Boatteri in September 1289, he found a solution that could be beneficial to both. The Ricci had to reimburse the Boatteri for the damages suffered as a consequence of their accusations, while the notary Giacomino Avvocati was liberated from his condemnation and restored to his earlier status after almost a year of contumacy. In return, the Boatteri had to renounce all claims to the contested lands, which were then probably assigned to the Ricci (A, VIII, '13'). Nonetheless, as demonstrated in chapter V (and as stressed by Brunetto in the passage above), while reconciliation was the most common strategy, there were also other ways to 'equalise unequal things' (see section 2 below).

As Joel Kaye has recently argued, the understanding of the nature and properties of equilibrium was not static. His thesis is that in the second half of the thirteenth century, a number of scholastic thinkers gradually developed a new idea of balance, although this was never explicitly

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625 Dei Libri, *Arringhe*, LIX, 165-7.
626 Latini, *Libro del Tesoro*, Book III, XXXVI. I have used the thirteenth-century Italian vernacular version of the *Book of the Treasure* – originally composed in French – in order to highlight the fact that this work and its ideas were highly relevant for the world of the Italian cities.

conceptualised. Until then, Latin intellectuals understood balance as something measurable and quantifiable in numerical terms, and fixed on a 1:1 equation. A numerical imbalance between two fixed points would cause a lack of equilibrium and, therefore, injustice.[627] In the following decades, various intellectuals who lived and worked in thriving urban communities began to treat equilibrium not as something fixed and quantifiable, but as a fluid, relative, and proportional condition. The focus moved from individual elements to the whole system, which was now gradually understood as an aggregate of many interconnected parts which participated in a larger system that had the property of self-balancing. According to Kaye, this fundamental idea emerged simultaneously and autonomously through the observation and intuitive appreciation of the economic structures of the marketplace and society, and the study and reception of authoritative medical and philosophical texts. Then, the ideas derived from these three main domains – economic markets, medicine, and natural philosophy – cross-pollinated and further refined the model of equilibrium thanks to the participation of scholastic intellectuals in a lively intellectual culture.[628]

While Kaye did not directly include the administration of the law in his discussion,[629] this chapter argues that the functioning of justice – and, in particular, the practices of peace-keeping in use in Bologna and other cities in the late 1200s – could also be imagined by some contemporaries as a system that presented the same properties of dynamic equilibrium. In order to demonstrate this, I will here focus on the relationship between medicine and peace-keeping. Late thirteenth-century Bologna was an important centre for medical studies. As is argued in section 1, the interaction between medical thinkers and people involved in civic politics encouraged the exchange and circulation of new medical, legal, and philosophical ideas. This inspired the production of many organic metaphors of government, which in this period were

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[627] *Ibid*., 47-53.

[628] *Ibid*., 13-15. For a discussion of the observation of markets in this period, see also Kaye, *Econony and Nature*.

[629] Kaye, *History of Balance*, 299-397 discusses political thought, without however focusing on law. The latter – and, in particular, Aristotle's discussions of justice in the *Nicomachean Ethics* – is treated as one of the textual origins of this model, but not as a domain from which scholastic intellectuals acquired an intuitive, experiential appreciation of the forms of dynamic equilibrium (pp.76-127). I engage with Kaye's discussion of Marsilius of Padua in section 2 below.

given a specific medical twist. In section 2, I show that a number of moral and legal thinkers described peace-keeping practices through medical analogies that were informed by Galenic theory. This suggests that even if the complex practices of peace-keeping analysed in the course of this thesis were never explicitly conceptualised, many contemporaries were aware that they functioned as a system aimed at restoring a working balance. The functioning logic of this system could be thought as being in line with the new forms of dynamic equilibrium described by Kaye. At the same time, the observation of – and participation in – this system and its internal dynamics might have provided a ready-made model for the further understanding and refinement of Galenic balance.

1. GALENIC MEDICAL THEORY AND ITS RECEPTION IN COMMUNAL ITALY

1.1 *The reception of Galenic theory and the importance of balance*

Before going further, it is necessary to sketch out the main characteristics of Galenic medical thought as it was received and systematised by scholastic intellectuals between the thirteenth and fourteenth centuries. Ever since antiquity, it was held that the cosmos was formed by four elements (earth, fire, water, air), and that the body was governed by four humours (blood, phlegm, yellow and black bile): the elements and the humours were characterised by four qualities (cold, hot, wet, dry).[630] Galen of Pergamum (d. AD 216) contributed to the understanding of health as a condition secured by the balanced interrelation between contrary humours and qualities – a state which he defined as 'complexion'.[631] A fundamental aspect of Galenic medicine is that each body had a highly individualised complexion, with the consequence that each organism had a unique internal balance. Changes to the complexion would cause sickness. These were caused by the interaction and interference of six external elements, known as the non-naturals: air, exercise, rest, diet, excretion, and emotions.[632] Therefore, the role of the Galenic doctor was to intervene in the sick body in order to restore the original, healthy complexion. The physician was to carry out a careful

[630] Kaye, *History of Balance*, 144-7. The anonymous authors who theorised these ideas are known collectively as Hippocrates.
[631] Galen, *On the Elements*.
[632] See Ballester, 'Six Non-Natural Things in Galen'.

analysis of the symptoms, and his response was to be proportionate both to the disease and to the particular complexion of his patient. Approximation, estimation, and conjecture – and not arbitrary and universal decisions – were the defining qualities of the good Galenic doctor.[633]

While Galenic theory had never really disappeared from Latin Europe, medical studies reached a new level of sophistication in the aftermath of the 'twelfth-century renaissance'.[634] Arguably the most important and prolific commentator of the ancient Greek doctor was Avicenna (d.1037), whose work would then be translated into Latin by Gerard of Cremona (d.1187).[635] Avicenna described the body as an organism which, at times, was capable of self-balancing even without the direct intervention of the doctor – a novel idea which had not been originally formulated by Galen. In Avicenna's description of complexion, the four qualities constantly interacted with each other until they restored health in the body.[636] This idea enjoyed great success in Latin Europe, and was also received in Bologna, one of the most important centres for medical studies in northern Italy.[637] Indeed, among the intellectuals who fully absorbed and further commented Avicenna's *Canon* was the famous physician Taddeo Alderotti of Florence (d.1295), who taught medicine in Bologna from 1264 until his death.[638] The Florentine doctor was one of the intellectuals who contributed to the development of the new model of equilibrium analysed by Kaye.[639] In the following sub-section, I show that the circulation of these new medical ideas – and the frequent interactions between medical thinkers, civic officers, and other intellectuals – stimulated the production of new organic metaphors of government, which in this period were given a specific medical twist.

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633 Ballester, 'Galen as Medical Practitioner', 25. Siraisi, *Medieval and Early Renaissance Medicine*, 101.
634 For medical knowledge both before and after the twelfth century, see Kristeller, 'School of Salerno'; O'Boyle, *Art of Medicine*; Siraisi, *Medieval and Early Renaissance Medicine*; Haskins, *Renaissance of the Twelfth Century*, 14; Skinner, *Health and Medicine in Southern Italy*.
635 Siraisi, *Avicenna in Renaissance Italy*; Jacquart, 'Réception du Canon d'Avicenne'.
636 Kaye, *History of Balance*, 191.
637 For the teaching of medicine in Bologna, see Duranti, 'Medicina a Bologna', and the other essays in Roversi Monaco (ed.), *Teoria e pratica medica*.
638 Siraisi, *Taddeo Alderotti*, 27-42.
639 Kaye, *History of Balance*, 195-210.

1.2 *The circulation of medical knowledge and its reception by moral and legal thinkers*

In *Purgatorio* VI, the encounter between Virgil and the troubadour Sordello – who embrace and bond over their common Mantuan ancestry – triggers a long denunciation of the political situation suffered by Italy at the dawn of the fourteenth century. Here, Dante laments the many internecine wars afflicting the peninsula, and accuses the papacy of appropriating the prerogatives of the emperor – the absentee master who could finally pacify this derelict land, now ruled by governments inimical to the common good (vv.76-151). This disrupted state of affairs is embodied by a number of female figures. At the beginning of the invective, the peninsula is likened to a slave, to an unmanned ship in a tempest (a reference to the absence of imperial control and direction), and to a prostitute (*Ahi serva Italia, di dolore ostello / nave sanza nocchiere in gran tempesta / non donna di provincie, ma bordello*) (vv.76-8). Rome – deserted by the emperors, mistreated, and soon abandoned by the popes – is portrayed as a widow crying alone (*Roma che piagne / vedova e sola*) (vv.112-3). Finally, Florence, torn apart by civil war, is compared to a sick woman lying in bed and tossing, endlessly and in vain, in search of impossible comfort (*vedrai te somigliante a quella inferma / che non può trovar posa in su le piume / ma con dar volta suo dolore scherma*) (vv.149-51). Descriptions of physical ailments drawing on medical terms – and the employment of medical metaphors – recur throughout the *Comedy*:[640] for example, the forgers of *Inferno* XXX are burdened by a severe form of dropsy, 'which afflicts the body / with its ill-digesting humour / so that the face and belly do not match' (*la grave idropesì, che si dispaia / le membra con l'omor che mal converte / che 'l viso non risponde a la ventraia*) (vv.52-4). The image of the swollen belly is employed again in *Purgatorio* XX, when conflict-ridden Florence is presented, once more, as a sick woman. In this canto, Hugh Capet prophesies the deeds of his successors, among whom is Charles of Valois, the envoy sent by Pope Boniface VIII to Florence in the winter of 1301. Rather than securing the peace between the White and Black factions, however, Hugh reveals that Charles will support the Blacks, an action which inflicts the last blow to the already suffering city, and which will result in Dante's exile:

[640] For Dante's medical knowledge see Accardo, 'Dante and Medicine'; Mattioli, *Dante e la medicina*; Chiaretti, *Dante medico*.

'armed only with the lance / with which Judas jousted, with one thrust / he bursts the swollen paunch of Florence' (*e solo con la lancia / con la qual giostrò Giuda, e quella ponta / sì, ch'a Fiorenza fa scoppiar la pancia*) (vv.73-5).

The use of organic metaphors of government in late-medieval and early-modern political thought is well known, and has been explored in many different studies.[641] In fact, this had been widespread in European and non-western thought since antiquity, although the ways in which medical terminology was employed varied greatly even within the same historical and cultural contexts.[642] In the course of the thirteenth century, organic metaphors of government began to be explored in specifically medical terms. This was the result of two interconnected causes: first, the innovations in medical scholastic thought, which followed the progressive rediscovery, systematisation, and circulation of Galenic theory discussed above.[643] The second cause was the dissemination and circulation in Western Europe of Aristotelian philosophy. For the Stagirite, contemplation was the highest and noblest form of intellectual activity – a point also reiterated by Dante in his *Convivio* (III, 14). The Florentine intellectual had most likely come into contact with Aristotelian philosophy during his visits to Bologna in the mid-1280s and mid-1290s.[644] Influenced by the studies made by Avicenna and Averroes – whose works circulated in translation from the mid-1200s onwards (see below) – Latin thinkers began to treat medicine and philosophy as inseparable branches of human knowledge.[645] The aforementioned Taddeo Alderotti, for example, translated the *Ethics* into the vernacular, and made the teaching of philosophy compulsory for medical students.[646]

Thriving university-cities such as Bologna, Montpellier, Oxford, Padua, and Paris fostered the circulation of ideas between different disciplines and between professors and other learned

641 Shogimen, 'Treating the Body Politic'; Nederman, 'Body Politics'; Temkin, 'Metaphors of Human Biology'; Picherit, *Métaphore pathologique*; Struve, *Die Entwicklung*; Lewis, 'Organic Tendencies'; Hale, *Body Politic*; Harris, *Foreign Bodies and the Body Politic*.
642 Shogimen, 'Treating the Body Politic', 78; Nederman, 'Body Politics'; Syros, 'Body Politic from Medieval Lombardy to the Dutch Republic'.
643 Siraisi, *Medicine and the Italian Universities*, 13, 27-42; Limes, 'University and the City', 444-5.
644 Aristotle, *Nicomachean Ethics*, X, 1177b. Marcon, 'Orientamenti del pensiero dantesco', 95; Gargan, *Dante e lo studio di Bologna*, 84.
645 Agamben, *Stanze*, 91.
646 Grabmann, 'L'aristotelismo italiano', 260-77.

members of society. This was particularly true in Bologna, where many important doctors were in frequent contact with the civic government and local elites.[647] For example, Taddeo Alderotti was active as money-lender, and interacted many times with the civic government. One of Taddeo's pupils, Bartolomeo da Varignana (d.1321) came from an active family of peace-makers (Appendix B, 134), and produced a commentary on the pseudo-Aristotelian *Economics* (a field of analysis which also incorporated the model of equilibrium discussed above).[648] Similarly, the surgeon Mondino de' Liuzzi (d.1325) – credited with the first recorded public dissection of a body in 1315 –[649] belonged to an elite *popolo* family whose members sometimes appeared in a peace-making capacity (A, VI, '1-2'). Taddeo and his pupils were familiar not only with up-to-date philosophical texts, but also with legal teaching – a point to which I shall come back at the end of this chapter.[650]

Learned medical knowledge also circulated in the courtrooms. As explained in chapter II, in the event of assaults which led to death or debilitating wounds, communal surgeons were dispatched to check on the victims, in order to see whether the claims made by the prosecution were supported by medical evidence. Some of the reports filed by communal doctors reveal the circulation of learned medicine in the environment of the courts. For example, in December 1295, two *medici* – master Bettino and master Primerano – were sent to check Domenico, a peasant from Unzola who had been wounded in the hand. Bettino and Primerano had a debate on the condition of Domenico's hand, and could not agree whether the whole hand was broken, or only the (middle) finger. Unable to make a decision, they elected a third doctor, the *magister* Mago, and the three examined Domenico a second time, before consulting Galen's section 'on accidents and disease' (*Galienum primo de accidenti et morbo*). Then they unanimously decided that it was the finger which was affected, and not the whole hand, which was decreed not to be out of use (*inutilis*).[651] Medical compendia may have actually been kept in the lawcourts, and consulted by civic officers.

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[647] Limes, 'University and the City', 449-58.
[648] Siraisi, 'Alderotti and Bartolomeo da Varignana'; *eadem*, 'Varignana and the Pseudo-Aristotelian Economics'. For the idea of dynamic equilibrium within economic markets see Kaye, *History of Balance*, 20-127.
[649] Bachelli, 'Liuzzi, Mondino de'.
[650] Siraisi, *Taddeo Alderotti*, 72-95.
[651] ASBo–*Inquisitionum*, 35, Reg.II, loose paper (12/1295).

This is suggested, for example, by the curious cover of a criminal register produced in the *curia* of the *capitano* of Perugia in 1276. Someone (probably one of the notaries of the *capitano* in charge that year, Boezio da Lavalongo), annotated the title of a medical commentary on Galen and Hippocrates in a contemporary *textualis rotunda*, a hand usually employed for the production of university textbooks[652] (figure 11).

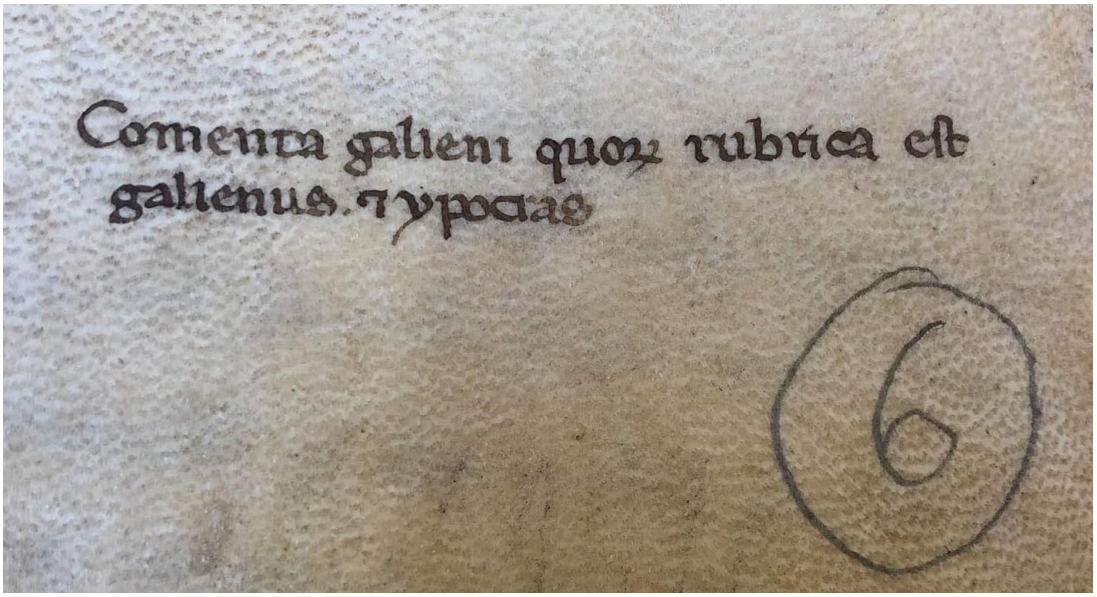


Figure 11. *Comenta galieni quorum rubrica est galienus et ypocras* annotated on the cover of a criminal register. Evidence of the circulation of medical texts in thirteenth-century law courts?
ASPg—*Capitano*, 3b, Reg.VI, front cover (1276).

Whether directly or indirectly, Galenic theory permeated the environments in which the law was administered, and where civic authorities and local elites discussed peace-keeping measures. The circulation of these ideas also left visual traces: one of the halls of the communal palace of Perugia (the so-called *Sala dei notari*) contains a cycle of frescoes produced in 1297, which depicts, among other things, astrological projections and themes connected to the study of Galenic medicine. The same was true of the great hall of the communal palace of Padua, the meeting place of the civic council and the seat of the civil and criminal law courts of that city.[653]

[652] For the *rotunda*, see Pagnin, *Littera Bononiensis*, 93.
[653] For the frescoes at Perugia: Riess, *Political Ideals in Medieval Italian Art*; for Padua: Tenenti, *Palazzo della ragione a Padova*.

The most evident effect of the circulation of medical ideas and their reception by municipal authorities was the promulgation of measures aimed at safeguarding public health. In Bologna and many other cities across the Mediterranean and Europe, governmental authorities issued (and usually enforced) ordinances on the disposal of waste and the regulation of sewages; punished the illicit occupation of public soil; and determined the physical location and boundaries for the profession of those trades that could corrupt the air – one of the most important non-naturals.[654] Measures of this kind increased in the aftermath of the Black Death of 1347-1351,[655] but urban governments throughout Latin Europe had been looking after the physical well-being of the polity ever since, at least, the thirteenth century. As I argue below, this lively exchange of medical and philosophical ideas also had another effect, as the circulation and employment of organic metaphors offered contemporaries a framework to observe and understand their society in a new way. In particular, since the danger of internecine divisions was a pressing concern for Italian city-dwellers, the timely analogy between a healthy, balanced body and a stable polity had particular purchase. Thinkers like Dante and many others began to liken disease to civil war and, in turn, medicine to peace-keeping.[656] As we shall see, the actual functioning of the system of peace-keeping in use in this period was in line with new ideas of dynamic equilibrium, so that in turn, this might have offered a ready-made model through which medical thinkers refined their understanding of the Galenic system.

2. MEDICINE, PEACE-KEEPING AND DYNAMIC EQUILIBRIUM

In one of his vernacular model speeches, Matteo dei Libri advised civic officers on what to say (and do) in the event of internal discordance. Matteo explained that the *podestà* (or *capitano*) was to act as soon as a war broke out. Waiting could be dangerous, since, 'as we can see with our eyes every day, a small evil grows and strengthens if the wise doctor does not cure it' (*e questo vedemo ad*

654 Rawcliffe, *Communal Health in Late Medieval English Towns*; *eadem*, 'Public Health in the Medieval City'; Kinzelbach, 'Infection, Contagion, and Public Health'; Geltner, 'Public Health and the Pre-Modern City'.
655 Henderson, 'Black Death in Florence'; Carmichael, 'Plague Legislation'; Ormrod, 'Politics of Pestilence'; Cohn, Cultures of Plague.
656 A point also made for late-medieval Europe more generally by Shogimen, 'Treating the Body Politic'. See 2.2 below.

ocli zascon die, ke pizol mal cresce e prende possanza se'l savio medico no'l soccorre).[657] The image of the civic rector-doctor was particularly prolific. An even more explicit analogy between medicine and conflict resolution emerges from the incipit of the sermon 'Vade in pace', composed by the Florentine Dominican preacher Remigio dei Girolami (d.1319) in *c.*1297:

> It is written in Mark 5,34 that Jesus said to a woman who had been suffering from bleeding [*mulierem sanguifluam*] for twelve years, 'Go in peace, and be healed from your affliction'. It is here suggested that as peace exists in the metaphorical body of the city, or that of any society or congregation, so there is bodily health in the physical body [*ubi innuitur quod ita se habet pax ad corpus methaforicum civitatis vel cuiuscumque sotietatis seu congregationis sicut se habet sanitas corporalis ad corpus phisicum*]. Therefore, we shall say, first and mainly, that it is the wise rector who achieves peace, in the manner of a learned doctor [*et dicamus quod primo et principaliter facit pacem discretus rector ad modum sapientis medici*]...[658]

Here, the author combined the concept of the *Christus medicus* – the physician who would heal both soul and body – with the idea that peace was essential for the prosperity of the city and, in turn, for the salvation of the soul. These themes were central to Remigio's thought, as in those same years, the preacher was adapting the Aristotelian conception of the common good to the civic-religious environment of the Italian cities (as explained in chapter I). At the same time, the reference to the *corpus methaforicum* shows that the preacher imagined the political community in terms of a living organism. Remigio, a lecturer at the Florentine *Studium* of S. Maria Novella, was probably familiar with the most recent scholastic reception of Galenic medical theory.

In his comparative analysis of European and Japanese medical-political discourse in, respectively, the fourteenth and seventeenth centuries, Takashi Shogimen wrote that in the former context, the treatment of diseases in the body-politic was mostly compared to surgical operations. According to the author, this meant that in European political thought, 'coercive and punitive aspects of government [were felt as] the final solution to political conflicts'. This was different from Tokugawa Japan, where medical metaphors of government were applied for the prevention – rather than the successive treatment – of diseases-conflicts.[659] It is true that from the 1200s onwards, the idea that crime damaged the common good and should thus be punished was

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[657] Dei Libri, *Arringhe*, V, 17-19.
[658] Girolami, 'Sermo VIII'.
[659] *Ibid.*, 91, 103.

gaining ground, at least in the thought of intellectuals such as the judge Alberto da Gandino.[660] However, this remained an aspiration often unfulfilled: as I have demonstrated, the only crimes that were truly punished were those committed by people who had lost access to those 'safety webs' which could protect them from the repressive side of public justice. The evidence analysed in this thesis reveals that (at least in communal-age Italy), the main goal of civic governments was to pacify society and to bring the belligerents back to a harmonious state, and not to punish criminals. Forgiveness was a key element of Christian thought, and it was one of the two main attributes of public justice. Coercion-surgery was one of many available treatments, but one which should be employed only when all other approaches had failed.

In his 'Vade in pace', Remigio included a list of possible interventions-treatments for the restoration of health in the metaphorical *corpus civitatis*:

> As a ninth thing, justice [secures peace] by punishing evildoing by means of sanctions like phlebotomy [*in pecunia ad modum flebothomie*], or by expelling [an evildoer] like the expulsion of excessive humours [*vel in persona expellenda ad modum purgationis humorum*], or by execution as with the mutilation of a limb [*vel interficienda ad modum abscindionis membri*], and by extolling good citizens in the manner of a diet which is adjusted to diverse complexions [*et promovendum bonos ad modum diversitatis ciborum secundum diversas complexiones*].

While the rewarding of deserving citizens as a way to contribute to the healthy/good state of the polity is probably a reference to Aristotle's discussion of distributive justice in book V of the *Ethics*, the rest of the passage shows that Remigio was familiar with Galenic medical theory and practice. The civic rector is presented with a range of possible treatments, which he should choose depending on the nature of the disease he is dealing with, and on the complexion of the metaphorical *corpus civitatis* which he is examining.

In the same year as the 'Vade in pace' (1297), a very similar analogy appeared in the judicial orders issued by the Florentine Tegghiao de' Frescobaldi, then *podestà* of Bologna. This shows that medical metaphors of peace-keeping were not confined to model speeches, sermons, and learned treatises, but were also employed in pragmatic sources, such as, in this case, the proceedings of a criminal trial. Early in May 1297, in the middle of the war between Bologna and Azzo VIII of

[660] Discussed in chapter II.

Ferrara, the elite *popolani* Arrigo, Giovanni, Mandolino, and Lippo – all members of the Mezzovillani family – were tried for high treason against the commune, with the accusation of having hosted and aided enemy spies. The charges pressed against the four were serious: apparently, they were organising a tumult in the city in order to undermine the war effort, conspiring to submit Bologna to the jurisdiction of the *signore* of Ferrara.[661] The accusation was probably well-founded: a few years later, the Mezzovillani would side with the Black Guelfs, the faction in favour of an alliance with Azzo which organised many conspiracies against the regime. These were the early symptoms of a widening fracture which would become marked in the early 1300s, as many elite actors voiced their opposition to what they perceived as a harmful and expensive war. The defendants appeared in court on 20 May, denied everything, and presented their *fideiussores*, among whom were two men of the Artenisi-Beccadelli, a Boatteri, a Pepoli, and a Purpurei.[662] Treason could be punished with death, but because of the intervention of the guarantors-mediators, Tegghiao decided not to pursue this avenue. After all, the Mezzovillani were one of the wealthiest and most influential houses of the city, and had, until that point, done great good. Between 1280 and 1296, this family – whose members were enrolled in the three major corporations – had appeared in a mediating capacity in at least nineteen trials and twenty reconciliations, and had collaborated with forty-six other peace-maker families (B, 12). Instead, on 21 May (most likely in accord with the *fideiussores*), the *podestà* ordered the conspirators to leave the city – similarly to what had been done with the protagonists of the failed plot in August 1287:

> The noble and powerful knight Tegghiao, thinking how to benefit the commune of Bologna in many different ways [*coggitans ad multiplicem utilitatem communis Bononie*], and how to most effectively protect the *health* of the war, commune, and *popolo* of Bologna [*maxime pro* salubritate *guerre, communis et populi Bononie*], assigned the *confines* to the aforementioned [men], lest their delay bring danger to the city of Bologna [*ne ipsorum mora posset civitati Bononie auferre periculum*]... [663]

Arrigo was to reach Naples within a fortnight and to send proof of his arrival within a month. Similarly, Giovanni was sent to Genoa, Mandino to Parma, and Giovanni to Milan, on pain of

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[661] ASBo–*Inquisitionum*, 41, Reg.VI, 2r.
[662] *Ibid.*, 3v.
[663] *Ibid.*, 4r.

£2000 each. In this case, the *health* of the body-politic could be saved by expelling the four plotters, as these were threatening the *bonus et pacificus status* in the manner of excessive bodily humours. As we saw above, this was one of the remedies for the restoration of health/peace listed by Remigio. Whether Tegghiao or one of his relatives had heard these words directly from Remigio is obviously impossible to now, but it is clear that these ideas were circulating in political and intellectual circles, and that analogies of this kind had particular purchase. It is possible that the civic rector had thought of himself as a doctor who employed public justice in order to rid the *corpus civitatis* of a dangerous condition.

Proportionality of response was a key characteristic of Galenic medical theory and practice.[664] As I will explain in greater detail below, the importance of proportionality and relativity could also be observed in practice in the dynamics of peace-keeping. This idea was stressed by Remigio at the end of the sermon 'Vade in pace', when he listed nine conditions necessary for the restoration of health. Among these are a knowledgeable doctor, an obedient patient, the rebalancing of the qualities, the prescription of specific medicines and diet, and 'corresponding proportion' (*proportio conrespondens*).[665] Similarly, in the section of *Book of the Treasure* dedicated to the government of the city, Brunetto Latini explained that the civic rector should possess both empirical knowledge of precise events, and universal knowledge of the law: 'experience is not sufficient, and universal knowledge is unsafe without experience' (*la sperienza non è sufficiente, e la scienza dell'universale non è sicura senza la sperienza*).[666] Before taking action, the *podestà* (or *capitano*) should – like a good Galenic doctor – carry out a careful analysis of the symptoms presented by his patient, and proceed with proportionate measures. Brunetto was also acquainted with Galenic medical theory, as in the second book of the *Treasure*, he dedicated a number of chapters to bodily complexions, the humours, their qualities, and their combination (*mischiamento*).[667]

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[664] As also stressed by Siraisi, *Medieval and Early Renaissance Medicine*, 101.
[665] Girolami, 'Sermo VIII'. 'Unde ista faciunt sanum: medicus sapiens, infirmus obediens, calor ad naturam rediens, signum ostendiens, munimen defendens, medicina affligens, dieta subtrahens, clistere emictens, proportio conrespondens'.
[666] Latini, *Libro del Tesoro*, Book VI, LVIII.
[667] *Ibid.*, Book II, XXXI-XXXV.

Arguably the most sophisticated (and famous) analogy between Galenic medicine and peace-keeping drawn in this period was authored by Marsilius of Padua in his *Defensor Pacis* (1324). This work condemned papal claims to temporal power as the ultimate cause of discordance, as the 1320s saw an important dispute between Marsilius's protector Emperor Louis IV and Pope John XXII. As has been explained in chapter I, this conflict had direct repercussions for the world of the Italian cities and for Bologna in particular. Indeed, it generated a new conflict between the Northern-Italian Ghibellines and a French pro-papal league coordinated by Betrand du Pouget, who became *signore* of Bologna (and other Emilian cities) in 1327. Moreover, even if Marsilius dedicated the *Defensor* to the emperor and spent most of his life beyond the Alps, he had received his intellectual formation (and education in medicine) in his native Padua. This intellectual was thus familiar with the dynamics of the thriving urban world of Northern Italy, and his work was relevant to the socio-political and historical context under analysis in this thesis. For Marsilius, who was well acquainted with Aristotelian political thought, the goal of human society was the *bonum commune*, which he, however, still understood in thirteenth-century terms as a material condition. Peace was the ultimate aim to which all political communities should aspire. Discourse I of the treatise explained the ideal functioning of the polity, in order to provide the theoretical basis for the achievement of *pax*.

In chapter II of the First Discourse, Marsilius explicitly compared the city to a body, a metaphor which would then be upheld and elaborated throughout the remainder of the First Discourse. Following a tradition which dated back to at least the mid-1200s, Marsilius drew a direct analogy between medicine and the law, presented as the balancing force of the body-politic. By law, Marsilius did not solely mean the set of formal norms and procedures listed in the statutes, but also the whole series of customs, manners, and social conventions which surrounded it.[668] It is possible that this broader definition also referred to that series of informal practices of collaboration that have been analysed in chapters IV-V. Also in line with the Avicennian reworking of Galenic medical theory, this medicine-law did not always require the intervention of

[668] Kaye, *History of Balance*, 322.

an external actor-*medicus*. The body-politic described in Discourse I was not a monolithic entity, but was made of many different parts which arranged and re-arranged themselves by communicating with each other and the whole.[669] Then, in chapter V, the author wrote that the city should ideally have 'a particular part or office through which the excesses of such acts might be corrected and brought back to equality or due proportion' (*pars aliquam seu officium per quem excessus talium actuum corrigantur et ad equalitatem aut proportionem debitam reducantur*).[670] Collaboration was thus a core value of this model, as the law was created and regulated within the body politic itself. Marsilius's 'human legislator' was made up of the 'better part' (*valentiorem partem*) of the citizens, who were chosen by election and who should work for the common benefit of all.

In chapter XV of the First Discourse, Marsilius recognised the need for an exterior and superior actor, tasked with broad directing powers, whom he identified with the prince-emperor. Through this claim, the author was suggesting that the clergy – a part of the body-politic – should be subjected to human law, a point which would then be fully expanded in Discourse II.[671] Yet the power of the prince was not absolute and disconnected, as his good rulership still depended on the consent (through election) of the *universitas civium*. Moreover, the good condition of the polity was still secured through the internal equalisation of society: the role of the prince was to balance society (and thus secure health) by administering the law. This could only be achieved through the support of the polity, so that the two had to be engaged in an on-going dialogue. In another medical metaphor, Marsilius likened the prince to the heart: the most important organ of the body which, in order to function correctly, had to be kept in order by the other parts of the body.[672]

According to Kaye, the fact that Marsilius ultimately recognised the need for a superior and exterior authority for the efficient functioning of the *civitas* represented a departure from the self-balancing model described in earlier chapters of the *Defensor*.[673] It is to be wondered, however,

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669 Marsilius, *Defensor*, I.II.3-4, commented by Kaye, *History of Balance*, 315-22.
670 Marsilius, *Defensor*, I.XVIII.8; Shogimen, 'Medicine and the Body Politic', 106.
671 Moreno-Riaño, 'Marsilius of Padua's Principles of Secular Politics'.
672 Marsilius, *Defensor*, I.XVIII.8; Kaye, *History of Balance*, 315-36; Shogimen, 'Medicine and the Body Politic', 98-106.
673 Kaye, *History of Balance*, 269-300 and 336-43, for the discussion of this self-balancing model applied to the *Defensor* and other contemporary political treatises.

if Marsilius actually saw these two models (the self-balancing attributes of the organs and the presence of a directing power) as irreconcilable. In fact, it could be proposed that the discussion of the prince by Marsilius actually adhered to the Avicennian re-elaboration of Galenic medical theory: while some conditions could be healed by the body itself through the internal readjustment of the humours and qualities, others required the direct intervention of an exterior actor. The decision whether to intervene and with which treatment or to leave the healing of a condition to the internal re-adjustment of the organs had to be based on the careful examination of the symptoms. Such an understanding of Marsilius's medical-political thought would be in line with what had been written by Remigio dei Girolami (and others) a few years earlier, that is, that the civic rector (whether the *podestà*, *capitano*, *signore*, or an external prince) should act *ad modum sapientis medici*. In addition, this idea was also in line with the actual functioning of public justice as has been described in this thesis. The practices of collaboration observable in the system of peace-keeping could be thought as presenting those same properties of self-balancing of the new idea of equilibrium developed in that period through the intuitive appreciation of the functioning of markets and, in this case, living organisms.

Indeed, as we saw in chapter V not all conflicts and dangerous threats to the *bonus et pacificus status* were treated in the same way. Generally speaking, when influential and highly-visible members of society waged war against each other (or threatened to do so), this elicited prompt responses and saw the involvement of high-profile actors. In this case, there were different ways in which a working equilibrium could be restored. Organising a reconciliation was not always a viable option. As we saw, for example, guarantors-mediators often refrained from representing defendants thought to be at fault or who had betrayed the trust of the peace-makers. In these events, the defendants were condemned *in absentia*, usually to the payment of a fine or, if the crimes committed called for it, physical punishments and even death. Remigio compared sanctions to phlebotomy, suggesting that these were aimed at recreating a balance and, therefore, health. More coercive measures could also be employed. One of the most common strategies was to confine the belligerents either to specific locations within the city-walls, to fortified burghs in the *contado*, or to allied cities. This measure – that was explicitly likened by both Remigio and Tegghiao to the

expulsion of excessive humours – was usually applied to both sides involved in a conflict. Finally, when the crimes committed were too serious – and when civic authorities and peace-makers wanted to set an example – mutilations and executions were handed down: as we have seen, these were likened to medical operations and, in particular, surgery. Nonetheless, punishments were distributed symmetrically between the parts. This, too, seems to reflect one of the main characteristics of the system of dynamic equilibrium analysed by Kaye, as this privileged the aggregation and interaction of all its parts over the focus on individual elements.[674] As we have seen with the case of the war of the mountain lords, while dozens of people were condemned to death, only few of these were actually carried out. Taken individually, the executions of Guido da Cuzzano, Tardino, and Maghinardo da Panico might seem unfair and asymmetrical, since many other lords who committed brutal acts of violence were acquitted and reintegrated into society. However, if seen from the point of view of the system as a whole, this amalgamation of pardons and exemplary punishments could be thought as producing a dynamic equilibrium.

By contrast, the conflicts fought between less socially-prominent actors were not treated with the same kind of urgency, even if these were often violent and involved dozens – if not hundreds – of belligerents. As scholastic doctors observed, some diseases did not require the intervention of the doctor, as the humours, qualities, and organs of the body interacted until they re-adjusted equilibrium and, therefore, restored health. Similarly, peace-makers could collaborate with each other and keep conflicts under control without the employment of coercive measures by civic authorities. Usually, enmities such as the war of S. Giuliano, Sargozza, and S. Felice (between the clients of the Ricci and Boatteri) were managed by local peace-makers, who used the system of pledging explored in chapter IV in order to organise both formal and informal reconciliations. Collaboration was a key element of peace-keeping, and its functioning was also in line with the new forms of dynamic equilibrium observed, among other things, in living organisms.

This analogy might be taken even further. A central element of Galenic theory was that the restoration of health also required the combination of contraries. The efficacy of the system of

[674] Kaye, *History of Balance*, 5-11.

peace-keeping used in Bologna was not only secured by collaboration between *socii*, but also, most importantly, by cooperation between enemies. In many instances, the latter left their hatreds behind them and worked together in the name of the common good. For example, among the guarantors for the rival banking families of the Rodaldi and Bianchi di Cosa in 1285-1286 were the enemy families of the Artenisi-Beccadelli and Baciacomari (A, VI, '1-3'). The two would collaborate again in March 1292, when they contributed to the reconciliation between the rival brothers Alessandro and Nerone of the counts Alberti.[675] In February 1296, the mortal enemies Niccolò Rodaldi and Bettino Bianchi di Cosa brokered a delicate dispute between the consuls of the merchants guild of Florence and three Bolognese elite women, involved in a dispute which originated over a right of reprisal conceded by the Bolognese government. Among the litigants was lady Afelisia Manigoldi, the wife of Bonbologno Tassioli – one of the allies of the Bianchi di Cosa.[676] Similarly, in October 1288, various men of the Ricci and Boatteri brokered a *compromissum* together, just as hostilities between the two families were breaking out.[677] Moreover, when their respective clients clashed against each other, rather than taking sides, the members of the Ricci and Boatteri joined efforts and sought to bring those disputes to an end, as happened, for example, in February 1289. Many other examples could be produced. As explained in the previous chapter, maintaining a united front was key, as otherwise the whole system of mediation would stall and collapse. As we have seen, in 1297, the preacher Remigio and the *podestà* Tegghiao likened members of society to humours and qualities that had to be monitored and expelled if necessary for the preservation of the health of the body politic.

The fact that Brunetto, Dante, Remigio, and many other thinkers and civic officers drew direct analogies between medicine and peace-keeping suggests that they were aware that the series of informal practices of conflict resolution worked as a system aimed at maintaining a working equilibrium in order to preserve the *bonus et pacificus status*. Nonetheless, the interaction between medical ideas and the functioning of public justice was not necessarily unidirectional. As we have

675 ASBo–*Memoriali*, Reg.81, 706v.
676 *Ibid*., Reg.90, 26v-27r.
677 *Ibid*., Reg.73, 99r.

seen, contemporaries had access to a series of medical metaphors through which they could describe their society. At the same time, it is possible that the forms of dynamic equilibrium observable in the system of peace-keeping provided a ready-made model for the understanding of the Galenic system. The latter was being explored and expanded in those same years by doctors such as Taddeo Alderotti and his pupils. As remarked in section 1.2 above, these intellectuals were in frequent contact with peace-makers and civic officers. Taddeo translated the *Ethics* – and might have also worked on the *Politics* – while his pupils were interested in and produced works on law and economic thought –[678] the latter being one of those domains in which new ideas of dynamic equilibrium were being observed. A careful analysis of the works of late thirteenth- and early fourteenth-century doctors might reveal that their experience of peace-keeping dynamics also helped to understand the working of living organisms. As Kaye has argued, the development of this new model of balance was epiphenomenal, as it emerged gradually and simultaneously in different domains, and both through the reception and reworking of authoritative texts, and through the participation of scholars in a lively intellectual culture.[679] The administration of the law – and, in particular, the system of peace-keeping in use in Bologna and other cities in around 1300 – might have been among the areas that stimulated the gradual development and refinement of new ideas of dynamic equilibrium in different domains of thought.

CONCLUSION

From the mid-thirteenth century onwards, the reception, re-elaboration, and circulation of Galenic theory and Aristotelian philosophy, combined with contemporary preoccupations about internal divisions, inspired many politically-engaged thinkers to imagine their political communities as living organisms. In these metaphors, civil war was described as a corrupting disease, while peace-keeping measures were compared to different medical treatments aimed at restoring a healthy balance. Even if the logic of individual practices such as pledging and the collaboration between enemy families was never discussed explicitly or described in dedicated

[678] Siraisi, *Taddeo Alderotti*, 72-95.
[679] Kaye, *History of Balance*, 13.

treatises, contemporaries were aware that these were part of and worked as a system. Its functioning – as it was described, even if indirectly and through medical metaphors, by thinkers like Brunetto Latini, Remigio de' Girolami, and Marsilius of Padua – presented many similarities with the new model of dynamic equilibrium analysed by Kaye. These were the perceived importance of restoring a balance between the parties at war; the dynamic nature of this balance, that was achieved not by applying a rigid protocol but, rather, by taking specific, proportional measures that could even be highly asymmetrical; the realisation that some conflicts could be resolved without the direct intervention of civic authorities; the capability of this system to achieve a balance through the interaction of its parts; and, finally, the overall importance of collaboration for the functioning of the polity. The lively intellectual world of the late 1200s and the circulation of ideas between doctors, theologians, lawyers, and other thinkers encouraged the spreading of new ideas across different disciplines. If on the one hand, the reception and dissemination of new medical theories provided a framework for the observation and understanding of how society worked, on the other, the experience of the dynamics of judicial administration could also inspire the development of thought in other domains.

Epilogue

For the men and women of late thirteenth-century Bologna, conflict – in all its forms – was a central part of everyday life. Every year, the *podestà* and his judges officiated thousands of trials for assault. Whether the claims that led to these trials were truthful or not, the sheer number of crimes denounced at the *curia maleficiorum* is indicative of widespread litigiousness and reveals existing patterns of enmity and hatred. In addition, thousands of civil lawsuits were also filed in communal, episcopal, and guild tribunals. Thanks to prosopography and the combined analysis of judicial, notarial, and governmental acts, it has been possible to reconstruct at least eighty-seven violent conflicts fought across the social scale. Divisions did not exist only between opposed political parties, social classes, and city-wide factions, but also at a lower, more localised level. Virtually all these enmities arose from concrete socio-economic and political causes, and were fought over the control of geographic, socio-economic, and political space.

Despite all the damage, pain, and desire for revenge caused by internecine fighting, conflict was not an irrational or chaotic process, and was not necessarily disruptive of social order. When they waged war, the belligerents usually followed a set of (mostly implicit) norms. Even the most brutal and sensational acts of violence acquire meaning when they are contextualised as part of on-going patterns of revenge: the logic of vendetta continued to drive different forms and practices of violence, whether this was carried out by civic authorities or private citizens. Violence was employed in virtually all the conflicts analysed here, but this was almost never out of control, even if the wars waged outside the city-walls were often much the more brutal. Several enmities resulted in at least a homicide, but the use of force was often employed strategically, and in many instances, armed clashes between larger groups did not result in bloodbaths. Moreover, street assaults were not the only tool employed during conflicts: judicial action was another effective way to damage enemies. Even bellicose rural lords were familiar with the functioning, language, and values of the law courts, and were capable of thinking in sophisticated legal terms. This was a consequence of the circulation of legal consciousness across the city and *contado*. In turn, this readiness to bring

grievances to court helped to keep these disputes under control, since courtroom litigation was the first step of a longer process of mediation and reconciliation.

The society of late communal-age Italy was marked neither by institutional crisis, nor by perennial ungovernability and instability. The centrality of conflict and violence which characterised this period was counterbalanced by an overwhelming and widespread desire for peace. The idea that *pax* was fundamental for the conduct of a fruitful and virtuous life permeated legal, political, and religious discourses, which in this period were inextricably interconnected. Forgiveness was a central element of confession and penance, and was indispensable in order to be reconciled with God. At the same time, this was also one of the main attributes of public justice. The dual religious and judicial importance of mercy is embodied by the female figure drawn by Armanino *de Zambellis* in February 1306, which as I argued may be read as a representation of justice. The 'good and peaceful state' – the thirteenth-century idea of the common good which could be secured thanks to the good administration of *Iustitia* – was indistinguishably material and spiritual at the same time. The importance of peace stressed in the political rhetoric of the *popolo* was not mere legitimising rhetoric. The people who governed in this period were aware of the disruption brought by the factional divisions of the mid-1200s, and knew that peace was an indispensable condition for their economic, political, and spiritual well-being and survival.

While the harmonious, celestial community evoked by Enrichetto in his drawing remained an aspiration to be fulfilled in the afterlife, many contemporaries probably felt that a state of tranquillity could actually be achieved on earth. Despite the conflicts which characterised late-Duecento Bologna, the *popolo* regime in charge in this period managed to endure for more than two decades, and carried out a precise and coherent political programme. This was not the product of chance, nor was it a result of the fact that feuds would sooner or later yield to peace (as believed by some anthropologists and historians). While conflict was not an irrational and chaotic process, this could still provoke great damage to the polity.

Public justice – here understood as the amalgamation of the different procedural systems and practices recognised by the *Ius proprium* of the city – was the main tool (or medicine) to counter the threat posed by internecine divisions. Yet conflict resolution was neither achieved by allowing

the parties at war fight against each other following the norms of the *Ius ad bellum* (a practice which was not sanctioned by the *Ius proprium* of Bologna), nor was it simply a top-down process of law enforcement operated by increasingly stronger and more centralised civic authorities. Rather, the evidence presented here has showed that in the late Duecento, peace-keeping continued to depend on formal and informal instances of collaboration between various sections of society. If on the one hand, the social, judicial, and political fragmentation of late-medieval societies produced long-term instability, on the other, cooperation between these different units enabled society to function.

The analysis of judicial and notarial records has revealed the existence of a network of 161 urban influential families whose male members appeared in a mediating capacity in more than 70 per cent of all trials and reconciliations analysed. These peace-makers joined their efforts in order to bring disputes to an end, and to support the actions taken by civic authorities. Urban magnate families played a key peace-keeping role, and thus directly supported the functioning of the regime. This nuances the picture offered by many historians of the urban aristocracy in the age of Dante as a violent and self-serving group more interested in family honour than the good of their polity. The case of the Galluzzi has been exemplary. The males of this powerful urban clan were labelled as rapacious wolves in the Ordinances of 1282 and 1284, and did not abstain from feuding and factional divisions. Nevertheless, these magnates also appeared in a mediating capacity in dozens of acts, and helped to keep the most dangerous conflicts under control. As I have suggested, violence and peace-making were two faces of the same coin. Both were expressions of power and status, and were means by which elite members of society defended their prerogatives and presented themselves as trustworthy members of the political community.

One of the most important processes which supported the functioning of public justice (and thus conflict resolution) was pledging. In accusatorial trials, the guarantors-mediators used their position in order to pressure the accuser to drop the charges. Similarly, in inquisitorial trials, the guarantors vouched for the innocence of the accused and assured the judge about their trustees' willingness to cooperate, thereby obtaining an acquittal. This was not a conscious attempt to prevent the 'state' from interfering with private matters, as the same men who acted as professional

guarantors (and even appeared as fake *testes de nichilo*) were employed in the judicial machinery of the commune, and participated actively in the government. Their aim was not to build and reinforce public institutions but, rather, to fulfil that aspiration which saw the obtaining of peace as the ultimate and most important goal of political society.

Thanks to the efforts of civic authorities and peace-makers, the most dangerous conflicts fought in this period could actually be prevented from creating widening, destabilising fractures. Not all conflicts were managed in the same way, so that there was no single and rigid protocol to be followed. Rather, responses had to be dynamic, and took into account not only the nature of the crimes committed, but also the status of the actors involved, as well as a wider series of social, economic, political, ethical, and spiritual considerations. As argued in chapter VI, the system of peace-keeping in use in Bologna in the late 1200s presented many analogies with the new model of dynamic equilibrium that was being developed in those same years by a number of scholastic intellectuals. As was also written by various moral and legal thinkers who employed medical metaphors in order to describe the practices of peace-keeping, there were many different ways to restore a working balance in the body politic. While forgiveness was clearly preferable coercion was also employed, especially when the parties at war went too far with their actions. The success of the measures taken by civic authorities – whether these were reconciliations, *confines*, or punitive expeditions – depended on the support of local elites. Not all approaches bore the same results. In the city, the pacification of feuds was obtained with greater ease (provided that peace-maker families and civic authorities worked closely together), as the protagonists of these enmities could not afford to be excluded from the various socio-economic and political webs which tied them to the rest of society. In remote areas of the *contado*, things were more difficult, as rural lords felt less constrained than their urban counterparts, and had thus greater liberty of action.

This continued reliance on collaboration, trust, and informal practices has suggested that the growth of public institutions experienced in this period built and depended on a previous system made of interpersonal relations of friendship, cooperation, and even coercion. This does not mean that the law and institutional developments were mere façades covering the real machinations of power – an assertion previously made by the historians of the twentieth-century

oligarchic school. Rather, these two dimensions were inextricably linked. Contemporaries paid the utmost importance to procedure. Magnate jurists were consulted by the *anziani* and by magistrates in order to secure the correct conduct of governmental and judicial operations. As Blanshei has argued, Bolognese jurists and law-practitioners more generally granted the right of due process to everyone, whether they were privileged citizens, peasants, or even city rebels.[680] When peace-makers sought to interrupt trials in order to bring enemy sides to a reconciliation, they did so by exploiting legal loopholes or by presenting *testes de nichilo*. Never did they simply disregard procedural rules, and if they did, their actions were called out and condemned.

The fact that a restricted group of powerful families effectively controlled the functioning of justice also had a series of important side-effects. First, this system was based on trust and interpersonal connections, and inevitably operated on deeply unequal grounds. While clergymen did play a role in peace-making, the evidence at our disposal suggests that this was almost exclusively the prerogative of lay, elite males from powerful urban families. (In addition, many of the members of the secular clergy who did intervene in a mediating capacity were related to these groups: an example is that of Alberto Galluzzi, the archpriest of S. Lorenzo in Collina who brokered many arbitrations during the war of the mountain lords.) To the extent that our sources indicate, women, poorer members of society, and outsiders were basically excluded from the network of peace-makers and from the power and prestige which its 'membership' (which remained informal) entailed. None the less, despite the restricted and exclusive nature of this web, its members benefited many sections of society. Those who benefited from the support of peace-makers – regardless of their gender and station in society – could navigate the dangerous world of the law courts with greater ease. On the contrary, foreigners, outsiders, and ostracised members of society were left to their own devices, could not present guarantors, and either fled the city, or were exposed to the coercive side of justice. Another side-effect was that this system created a grey area between legality and illegality in which some crimes – at times even serious ones – were not prosecuted. This made it possible for well-connected and strategically-minded actors to use

[680] Blanshei, *Politics and Justice*, 337-65.

violence with impunity. As a consequence, despite the stress on peace and harmony which characterised this period, recourse to violence remained a viable option, and continued to be employed across the social scale. Finally, collaboration was, at the same time, the greatest strength and the Achilles' heel of this system. The effectiveness of peace-keeping depended on the maintenance of a united front among the families of peace-makers. This meant that disagreements within this network could cause the system to stall and even collapse. Factional divisions could not always be avoided, even if these could be successfully averted for many years.

1. THE END OF COLLABORATION? 1274 AND 1303

Even if individual regimes experienced relatively long periods of stability, the case of Bologna between the twelfth and sixteenth centuries is exemplary of long-term volatility. Destabilising factional divisions were experienced both immediately before and after the chronological focus of this thesis. In the spring of 1274, violent street fights broke out between the Geremei and Lambertazzi after three decades of coexistence. Similarly, in 1303, a number of powerful families were exiled in the aftermath of a new conspiracy against the regime. Eventually, the Black Faction gained the upper hand and took over early in 1306, when a city-wide coalition rose against the government.

Until recently, the divisions which characterised the final stages of the communal experience were presented as a consequence of institutional crisis, as civic authorities were presented as too weak to deal with the problems posed by pluralism (as explained in the introduction). Yet even during times of social and political unrest, judicial institutions continued to work as usual, unless the street fights became so severe that the law courts were shut, and foreign magistrates had to flee the city. Once revolts were subdued or new regimes took over, the judiciary resumed its ordinary activity without radical alterations. Therefore, these dynamics cannot simply be explained as the result of the weakness or sudden crisis of political and judicial institutions. A more convincing explanation of the reason why civic authorities were suddenly unable to contain factional clashes might be that this was due to the breakdown of those processes of collaboration

which supported peace-keeping measure in the first place. Without a solid and cohesive group which supported their actions, these were bound to be ineffective.

Let us take, for example, the divisions between the Geremei and Lambertazzi of spring 1274. In the previous three decades, the two factions had managed to coexist thanks to a system of collaboration similar to that which has been analysed for the 1280s and 1290s. While very few judicial documents from before 1285 have survived, the nature of collaboration from this previous period can be attested thanks to the reconciliations and loans copied in the *Memoriali* from 1265 onwards. In the mid-1200s, the Guelfs and Ghibellines did not constitute two polarised blocks but, rather, collaborated with each other in judicial settings and also in business and finance. In particular, the analysis of 348 loans contracted between 1267 and March 1274 has revealed the existence of multiple financial connections between 116 Geremei and 132 Lambertazzi families (Figure 12).[681] Red bars indicate loans contracted between families belonging to the same faction, while blue bars indicate loans which included at least a family of each side.

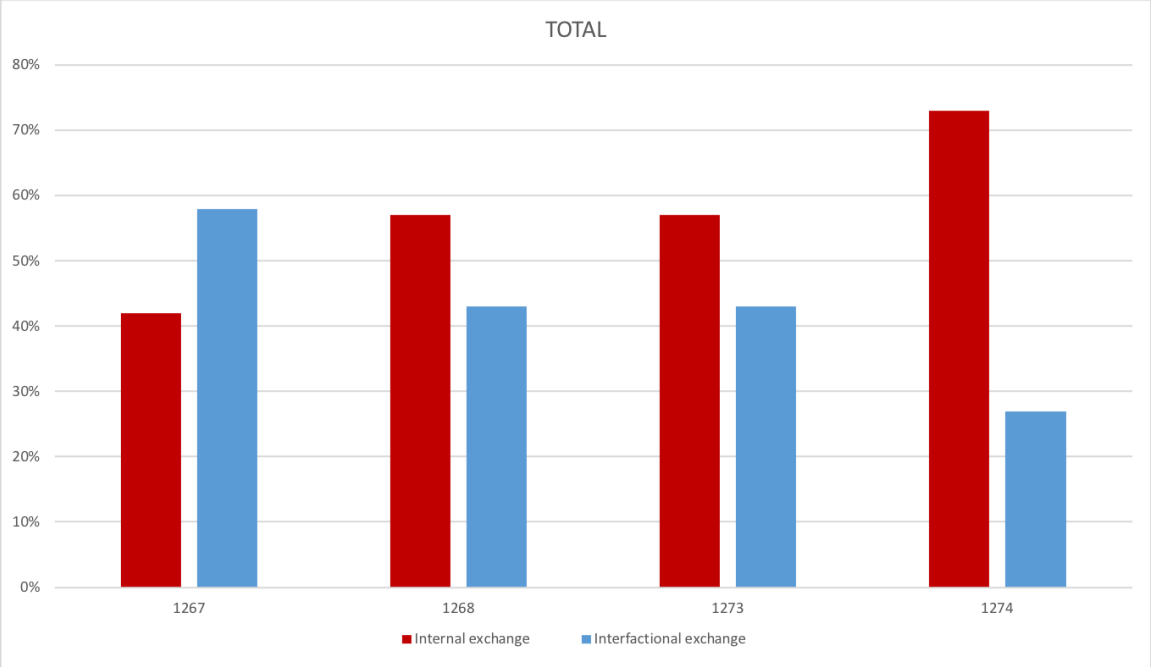


Figure 12. Analysis of 348 loans (*mutui*) contracted by 248 Guelf and Ghibelline Bolognese families, 1267-1274.

[681] With some approximation, it is possible to tell which families belonged to each faction thanks to the survival of a 1277 register with the names of around 4,000 Lambertazzi exiles: ASBo–*Capitano*, *Banditi*, Reg.III. For a discussion, see Milani, *L'esclusione*, 233-43.

ASBo—*Memoriali*, Reg.3-4, 14, 21, 24-25.
(Made by the author)

These 'inter-factional loans' (in which families from opposed sides either lent money to each other, or participated in the same business ventures as lenders or borrowers) created links of economic interdependence between the factions, thereby disincentivising internecine fighting. In part, the rivalry between the factions also arose from the fact that both groups were active as money-lenders, and competed over the control of the same busy market.[682] In order to overcome this problem – and to keep a working balance between the parties – the government sought to borrow money equally from both sides. For example, in October 1268, the commune was in need of a substantial loan in order to reinforce the castles of its northern frontier, which were being threatened by Venice. Lest one party was favoured over the other, the loan of £2200 was equally divided between the Guelf banking house of the Artenisi-Beccadelli, and the Ghibelline company of the Clarissimi and Grimaldi.[683] Thanks to this strategy, whenever fights broke out between enemy families, their peers and social superiors intervened promptly and pressured them to keep the peace. That is, for example, what happened in March 1267 between the Lambertini, Guidozagni, and Calamattoni on one side (Geremei) and the Principi and Scannabecchi on the other (Lambertazzi): the enemy sides were represented by elite peace-makers, while among the witnesses were several members of both the Guelf and Ghibelline aristocracy.[684] In the following weeks, the two sides operated a number of inter-factional loans which served to cement the peace (or truce).

Collaboration diminished drastically early in 1274. Indicatively, the percentage of loans contracted between families belonging to enemy factions fell from around 50 per cent (the average of 1267-1273) to below 30 per cent (Figure 12, above). The increasing level of animosity was not, simply, the result of endless interfamilial rivalries or the consequence of a senseless struggle for political supremacy. In the winter of 1274, the government of Bologna faced a divisive political

[682] Giansante, *L'usuraio onorato*, 104-26.
[683] ASBo–*Memoriali*, Reg.4, 201r.
[684] *Ibid*., Reg.3, 122r, 129r.

decision, as both the Guelfs of Forlì and the Ghibellines of Modena requested the military help of the commune against their respective enemies.[685] These two possibilities proved to be irreconcilable, and resulted in rising hostilities. The increasingly polarised nature of politics in modern-day countries such as Italy, the UK, and US – a consequence of which has been a spike in the number of racially- and politically-motivated violence in the last few years – might make it easier to understand why politically-engaged groups in much smaller and tight-knit communities such as the self-governing cities of thirteenth-century Italy took arms against each other over matters of public interest. The members of the Geremei and Lambertazzi factions spent most of their adult life actively participating in the political life of their city, and lived in a society in which recourse to violence, as we have seen, was a normalised practice for economic, social, and political action and affirmation. Once divisions cemented and families stopped collaborating with each other, civic authorities could do little to contain widening fractures. Between 11 and 23 May 1274, when the fighting between the two groups had already started and dozens of families had taken up arms, the *podestà*, Guglielmo da Pusterla of Milan, attempted to pacify the city one last time. The rector issued *confines* against the main families of both sides, on pain of £1000 each. However, nobody guaranteed for them, as the register which reports the judicial orders given by Guglielmo does not mention any *fideiussores*.[686] Without the support of local families, the measures taken by the *podestà* were bound to be ineffective, as the parties at war were not pressured by their peers and social superiors to keep the peace. Fighting resumed with great ferocity, and the *podestà* had no other choice but to flee the city. Five years later, in June 1279, cardinal Latino Malabranca orchestrated a sumptuous reconciliation between the Geremei and Lambertazzi at the request of Pope Nicholas III. After the ceremonial kiss of peace exchanged between the representatives of the two factions on the communal square, the Lambertazzi were readmitted into the city in September.[687] Yet the peace did not hold out, as by December that year, the Lambertazzi were exiled again, this time until 1299. The analysis of the *Memoriali* registers produced in the second

[685] Hessel, *Storia della città*, 275.
[686] ASBo–*Inquisitionum*, 1, Reg.VIII, 1r-3r.
[687] Fasoli, 'Pace del 1279', 58.

semester of 1279 indeed shows that while the socio-economic life of the city was back to normal, there were virtually no instances of economic or judicial cooperation between these old, and once collaborative, enemies.[688] Without collaboration, even the most sumptuous and ceremonial reconciliations were destined to have a short life.

A similar scenario materialised in the aftermath of the war against Azzo VIII (1296-1299), as this created frictions within the ruling class. From 1297 onwards, a number of influential families became dissatisfied with the foreign policy pursued by the government. Among them were the magnate Caccianemici, Galluzzi, and Garisendi, and the *popolo* houses of the Artenisi-Beccadelli, Battagliucci, Bianchi di Cosa, Bonacatti, Buvalelli, da Bisano, Gozzadini, Mezzovillani, Spiolaria, and Zovenzoni. Their members had been key political and economic players until that point, and had occupied a central place in the network of peace-makers analysed in chapter IV.[689] While a faction of pro-Este supporters (later known as *Pars marchesana* or Black Guelfs) probably formed already in the late 1290s, its members were not immediately ostracised. When four men of the Mezzovillani were tried for conspiracy in March 1297, the culprits were pledged and defended by the Boatteri, Pepoli, and Purpurei – all of whom were close to the White regime. Moreover, the thirteen Black Guelf families listed above continued to collaborate with their political adversaries until 1303 (Table X below). For example, in 1302-1303, the Artenisi-Beccadelli, Buvalelli, and Gozzadini appeared in five acts together with the da Ignano, a powerful *popolo* clan of jurists who played a leading role in the White regime.[690] As has been explained in chapters IV and VI, cooperation between enemy families was one of the strategies through which contemporaries sought to keep society in a healthy state. Indeed, a man of the Artenisi-Beccadelli was part of the *officiales ad paces faciendas*, that special magistracy created in the early 1300s.

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[688] As emerges from the analysis of fifty-three loans recorded between 1 October and 29 November 1279: ASBo–*Memoriali*, Reg.39, 1r-231r. Collaboration took place within the same factions. For example, on 31 October 1279, Various members of the Carboni, da Baysio, and Lambertazzi families (all Ghibelline Lambertazzi) appeared as witnesses at a peace-act for homicide between two groups of artisans: *Ibid*., 97r.
[689] Eleven of these families are listed in Appendix B.
[690] 1302: ASBo–*Memoriali*, Reg.103, 389v, 410r. 1303: *Ibid*., Reg.107, 61r, 703r; *Accusationes*, 25b, Reg.X, 2v.

Years (R = rec.; T = trials)	**Total number of acts (100%)**	**Acts in which Black and White Guelf families collaborated**	**Black Guelf families present as mediators (out of thirteen known to have joined the *Pars marchesana* by 1303)**
1301 (R)	41	2 (5%)	4
1302 (T, R)	328	29 (9%)	10
1303 (T, R)	219	8 (4%)	6
Total	588	39 (7%)	10

Table X. Collaboration between White and Black Guelf families, 1301-1303.
ASBo–*Memoriali*, Reg.101, 103-104, 107; ASBo–*Accusationes*, Buste 24a-25b; ASBo–*Inquisitonum*, 55-57.

Nevertheless, the number of acts in which White and Black Guelf families collaborated was relatively low, and by 1303, less than 50 per cent of the latter appeared in a mediating capacity at all. The difference from a decade before is striking. For example, in 1292, the Artenisi-Beccadelli appeared in nine different acts and collaborated with thirty-three other peace-maker families. Ten years later, the same family-group appeared in an equal number of acts, but only collaborated with eighteen other families, five of which were their allies.[691] Similarly, in 1292, the Mezzovillani had appeared in six acts and had collaborated with five peace-maker families; in 1302, they appeared in two and acted alongside two other groups of frequent mediators.[692] On the other hand, White families continued to collaborate with each other in a large number of acts.

The disagreement which followed the interference of the marquis of Ferrara within Bolognese politics caused lacerations even within the same clans: the Galluzzi split into two rival branches, the Galluzzi of S. Andrea (which remained loyal to the White regime), and those of S. Maria – the main branch – which supported the *Pars marchesana*.[693] Eventually, when a major plot to give up the city to the Este was discovered in April 1303, the conspirators (among whom were

[691] 1292: ASBo–*Accusationes*, 10, Reg.I., 65r-66v; *Inquisitionum*, 23, Reg.IV, 5r; *Memoriali*, Reg.81, 171v, 324r, 444v, 504v, 691v, 706v. 1302: *Memoriali*, Reg.103, 201r, 230v, 630v, 645v; *Accusationes*, 24, Reg.II, 1v; *Inquisitionum*, 55, Reg.III, 5r, 11r; *Ibid*., Reg.V, 6r; 56, Reg.III, 7v.
[692] 1292: ASBo–*Accusationes*, 10, Reg.I, 28v; *Memoriali*, Reg.81, 23r, 206r, 345v, 353r, 716r. 1302: *Ibid*., Reg.103, 337v, 479r.
[693] As emerges from an arbitration celebrated in March 1302: ASBo–*Memoriali*, Reg.103, 499r.

the Artenisi-Beccadelli, Bonacatti, Bottoncini, Caccianemici, Guidozagni, and Piantavigne) were left to their own devices, and were labelled as rebels and condemned to death. One of them – the *popolano* Castellano Piantavigne – was captured, and confessed that he had taken active part in the coup in order to free themselves from that 'faction which they called Ghibellines, which had more power than their own' (*pars... quam appellabant partem Gybelinam... que obtinebat maiorem locum quam pars eorum*). Castellano was not defended by anyone, so that he was condemned to death and decapitated in the communal square of Bologna.[694] By February 1306, these internecine divisions had cemented, so that there was barely any collaboration between formerly cooperative families. When a coalition led by the *Pars marchesana* rose against the regime, the *podestà* Simone da Ferrapecora – like the Milanese Guglielmo da Pusterla thirty-two years before – could not do anything about it, and had no other choice but to leave the city together with his retinue. The Black Guelfs gained the upper hand, and inaugurated a new regime which would last until 1321.

While street battles resulted in the suspension of all economic, judicial and political activity, revolts and regime changes did not throw society into disarray. As soon as new regimes took over, older forms of collaboration resumed. In 1274, Guelf families (and the Ghibelline Lambertazzi who were readmitted into the city) began to collaborate and to do business together as soon as the Geremei took control of the civic government. The same most likely happened in the aftermath of the victory of the Black Guelfs in February 1306, although this is an aspect which will have to be explored in future studies.

. . .

As explained in chapter VI, the practices of peace-keeping uncovered in the course of this thesis were never explicitly acknowledged, even if, as I argued, many moral and legal thinkers were aware that these functioned as and were part of a system. Nonetheless, a visual representation of interpersonal collaboration might be in the foreground of what is, arguably, the most famous

694 ASBo–*Inquisitionum*, 58, Reg.IV, 37r-43r.

political fresco produced in communal Italy: the 'fresco of peace' or 'allegory of the good government' painted by Ambrogio Lorenzetti in the communal palace of Siena in the late 1330s (Figure 13, below). Below the court presided over by the embodiment of the common good (or the commune, according to Quentin Skinner) and the nine virtues, is a group of twenty-four richly-dressed men. These citizens are holding a rope which links together *Iustitia*, *Concordia*, and the common good (or commune). The rope most likely represents the *vinculum concordie*, the bond which, according to Ciceronian thought, secured a peaceful and just living for the political community.[695]



Figure 13. A visual representation of collaboration? Twenty-four Sienese citizens hold the *vinculum concordie*. Ambrogio Lorenzetti, 'Fresco of Peace', Siena, Communal Palace, Sala dei Nove, *c.*1338 (detail).

While each part of this complex fresco has been decodified and explained, the group of citizens itself has received relatively little attention. Some institutionally-minded historians have suggested that this might be a reference to a special magistracy of twenty-four civic officers active in that period.[696] But why would Lorenzetti depict this particular group and not the Lords Nine, the most important *balìa* which met in this room to deliberate? Could this, more simply, be interpreted as a representation of those interpersonal, informal, and yet vital dynamics of collaboration which enabled contemporary cities to function? While some of the citizens are talking to each other and engaging in conversation, others seem to be silent and are looking forward and upward towards

695 Skinner, 'Artist as Political Philosopher', 13; Boucheron, *Power of Images*, 147-50.
696 *Ibid.*, 153.

the good government: in the tight-knit social world of urban Italy, speaking and not speaking were unmistakable symbols of, respectively, friendship and enmity. Yet all of the citizens are holding the rope, and are thus directly contributing to the maintenance of peace. As I have argued, the success of peace-keeping depended most importantly on the cooperation between adversaries in the name of the *bonus et pacificus status*. Read thus, this important part of Lorenzetti's fresco reminds us of the drawing made by Enrichetto Delle Querce five decades earlier: a peaceful community defined not from the absence of discord, but from the reunion of former enemies.

The centrality of dialogue and collaboration in late-medieval societies, in Europe and beyond, is only beginning to be explored. This thesis has demonstrated that dialogue and formal and informal practices of collaboration were a key part of judicial, political, and socio-economic processes even in the circumscribed (and highly sophisticated) reality of the Italian city-communes. The picture which is emerging shows that despite the unprecedented institutional advances and centralisation experienced across Europe (and beyond) in this period, societies continued to function thanks to judicious interaction between their various parts.[697] It will be up to future studies to compare and contrast different forms of cooperation across different European, Mediterranean, and global regions, and to see how these adapted, responded, or reacted to new intellectual developments.

[697] For a global perspective, see De Weerdt, Holmes, and Watts, 'Mediation and Communication'; Forrest and Haour, 'Trust in Long-Distance Relationships'.

APPENDIX A
Conflicts in the city and *contado* of Bologna, c.1276-1307

CONFLICT I. (1276-1307)[698]
'WAR OF THE MOUNTAIN LORDS'

Belligerents

Side A	**Side B**
Counts of PANICO **Lords of** BADALO, BAZZANO, CAZZANO, CAPUGNANO, CASIO, MOSCACCHIA, RONCA (A), TIGNANO **Vassals (*cattanei*):** AIGONI DA SAMOGGIA, AIGONI DA MONTEBELLO, AIGONI DA NUGARETO	**Counts of** MONZUNO, MONTASICO **Lords of** CASTRUM EPISCOPI, CEOLA, CUZZANO, MONGIORGIO, MONTASICO, MONTEACUTO, MONTEPOLI, NONANTOLA, PONZANO, RASIGLIO, ROFFENO, RONCA (B), SALA, SAMOGGIA, SAVIGNO, SCOVETO, TIGLIOLA, VIZZANO, ZAPPOLINO **Vassals (*cattanei*):** AIGONI DA MONSEVERO, AIGONI DA MONSANPIETRO, AIGONI DA ROCCA MASENATA, AIGONI DE ROCCA RODULFORUM, DA AYBO, DA COLLINA, MARTELLI DA BAZZANO, NATALI, ODDONI DA MONTEVEGLIO, ODDONI DELLA ROCCA, OPIZZONI

Acts

1 **Acts (trials, reconciliations, interventions by civic authorities; outcomes; sources)**	**2** **Mediators (guarantors,** arbitrators**, witnesses)**
(1) 1276 Killing of count Maghinardo I PANICO (**A**) by MONZUNO (**B**) (*Cronaca Rampona*, 193)	NA
(2) 04/1280 Arbitration TIGNANO (**A**) and SCOVETO (**B**) (*Memoriali*, Reg.42, 181r)	**Place**: S. Isaia **Arbitrator**: GALLUZZI **Witnesses**: BALDOVINI, CALDARI, DA BADALO, ROSSI

[698] The conflict was still on-going in 1325, but my analysis interrupts in 1307. For the geographical settings of this war, see Figure 9 in chapter III.

3) 03/1281 PANICO (**A**) condemned as rebels for conquering Sambro (*Capitano*, *Giudici*, I, Reg.IX, 10r-11r)	NA
(4) 05/1281 Arbitration PANICO (**A**) and MONZUNO (**B**) (*Riformagioni*, Reg.127, 23r; *Memoriali*, Reg.44, 89v-91v)	**Place:** Communal palace **Arbitrators**: *podestà*, *capitano*, RAMPONI, TEBALDI **Witnesses**: Council of the *popolo*; ARTENISI-BECCADELLI, CACCIANEMICI, PACIBUS, GHISILIERI, LAMBERTINI, GALLUZZI, MALAVOLTI
(5) 02/1282 PANICO (**A**) and SALA (**B**) (*Memoriali*, Reg.49, 57r.)	**Place**: S. Pietro **Arbitrators**: BERETTA, PACIBUS **Witnesses**: GABRIACCI, CLERGY OF S. PIETRO
(6) 04/1283 Civic army destroys castle of PANICO (**A**) because of unlicensed fortifications (*Capitano*, *Giudici*, Reg.44, 4r.)	NA
(7) 03/1285 Raid of Tignano by **B**. Killing of five men of the AIGONI DA NUGARETO and a peasant of Tignano (**A**) Condemned to death (*absentia*) *(Inquisitionum*, 4, Reg.XX, 7v-12r)	NA
(8) 05/1285 Retaliation for 7 by **A** Acquitted (*Inquisitionum*, 3, I, Reg.88r-111v)	**Guarantors A**: GALLUZZI, LAMBERTINI, BAGNO, SIMONPICCOLI, BONACATTI **Guarantors B**: GALLUZZI, DA BADALO, VITREIS, CARRARI
(9) 01/1286 Summoning of TIGNANO (**A**) and SCOVETO (**B**) (*Capitano, Giudici,* Reg.80, 19v)	**Guarantors A**: CATALANI, GALLUZZI, LAMBERTINI, TORELLI **Guarantors B**: BACCELIERI, LAMBERTINI, RAMPONI

(10) 12/1286 Peace: AIGONI DA SAMOGGIA, AIGONI DA MONTEBELLO (**A**) and DA AYBO (**B**) (*Memoriali*, Reg.65, 235v)	**Place**: S. Isaia **Witnesses**: GALLUZZI, SIMONPICCOLI
(11) 01/1287 Peace: AIGONI DA SAMOGGIA (**A**) and MONTASICO (**B**) (*Memoriali*, Reg.68, 246r)	**Place**: Communal palace **Witnesses**: GHISILIERI, DUGLIOLO, ROFFENO, Clergy of S. Giovanni in Monte
(12) 03/1287 Raid of Samoggia by **B** (*Inquisitionum*, 10, Reg.I, 147r-52v)	NA
(13) 03/1287 *Trial* Raid of Tignano by **B** Condemned to death (*absentia*) *(Inquisitionum*, 10, Reg.I, 158r-61v)	NA
(14) 09/1287 Battle: AIGONI DA MONTEBELLO (**A**) and AYBO (**B**) Acquitted (*Accusationes*, 6b, Reg.X, 46r-51v)	**Guarantors A**: FOGLIA, FRIULANI, GALLUZZI, PECUDIBUS, PRETI, TENCARARI **Guarantors B**: BUVALELLI, DOTTI, GALLUZZI, GARISENDI, LAMBERTINI, OSELETTI, PRETI, TEBADI, TORELLI
(15) 10/1287 Killing of a peasant of Samoggia by the AYBO (**B**) Condemned to death (*absentia*) *(Accusationes*, 6b, Reg.X, 60.)	NA
(16) 10/1287 *Reconciliation* AIGONI DA SAMOGGIA (**A**) and AYBO (**B**) (*Memoriali*, Reg.69, 343r.)	**Place**: Communal palace **Witnesses**: GALLUZZI, SIMONPICCOLI
(17) 06/1288 Killing of Comazzo DA TIGNANO (**A**) by SCOVETO (**B**).	NA

Acquitted (*Inquisitionum*, 14, Reg.I.)	
(18) 08/1288 Vendetta for '17' by TIGNANO (**A**) Condemned to death (*absentia*) *(Inquisitionum*, 14, Reg.III, 10r-11r)	NA
(19) 03/1289 *Popolo* council ratifies arbitration between TIGNANO, NUGARETO (**A**) and CUZZANO, SCOVETO (**B**) (*Riformagioni*, Reg.128, 190rv)	**Place:** Communal palace **Arbitrator**: GALLUZZI
(20) 02/1291 Summoning of twenty-nine lords on pain of death (*Accusationes*, 9b, Reg.XVII, 4r)	NA
(21) 1292, I semester Capture and execution of Guido DA CUZZANO (**B**). (*Cronaca Villola*, 236)	NA
(22) 11/1292 Arbitration: (**A**) and (**B**) (*Memoriali*, Reg.82, 580rv)	**Place:** S. Fabiano **Arbitrator**: Alberto GALLUZZI **Witnesses**: AIGONI DA GESSO, ARGELATA, MANFREDI (FAENZA)
(23) 04/1294 Raid of Crespelano by (**B**) Attackers condemned to death (*absentia*) *(Inquisitionum*, 30, Reg.XIII, 1r-7r)	NA
(24) 12/1294 Siege of Stagno by **A** (failed). PANICO condemned as rebels MOSCACCHIA acquitted	**Guarantors (DA MOSCACCHIA):** GALLUZZI, LAZZARI, PRIORI

(*Inquisitionum*, 31, Reg.II, 44r-53v; *Ibid.*, 33/1. Reg.V, 1r-5v; *Riformagioni*, Reg.139, 116r)	
(25) 06/1296 Both sides lifted from the condition of rebels in return for military against Ferrara (*Provvigioni*, Reg.I, 135r-37r; Blanshei, *Politics and Justice*, 173)	NA
(26) 05/1297 Occupation of S. Niccolò of Tignano by **B**. Acquitted (*Inquisitionum*, 41, Reg.II, 23v-26r; *ibid*., Reg.IX, 23v-35v)	**Guarantors B**: SALA, SAMARITANI
(27) 03/1301 *Popolo* council imposes arbitration between sides plus GALLUZZI (**A**) and PRIORI (**B**) (*Riformagioni*, Reg.153, 294r-95v)	NA
(28) 09/1304 PANICO (**A**) tried for illegal fortifications in the *contado* Condemned as rebels. Capture and execution of Count Tardino (*Inquisitionum*, 62, Reg.III, 24r-25v)	NA
(29) 05/1306 PANICO (**A**) conquer the castle of Stagno Condemned to death (*absentia*); civic army destroys the castle of Panico *(Inquisitionum*, 66, Reg.III, 43r)	NA
(30) 05/1306 Raid of Vizzano by **A** Condemned to death (*absentia*) *(Inquisitionum*, 66, Reg.VI, 18rv)	NA
(31) 09/1306 *Judicial orders*	NA

Popolo council orders to capture Mostarda da PANICO (**A**) Executed in 1307 (*Riformagioni*, Reg.164, 28r-29r; Bertacci, 'Cenni storici', 32-9)	
(32) 11/1306 Battle between PANICO (**A**) and MONZUNO (**B**). PANICO condemned to death (*absentia*) (*Inquisitionum*, 66, Reg.II, 2v-3v)	NA

CONFLICT IB (1292-1304)
Divisions within side B after the capture and execution of Guido DA CUZZANO (1292)

Belligerents

Side B1	**Side B2**
Lords of CUZZANO (HEIRS OF GUIDO), CEOLA, MONGIORGIO, NONANTOLA, PONZANO, SCOVETO **Rebel vassals of the counts of Monzuno:** AIGONI DA MONSANPIETRO (B1), AIGONI DA ROCCA MASENATA, MUTI DA MONZUNO	**Counts of** MONZUNO, MONTASICO **Lords of** CUZZANO (HEIRS OF SINIBALDO, BRANCH OF MONGIORGIO), MONTEPOLI, RASIGLIO, SAMOGGIA, TIGLIOLA **Vassals** of the counts of Monzuno: AIGONI DA MONSANPIETRO (B2), AIGONI DE ROCCA RODULFORUM, ODDONI DA MONTEVEGLIO, RIVELLI DA MONTECORVO

Main events and reconciliations

1 **Acts**	**2** **Mediators**
(33) 02/1293 Occupation and fortification of the monastery of S. Sigismondo by **B1** Acquitted (*Inquisitionum*, 27, Reg.V, 17r-22r)	**Guarantors B1**: ARGELATA, AZZOLINI, BAMBAGLIOLI, CALDARI, BENCIVENNIS, FRANCOLI, GALLUZZI, GIUDICI, MARCELLINI, PRIMADUCCI, ROMBODEVINI, SALA, TEBALDI
(34) 04/1293 Raid of Savigno by **B1** (*Accusationes*, 11a, Reg.I, 71v)	**Guarantors B1**: BARGAZA, LAMBERTINI, PLACITI

(**35**) **05/1293** Raid of S. Pietro of Mongiorgio by **B2** (*Accusationes*, 11a, Reg.I, 107r-111r)	**Guarantors B2**: BARGAZA, BISANO, MONGIORGIO, PLACITI, TEBALDI, TENCARARI
(**36**) **08/1293** *Confines*: **B1** are exiled to Cesena, **B2** to Parma, on pain of £1000 (*Inquisitionum*, 29, Reg.VIII, 6r-9r)	**Guarantors B1**: GALLUZZI **Guarantors B2**: ARGELATA, BARGAZA, GERARDI, LAMBERTINI, ROSSI
(**37**) **09/1293** Killing of Filippo AIGONI DA ROCCA MASENATA (**B1**) by **B2** Acquitted (*Inquisitionum*, 29, Reg.III, 6r-16v)	NA
(**38**) **02/1296** **B2** join the army of the marquis of Ferrara. Condemned as rebels (*Inquisitionum*, 36, Reg.II, 18r-19r)	NA
(**39**) **05/1296** Arbitration between the sides (*Memoriali*, Reg.90, 455v-56v)	**Place:** Communal palace **Arbitrator**: GALLUZZI **Guarantors (both sides):** BIANCUCCI, BORROMEI, CORVI, LAMANDINI, PEGOLOTTI, SOLDADERI, STIFONTI, VENTURA **Witnesses**: MANTEGHELLI, SAMARITANI
(**40**) **11/1300** Raid of Mongiorgio by **B2** Acquitted (*Inquisitionum*, 51, Reg.III, 25rv)	**Guarantors**: BACIACOMARI, DA CASTELLO, GOZZADINI, LAMBERTINI, PIATESI

(41) 09/1301 Raid of Mongiorgio by **B2** Killing of Gerardo da CUZZANO (**B1**) AIGONI (**B2**) acquitted. Others condemned to death (*absentia*) (*Inquisitionum*, 53, Reg.VI, 32v-39r, 43r-48v)	NA
(42) 01/1302 Raids of S. Ilario and *Rocca Rodulforum* by **B1** Condemned to death (*absentia*) *(Inquisitionum*, 55, Reg.I, 19r-43v)	NA
(43) 05/1302 Raids of Zappolino and Rocca Masenata by **B1** Condemned to death (*absentia*) *(Inquisitionum*, 55, Reg.II, 76r)	NA
(44) 01/1305 Raid of Scoveto by **B2**, attempted skilling of Ciccia DA SCOVETO (**B1**) Acquitted (*Inquisitionum*, 63, Reg.I, 13r-17r.)	**Guarantors B2**: BAMBAGLIOLI

CONFLICT II. (1276-1287)

Belligerents

Side A	**Side B**
CACCIANEMICI (MAGNATES)	LAMBERTINI (MAGNATES)

Acts

1 **Acts**	**2** **Mediators**

(**1**) **04/1276** *Popolo* council imposes arbitration (*Riformagioni*, Reg.127, 30r-31v)	**Place**: Communal palace **Arbitrator:** *podestà* **Guarantors** (**both**): TEBALDI, FRIULANI, RICCI, AIMERI, GOZZADINI, DA RONCORE, MARSILI, PIASTELLI
(**2**) **07/1287** *Confines*: CACCIANEMICI (**A**) are exiled to Venice; LAMBERTINI (**B**) to Piacenza, on pain of £10,000. (*Inquisitionum*, 11, Reg.VIII, 11rv)	**Guarantors** (**both**)**:** CACCIANEMICI, LAMBERTINI, MALAVOLTI, PACIBUS, PIATESI

CONFLICT III. (1280-1292)

Belligerents

Side A	**Side B**
CORVI DA CASTEL S. FRANCO, BONFANTI, DA ZAPPOLETO, GANCI, PICCOLI, TOMASI, CLIENTS	MEDICI DA CASTEL S. FRANCO, CALCARA, CAVAZOCCHI, CLIENTS

Acts

1 **Acts**	**2** **Mediators**
(**1**) **06/1280** Arbitration (*Memoriali*, Reg.42, 251r.)	**Place**: S. Maria dei Rustigani (Bologna) **Arbitrators**: GALLUZZI, TEBALDI, LAMBERTINI, PACIBUS, CORVI **Witnesses**: *Podestà,* GUERCINO, FABBRI, LAMBERTINI, PACIBUS, SAMARITANI, TENCARARI
(**2**) **06/1283** *Popolo* council ratifies arbitration (*Riformagioni*, Reg.127, 24rv)	**Arbitrators:** CORVI, CAVALIERI

(3) 11/1288 Arbitration, inter-marriages (*Memoriali*, Reg.73, 346v-48v)	**Place**: S. Maria dei Rustigani (Bologna) **Arbitrators**: NASINI, CORVI **Witnesses**: BALDOVINI, CORVI, GALLUZZI, LAMBERTINI
(4) 12/1290 Armed battle Acquitted (*Inquisitionum,* 20, Reg.I, 110r-119v)	**Guarantors A**: GALLUZZI, LAMBERTINI, SAMARITANI **Guarantors B**: GALLUZZI, PACIBUS, TENCARARI
(5) 01/1291 Petition to *popolo* council to impose new arbitration (*Riformagioni*, Reg.132, 462r)	NA
(6) 01/1292 *Popolo* council ratifies arbitration. From now on, offenders will be put to death and painted over the walls of the burgh. (*Riformagioni*, Reg.134, 146rv)	**Arbitrator:** PEPOLI

CONFLICT IV. (1282-1295)

Belligerents

Side A	**Side B**
ARTENISI-BECCADELLI (*POPOLO* ELITE)	BACIACOMARI (*POPOLO* ELITE)

Acts

1 **Acts**	**2** **Mediators**

(**1**) **01/1282** *Podestà* imposes truce (*Memoriali*, Reg.75, 317v)	**Place**: Baciacomari palace **Witnesses**: DA IGNANO, DOSI, LASTIGNANO, OTTERINI, TOSCHI
(**2**) **01/1286** Imposition of urban *confines* (*Inquisitionum*, 7, Reg.X, 12rv)	NA
(**3**) **06/1289** *Popolo* council imposes arbitration (*Riformagioni*, Reg.129, 238v-39v; *Memoriali*, Reg.75, 317v)	**Place**: Communal palace **Arbitrator**: *Podestà* Antonio da Fissiraga **Guarantors** (**both sides**): BAMBAGLIOLI, CACCIANEMICI, GALLUZZI, LAMBERTINI, MONTEVEGLIO, ROSSETTI, SARDELLI **Witnesses**: PACIBUS, RAMPONI, ROMBODEVINI
(**4**) **02/1295** Peace on pain of £1000 (*Memoriali*, Reg.88, 41rv)	**Place**: Communal palace **Witnesses**: *Podestà, Capitano,* Franciscans, RAMPONI, PACIBUS, TEDERISI, BARBAROSSA, ROMBODEVINI

CONFLICT V. (1285-1286)

Belligerents

Side A	**Side B**
PIATESI, SCAPPI (MAGNATES)	DA CASTELLO (MAGNATES)

Acts

1 **Acts**	**2** **Mediators**

(**1**) **10/1285** Courtroom litigation over the bridge built by the DA CASTELLO, who are ordered to dismantle it (*Inquisitionum*, 3, Reg.I, 153r-55v)	**Guarantors A**: CACCIANEMICI, GALLUZZI, PRIORI, SAMARITANI **Guarantors B**: GALLUZZI, CACCIANEMICI, GRAIDONI, MALAVOLTI, SAMARITANI
(**2**) **01/1286** *Confines*: PIATESI are exiled to Castel S. Franco, DA CASTELLO to Castel S. Pietro (*Inquisitionum*, 7, Reg.X, 5r-6r)	**Guarantors A:** ARIOSTI, CACCIANEMICI, GALLUZZI, PRIORI, UBERTI, ZAMBONI **Guarantors B:** CACCIANEMICI, GABRIACCI, GALLUZZI, GATTI, GRAIDONI, GRAZIADEI, MALAVOLTI, RODALDI, SANTI, SCAPPI
(**3**) **02/1286** Street battle, wounding of Grimaldino DA CASTELLO Acquitted (*Accusationes*, 5a, Reg.I, 24v-28v)	**Guarantors A:** BURELLI, FIORANI, PIATESI, SANGIORGIO **Guarantors B**: AZZOGUIDI, BACCELIERI, FERRANTI, MALAVOLTI, SAMARITANI
(**4**) **03/1286** Arbitration, inter-marriage (*Memoriali*, Reg.62, 308v)	**Place**: House of Grimaldino da Castello **Arbitrator**: Bishop Ottaviano **Witnesses**: BACCELIERI, CACCIANEMICI, GALLUZZI, MALAVOLTI, PACIBUS
(**5**) **03/1286** Pagano PIATESI condemned to death for the death of Grimaldino (*Accusationes*, 5a, Reg.VIII, 8r)	NA
(**6**) **01/1292** Peace and acquittal of Pagano PIATESI (*Memoriali*, Reg.81, 389r)	**Place**: Caccianemici palace **Witnesses**: CACCIANEMICI, CARRARI, PIATESI, SANGIORGIO

CONFLICT VI. (1285-1286)

Belligerents

Side A	**Side B**
RODALDI (*POPOLO*)	BIANCHI DI COSA, TASSIOLI (*POPOLO*)

Acts

1 **Acts**	**2** **Mediators**
(**1**) **12/1285** Imposition of urban *confines* (*Inquisitionum*, 2, Reg.I, 40r-41v)	**Guarantors A**: GOZZADINI, LANDOLFI, LIUZZI, PIATESI, PURPUREI, ZOVENZONI **Guarantors B**: ALGARDI, BACIACOMARI, CALDARI, MERZANI, ROSSI
(**2**) **01/1286** Street battle Acquitted (*Accusationes*, 5a, Reg.III, 1r-7v)	**Guarantors A**: ALGARDI, CORBELLARI, FOGACCI, LIUZZI, MALVEZZI, PIATESI, VITREIS **Guarantors B**: ARTENISI-BECCADELLI, GOZZADINI, PURPUREI, SPIOLARIA, ZOVENZONI
(**3**) **06/1286** Peace on pain of £1000 (*Memoriali*, Reg.62, 199v-200r)	**Place**: S. Stefano **Witnesses**: ARTENISI-BECCADELLI, CALDARI, GOZZADINI, PASSEGGERI, SARDELLI, ZOVENZONI

CONFLICT VII. (1285-1286)

Belligerents

Side A	**Side B**
GHISILIERI (MAGNATES)	GRAIDONI (MAGNATES), DA SALA (*POPOLO*)

Acts

1 **Acts**	**2** **Mediators**
(1) 07/1285 Assault against the GRAIDONI Acquitted (*Accusationes*, 4, Reg.XXII, 3v; *Inquisitionum*, 2, Reg.I, 9v)	**Guarantors A**: ALBIROLI, ARTENISI-BECCADELLI, GARDINI, LAMBERTINI
(2) 11/1286 Attempted killing of Fuccio GRAIDONI Condemned to death (*absentia*) (*Accusationes*, 5b, Reg.XVI, 4r)	NA
(3) 11/1286 Arbitration, intermarriages. (*Memoriali*, Reg.65, 198v-99v)	**Place**: S. Domenico **Arbitrators**: Dominicans **Witnesses**: BALDOVINI, DE ARMIS, OMOBONI, PIATESI, ROMANZI, TORELLI

CONFLICT VIII. (1285-1293)
'THE FEUD OF S. FELICE'

Belligerents

Side A	**Side B**
RICCI, SPAVALDI, ALBIROLI (*POPOLO*), ABBEY OF SS. NABORRE E FELICE, CLIENTS	BOATTERI, AVVOCATI, BACIAMALTORTI (*POPOLO*), MONKS OF S. MARIA IN MONTE, CLIENTS

Acts

1 **Acts**	**2** **Mediators**
(**1**) **11/1285** Brawl between *clientes* Acquitted (*Inquisitionum*, 3, Reg.I, 204r)	NA
(**2**) **12/1285** Brawl between RICCI (**A**) and BACIAMALTORTI (**B**) Acquitted (*Accusationes*, 4, Reg.XXIII, 48rv)	**Guarantors A**: BONAVENTURA, ROMBOLINI **Guarantors B**: ROMBOLINI, PIATESI
(**3**) **02/1286** Brawl between *clientes* Acquitted (*Accusationes*, 5a, Reg.III, 11r)	**Guarantors A:** ALEARI, CANUTI, CAMBI, UNZOLA **Guarantors B**: ALEARI

(4) 1286, II semester Client of the BOATTERI (**B**) accused of hosting a bandit in his house by SPAVALDI (**A**) Acquitted (*Accusationes*, 5b, Reg.XI, 2r)	**Guarantors: B** ALBERICI, BACIAMALTORTI, BONAVENTURA, DOMENICI
(5) 04/1287 RICCI assaulted by clients of the BOATTERI (**B**). Condemned to £200 (*Accusationes,* 6a, Reg.I, 44v)	NA
(6) 05/1287 Arbitration for '5', peace on pain of £200. (*Memoriali*, Reg.67, 134r-35r)	**Location**: Communal palace **Arbitrator**: BATTAGLIUCCI **Witnesses**: DELL'APOSA, MAGNANI
(7) 11/1288 *Popolo* authorises *podestà* to proceed against Giacomino AVVOCATI (**B**) for the false accusation made against the abbot of S. Felice. Condemned (*absentia*) (*Riformagioni*, Reg.128, 98r; *Inquisitionum* 14, Reg.IV, 14r-16v)	NA
(8) 11/1288 BOATTERI occupy the lands of S. Maria in Monte Condemned to pay £400 (*Accusationes*, 8b, Reg.VII, 5v-6r)	NA
(9) 02/1289 Courtroom confrontation between the clients of both sides for the clashes of January 1289 Acquitted (*Inquisitionum*, 15, Reg.VIII, 1r-74r)	**Guarantors A**: BOATTERI, ALEARI, GOZZOLI, DELLA COCCA, RICCI, SPAVALDI, DA BAGNO, ROMANZI, DELLA LANA, DA UNZOLA, VENTURA, BUVALELLI **Guarantors B:** BOATTERI, BACIAMALTORTI, ALEARI, GOZZOLI, MARSILI, FONTANA, DA SALA, ROSSI, LANTERI, CALANTI

(**10**) **03/1289** Arbitration between the abbot of S. Felice (**A**) and the monks of S. Maria in Monte (**B**) (*Memoriali*, Reg.75, 185v)	**Place**: Monastery of S. Felice **Arbitrators**: BOATTERI, CANETULO, MARSILI **Witnesses**: TRANCHEDINI
(**11**) **03/1289** Arbitration for '9' (*Memoriali*, Reg.75, 348r)	**Arbitrators**: Consuls of the Lions arms (BOATTERI, MARSILI, DA SALA, CANETULO) **Witnesses**: Members of the Lions
(**12**) **07/1289** Brawl in the communal palace between RICCI and BOATTERI Acquitted (*Accusationes*, 8b, Reg.VII, 2rv)	**Guarantors A**: ROMANZI, DELLA COCCA **Guarantors B**: BACIAMALTORTI, ARTENISI-BECCADELLI, SABBADINI
(**13**) **09/1289** *Popolo* council imposes arbitration between RICCI and BOATTERI (*Riformagioni*, Reg.129, 292v-94r; *Memoriali*, Reg.76, 43r, 121r, 127r)	**Location:** Communal palace **Arbitrator**: *Capitano* **Guarantors A**: AZZI, DA BAGNO, DELLA COCCA, MONTEBELLO, MARSILI **Guarantors B**: MARSILI, ALEARI, ALBIROLI, LISIGNOLI, PECUDIBUS **Witnesses**: SABBADINI, SANGIORGI, PRETI, COLTELLI, BUTRIGARI, GALLUZZI, BECCARI, BAMBAGLIOLI
(**14**) **02/1290** Brawl in the communal palace between RICCI and BOATTERI Acquitted (*Inquisitionum*, 18, Reg.I, 91r-95r)	**Guarantors A:** PIASTELLI **Guarantors B**: LANTERI

(**15**) **04/1290** Bettino RICCI condemned to amputation of the hand for false accusation against BOATTERI (*Accusationes*, 9a, Reg.III, 1r)	NA
(**16**) **12/1291** Street battle between RICCI and BOATTERI Acquitted (*Inquisitionum*, 22, II, 137r-59v)	See '17'
(**17**) **01/1292** Imposition of urban *confines* (*Corone e Armi*, 4, Reg.III, 33v-36r, 91r-92v)	**Guarantors A:** GOZZADINI, CODEGHELLI, LUNANI, GARDINI, BALDOVINI, DA BAGNO, GARISENDI, DELLA LANA, DELLA COCCA **Guarantors B:** BACCELIERI, GALLUZZI, CACCIANEMICI, SIMONPICCOLI, ALBIROLI, MALAVOLTI, ARIOSTI, PRIORI
(**18**) **03/1292** Battle and courtroom confrontation between clients of both sides. Acquitted (*Inquisitionum*, 23, Reg.IX, 16v-35v.)	**Guarantors A:** FONTANA, GRASSI **Guarantors B:** BOATTERI, FONTANA, TUSCOLI
(**19**) **08/1293** Imposition of urban *confines* (*Inquisitionum*, 27, Reg.VIII, 4r-5v)	**Guarantors A:** PRETI **Guarantors B:** BALDOVINI

CONFLICT IX. (1286-1289)

Belligerents

Side A	**Side B**
SACCHETTI, MUSSOLINI (MAGNATES)	MANTICI (MAGNATES)

Acts

1 **Acts**	**2** **Mediators**
(**1**) **08/1286** Imposition of *confines* (*Inquisitionum*, 8, Reg.I, 10v)	**Guarantors A**: BACIACOMARI, BARGAZA, GOZZADINI, MEZZOVILLANI, ZOVENZONI **Guarantors B**: DELLE QUERCE, GOZZADINI, ROSSI, SOLDADERI
(**2**) **09/1286** MANTICI occupy contested lands Acquitted (*Inquisitionum*, 8, Reg.X, 9v-14r)	**Guarantors B**: BACIACOMARI, GOZZADINI
(**3**) **01/1287** *Popolo* council imposes arbitration on pain of £10,000 (*Riformagioni*, Reg.127, 28v.)	**Place**: House of Enrichetto DELLE QUERCE **Arbitrators**: GHISILIERI, LAMBERTINI (jovial friars) **Guarantors A**: BACIACOMARI, BUTRIGARI, DE ARMIS, DONZELLI, GOZZADINI, ZOVENZONI **Guarantors B**: CULFORATI,DELLE QUERCE, GOZZADINI, MALVEZZI, SOLDADERI **Witnesses**: BACIACOMARI, DA SALA, GHISILIERI, GRAZIADEI, MANELLI, RAMPONI, SAVIOLI, SIGNORELLI, SOLDADERI, TENCARARI

(4) 12/1288 Litigation for breaking the agreements of '3' (*Riformagioni*, Reg.128, 126r.)	NA
(5) 01/1289 Peace (*Memoriali*, Reg.75, 335r.)	**Place**: S. Bartolomeo Porta Ravegnana **Witnesses**: BACIACOMARI, BUTRIGARI, CACCIANEMICI, DONZELLI, GOZZADINI, RAMPONI, SAMARITANI, STIFONTI

CONFLICT X. (1287)

Belligerents

Side A	**Side B**
CORBELLARI (*POPOLO*)	GOZZADINI (*POPOLO*)

Acts

1 **Acts**	**2** **Mediators**
(1) 01/1287 *Popolo* council ratifies arbitration, intermarriages and peace for reciprocal killings (*Riformagioni,* Reg.127, 27v; *Memoriali*, Reg.68, 266r-70r)	**Place:** S. Domenico **Arbitrator:** LAMBERTINI **Witnesses**: ARTENISI-BECCADELLI, BACIACOMARI, DELLE QUERCE, FLAGNANO, LAMANDINI, LAMBERTINI, SOLDADERI

CONFLICT XI. (1288-1301)
'THE WAR OF SARAGOZZA'

Belligerents

Side A	**Side B**
CORRADI, MASIMILLI, MUTI, DA NUGARETO (related to the AIGONI DA NUGARETO of conflict I, side A), PANZONI (*POPOLO*), CLIENTS	CANUTI, SANTI, VEDOACCI, VINCENZI, SCORNETTA (*POPOLO*), PRIORI (MAGNATES, related to the DA CUZZANO of conflict I, side B1)

Acts

1 **Acts**	**2** **Mediators**
(1) 10/1288 Killing of a VINCENZI (**B**) by MASIMILLI (**A**) Condemned to death (*absentia*), father's killer is forgiven (*Inquisitionum*, 14, Reg.I, 32r-48v)	**Guarantors A:** BARBAROSSA, BELLONDINI, CACCIANEMICI, MONTEBELLO **Guarantors B**: BECCARI, DUGLIOLO, FOGLIA, TEBALDI
(2) 03/1293 Brawl in the communal palace Acquitted (*Inquisitionum*, 27, Reg.X, 2r-86v)	**Guarantors B:** ALEARI, BOATTERI, GALLUZZI, PIATESI, TEBALDI, VEDOACCI
(3) 09/1293 CANUTI (**B**) accused of having joined the army of the Marquis of Ferrara together with side B2 of Conflict Ib) Acquitted (*Inquisitionum*, 36, Reg.III, 27r-32v)	**Guarantors B:** GUASTAVILLANI, MANZOLINO
(4) 03/1301 Arbitration for the killing of Dalfino PRIORI (**B**) by side **A** with the help of the GALLUZZI (Same as Conflict, I, '27')	NA

(5) 12/1301 Both sides summoned by the *capitano* for a reconciliation (*Inquisitionum*, 53, Reg.VI, 95-96r.)	**Arbitrators**: *Podestà*, *Capitano*, *Anziani* of the *popolo*

CONFLICT XII. (1289-1291)
PART OF 'THE WAR OF S. GIULIANO'

Belligerents

Side A	**Side B**
RAMENGHI (*POPOLO*), CLIENTS	BECCARI (*POPOLO*), CLIENTS

Acts

1 **Acts**	**2** **Mediators**
(1) 03/1289 Armed battle between the sides, killing of a client of the BECCARI Azzetto RAMENGHI condemned to death *in absentia* and later acquitted (*Accusationes*, 8a, Reg.VI, 12r-13r; *Ibid*., Reg.VIII, 10v-11r; *Inquisitionum*, 16, Reg.I, 9r-18v)	NA
(2) 05/1289 Peace for '1' (*Memoriali*, Reg.75 208r)	**Place**: communal palace **Witnesses**: ANSALDINI, BOETTI, PREDAMALA, ROLANDUCCI, SARDELLI

(3) 02/1290 Raid against the houses of the BECCARI Acquitted (*Inquisitionum*, 18bis, Reg.I, 42r-51v)	**Guarantors A:** RAMENGHI, ASTANOVA
(4) 03/1290 Arbitration, peace on pain of £1000 (*Memoriali*, Reg.77, 286r, 303v)	**Place**: Lambertini palace **Arbitrator**: RAMENGHI **Witnesses**: ARTENISI-BECCADELLI, CLARISSIMI, IGNANO, LAMANDINI, MUSSOLINI, PASSEGGERI, SABBADINI
(5) 12/1290 Peace for wounding of Giuliano RAMENGHI (*Memoriali*, Reg.78, 365r.)	**Place**: butchers' guild palace **Witnesses**: MANZOLINO, MAGNANI

CONFLICT XIII. (1292-1302)

Belligerents

Side A	**Side B**
BOCCADIFERRO (MAGNATES)	GIUDICI (MAGNATES)

Acts

1 **Acts (trials, reconciliations, interventions by civic authorities); outcome; sources**	**2** **Guarantors, arbitrators, witnesses**
(1) 03/1292 Assault by the BOCCADIFERRO Acquitted (*Accusationes*, 10, Reg.I, 36v-37r)	**Guarantors A**: BACCELIERI, FRIULANI, GALLUZZI, LAMBERTINI, PRIORI **Guarantors B**: BAMBAGLIOLI,BONACATTI, FRIULANI, SPAVALDI

(**2**) **05/1292** Arbitration (*Memoriali*, Reg.81, 721r-22r)	**Place:** S. Isaia **Arbitrator:** GALLUZZI **Witnesses:** BAMBAGLIOLI, BELVISO, CACCIANEMICI, MANTEGHELLI, OMOBONI, GUIDONIS SPETIALIS
(**3**) **11/1293** BOCCADIFERRO required to pay the remainder of the compensation set in 1292 (*Memoriali*, Reg.85, 39r)	NA
(**4**) **08/1302** Killing of Giordano BOCCADIFERRO by the GIUDICI and their clients Acquitted (*Inquisitionum*, 57, Reg.II, 24r-43r)	**Guarantors A**: PANZONI, PICCOLPASSI **Guarantors B**: BONACATTI, BONVICINI, MANTEGHELLI

Appendix B.
Peace-maker families and their mediating activity, 1280-1296

A Rank	**B** Family (SMALL CAPS = also in App. A; **Bold** = aristocracy)	**C** Total acts (+ acts of App. A not included in the sample)	**D** Trials/ Rec. (sample)	**E** Coll. Index (sample)	**F** N. families coll. (sample)	**G** Membership main *Arti* (B = bank.; M = merch.; N = not.)
1	da Savignano	67	44/23	84%	70	N
2	Malpigli	52	40/12	79%	57	B
3	BONACATTI	51(+2)	28/23	76%	65	N
4	GOZZADINI	46(+7)	20/26	74%	64	B-N
5	*BENCIVENNIS*	46(+1)	29/17	70%	54	N
6	Ruffini	45	44/1	87%	50	N
7	CALDARI	45(+2)	33/12	80%	59	N
8	**TEBALDI**	**44(+4)**	**17/27**	**59%**	**50**	
9	BAMBAGLIOLI	40(+4)	14/26	78%	57	N
10	**LAMBERTINI**	**39(+9)**	**9/30**	**62%**	**50**	
11	BONAVENTURA	39(+2)	27/12	74%	43	N
12	MEZZOVILLANI	39(+1)	19/20	74%	46	B-M-N
13	Borghesani	37	32/5	73%	38	N
14	**GALLUZZI**	**35(+16)**	**10/25**	**77%**	**54**	
15	CORBELLARI	35(+1)	27/8	66%	42	N
16	SANGIORGI	34(+3)	12/22	82%	54	M
17	ZOVENZONI	33(+5)	19/14	82%	49	B-N
18	ARTENISI-BECCADELLI	32(+6)	11/21	81%	49	B-M
19	ROSSI	30(+4)	21/9	77%	43	N
20	da Budrio	30	21/9	80%	29	N
21	**SIMONPICCOLI**	**29(+2)**	**9/20**	**81%**	**49**	
22	BARBAROSSA	29(+1)	18/11	76%	41	N
23	VENTURA	28(+1)	18/10	82%	38	N
24	RODALDI	28(+1)	11/17	68%	25	B-M
25	FRANCOLI	28(+1)	22/6	79%	32	N

26	Zambracci	28	22/6	89%	43	N
27	**GRAZIADEI**	**27(+1)**	**1/26**	**89%**	**53**	
28	BURELLI	27(+1)	26/1	74%	39	N
29	Benvenuti	27	23/4	81%	42	N
30	Curioni	27	13/14	81%	43	M
31	BACIACOMARI	26(+4)	9/17	85%	46	B-M-N
32	DA ARGELATA	26(+3)	14/12	77%	45	N
33	**LAZZARI**	**26(+1)**	**2/24**	**69%**	**28**	
34	CORVI	26(+1)	13/13	81%	34	M-N
35	BONVICINI	26(+1)	22/4	85%	51	N
36	da Cazano	26	11/15	69%	29	other
37	MAGNANI	25(+1)	13/12	76%	39	M
38	DELLE QUERCE	24(+1)	10/14	79%	37	N
39	BOATTERI	23(+3)	10/13	100%	39	N
40	SABADINI	23(+2)	9/14	74%	35	M-N
41	Tonsi	23	16/7	83%	34	other
42	CAMBI	22(+1)	18/4	55%	23	B-M
43	DA BAGNO	21(+3)	10/11	76%	33	other
44	SOLDADERI	21(+2)	3/18	90%	44	B-M
45	GATTI	21(+1)	12/9	76%	31	N?
46	Foscherari	21	12/9	86%	34	N
47	Bussolaria	21	17/4	86%	26	N
48	DONZELLI	20(+1)	13/7	85%	41	B
49	Oddi	20	20/0	85%	32	other
50	PIASTELLI	19(+2)	7/12	63%	24	N
51	**CACCIANEMICI**	**18(+7)**	**3/15**	**72%**	**32**	
52	**DE PACIBUS**	**18(+5)**	**2/16**	**78%**	**30**	
53	**BACCELIERI**	**18(+3)**	**9/9**	**94%**	**31**	
54	DA BISANO	18(+1)	14/4	83%	17	N
55	Romisi	18	7/11	67%	24	N
56	DOSI	18	6/12	61%	23	B
57	DA MANZOLINO	17(+2)	4/13	76%	26	M-N

58	BUTRIGARI	17(+2)	12/5	71%	29	B
59	RAMENGHI	17(+1)	11/6	100%	30	other
60	Melegatti	17	15/2	59%	16	other
61	Ungarelli	17	15/2	82%	29	other
62	Papanzoni	17	9/8	76%	29	B
63	Falconi	17	14/3	76%	22	N
64	Belviso	17	5/12	82%	20	N
65	ANSALDINI	16(+1)	6/10	81%	24	N
66	DA CANETULO	16(+1)	9/7	81%	29	other
67	Dondidei	16	12/4	75%	24	N
68	**PIATESI**	**15(+6)**	**8/7**	**73%**	**19**	**other**[699]
69	DA BARGAZA	15(+4)	15/0	93%	34	other
70	MARSILI	15(+3)	7/8	80%	21	B
71	NASINI	15	11/4	60%	20	other
72	PRETI	14(+2)	10/4	79%	40	N?
73	FIORANI	14(+1)	12/2	71%	24	N
74	DA GUERCINO	14	6/8	79%	24	other
75	**TOSCHI**	**14**	**3/11**	**71%**	**17**	**M**[700]
76	Della Lobbia	14	9/5	79%	21	other
77	Allegranza	14	13/1	64%	16	N
78	ALBIROLI	13(+2)	11/2	92%	32	N
79	GUASTAVILLANI	13(+1)	9/4	85%	23	B-M
80	AZZI	13(+1)	11/2	62%	11	other
81	SPAVALDI	13(+1)	10/3	77%	27	N
82	Bellotti	13	9/4	69%	13	other
83	BELLONDINI	13	7/6	77%	25	N
84	Corvolini	13	10/3	77%	22	other
85	FABBRI	13	9/4	92%	23	other
86	ROMBOLINI	12(+1)	7/5	92%	20	B
87	ROLANDUCCI	12(+1)	8/4	58%	15	N

[699] The Piatesi acquired magnate status in 1294. Blanshei, *Politics and Justice*, 179-80.
[700] The Toschi belonged to the aristocracy but some of their members acquired *popolano* status in the 1280s: Blanshei, *Politics and Justice*, 289.

88	DA IGNANO	12(+1)	7/5	75%	27	B
89	*Foris*	12	3/9	92%	18	other
90	Brunetti	12	10/2	83%	20	other
91	BORROMEI	12	5/7	83%	14	B-N
92	DA SALA	11(+3)	5/6	73%	15	M-N
93	BACIAMALTORTI	11(+3)	9/2	91%	21	other
94	TOLOMEI	11(+1)	9/2	82%	20	N
95	**SCAPPI**	**11(+1)**	**1/10**	**64%**	**9**	
96	BOETTI	11(+1)	6/5	73%	17	other
95	Pavanesi	11	7/4	64%	10	M
96	**GARISENDI**	**11**	**6/5**	**73%**	**38**	
97	da Galisano	11	6/5	45%	14	other
98	FRIULANI	11	7/4	100%	40	other
99	DA DUGLIOLO	11	3/8	73%	15	other
100	Caravita	11	10/1	82%	15	N
101	Pedramala	11	11/0	73%	17	N
102	PEGOLOTTI	11	1/10	82%	20	B-M
103	DELL'APOSA	11	5/6	82%	19	N
104	Agresti	11	11/0	91%	21	other
105	ALGARDI	10(+3)	5/5	80%	18	B
106	**GARDINI**	**10(+1)**	**6/4**	**70%**	**23**	
107	**DA CASTELLO**	**10(+1)**	**2/8**	**100%**	**23**	
108	**GHISILIERI**	**10(+1)**	**4/6**	**70%**	**23**	
109	DA UNZOLA	10(+1)	8/2	80%	12	other
110	UBERTI	10(+1)	1/9	70%	11	other
111	BUVALELLI	10(+1)	7/3	70%	27	M
112	AZZOLINI	10(+1)	5/5	80%	11	other
113	Sardelli	10	4/6	100%	20	B-M-N
114	DA ROFFENO	10	5/5	60%	16	other
115	Carboni	10	10/0	80%	16	N
116	Pasini	10	8/2	80%	12	N
117	BATTAGLIUCCI	10	5/5	50%	13	N

118	da Stigliatico	10	8/2	90%	11	other
119	Pippini	10	9/1	90%	11	N
120	**TORELLI**	**9(+2)**	**3/6**	**78%**	**16**	
121	PURPUREI	9(+2)	6/3	67%	12	other
122	RICCI	9(+1)	1/8	78%	14	N
123	**MUSSOLINI**	**9(+1)**	**1/8**	**67%**	**11**	
124	PANZONI	9(+1)	2/7	78%	16	M
125	LISIGNOLI	9(+1)	7/2	67%	11	other
126	BECCARI	9(+1)	4/5	44%	6	other
127	DOTTI	9	2/7	56%	13	other
128	*Simonis*	9	6/3	100%	13	N
129	Gerardi	9	8/1	89%	12	N
130	Cazzetti	9	1/8	78%	19	B
131	Bentivoglio	9	5/4	78%	8	N
132	da Saliceto	9	1/8	78%	12	N
133	Zenzi	8	5/3	75%	9	other
134	**da Varignana**	**8**	**1/7**	**75%**	**8**	
135	**RAMPONI**	**8(+5)**	**1/7**	**63%**	**11**	
136	ALEARI	8(+4)	3/5	88%	17	other
137	TENCARARI	8(+2)	2/6	88%	19	B
138	**ARIOSTI**	**8(+1)**	**3/5**	**63%**	**22**	
139	FERRANTI	8(+1)	3/5	88%	13	N
140	COLTELLI	8(+1)	6/2	100%	16	other
141	PEPOLI	8(+1)	5/3	88%	17	B
142	Pasquali	8	7/1	75%	17	other
143	Pacetti	8	3/5	88%	11	other
144	da Medicina	8	1/7	100%	10	N
145	Placiti	8	4/5	88%	22	other
146	DA LASTIGNANO	8	3/5	75%	24	M-N
147	**Prendiparte**	**8**	**3/5**	**50%**	**7**	
148	Egidi	8	6/2	75%	7	other
149	Braina	8	5/3	100%	16	N

150	Astanova	8	7/1	100%	15	other
151	Arpinelli	8	3/5	75%	17	other
152	Segarari	8	5/3	63%	17	other
153	**MALAVOLTI**	**7(+4)**	**4/3**	**100%**	**22**	
154	VITREIS	7(+3)	5/2	86%	15	other
155	**PRIORI**	**7(+3)**	**4/3**	**43%**	**19**	
156	DA MONTEBELLO	7(+1)	5/2	86%	9	other
157	**BALDOVINI**	**6(+3)**	**1/5**	**86%**	**21**	
158	DELLA COCCA	6(+2)	4/2	100%	23	other
159	**ROMANZI**	**5(+3)**	**1/4**	**100%**	**8**	
160	**ROMBODEVINI**	**5(+3)**	**3/2**	**100%**	**8**	
161	TEDERISI	5(+1)	3/2	100%	9	N

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