

UNIVERSITY OF CALIFORNIA

Santa Barbara

Status and Lived Experience in Medieval Italian Communes

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

Philosophy in History

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September 2022

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Acknowledgements

Throughout my graduate career, I have benefitted greatly from the interventions and investments that many friends, family, mentors, and organizations have provided. Professors Carol Lansing, Edward English, J. Sears McGee, and Bradford Bouley served as my dissertation committee, read through several drafts of these chapters over the years, and provided invaluable feedback, support, and patience. I would also like to thank Professors Hilary Bernstein and Claudia Moser who served on my examination committee and helped to shape this dissertation's prospectus. The University of California, Santa Barbara (UCSB), Department of History and the History Associates provided the funds necessary to travel abroad and visit archives. I received the Departmental Dissertation Fellowship and the Kenneth Mouré and Sara Norquay Graduate Student Award from the Department of History at UCSB. The History Associates provided funds through the Esmé Frost Fellowship, the History Associates Prize, and a Research Travel Grant. Thanks to this generous support, I was able to conduct archival research in Italy and collect the primary sources used for this project. The archivists and staff at the Archivio di Stato di Bologna were also vital partners in this dissertation.

I am deeply indebted to my graduate student colleagues at UCSB who supported me with their insights, editing, good humor, and friendship. I would first like to thank my fellow medievalists Thomas Franke, Allison Bocchino, Anna Rudolph, Julia Crisler, Jennifer Meissner, Susan Schmidt, Bryan Stevenson, Chloe Roberts, and Giulia Giamboni. These students helped to shape this project in seminar classes and conversations. Many others at UCSB contributed to this dissertation in a variety of ways, even if only through their companionship. I would like to single out Sergey Salushchev, Eric Massie, Gokh Amin Alsharif, Mario Tumen, Raymok Ketema, Chris McQuilkin, Elizabeth Schmidt, Mika Thornburg, Nora Kassner, and Sam del Castillo for their friendship and camaraderie during these years. I look forward to these relationships continuing even though many of us find ourselves far from Santa Barbara. On the east coast, I would like to single out my friends Maxwell Harley, Chris Ferguson, and Nick Kulick. Hopefully my performance in trivia will improve but I doubt I will ever do better than Kazakhstan.

My family, especially my parents John and Denise Sprandio, have been a source of encouragement, advice, and laughter throughout my entire educational journey. Without them, I would not have been able to rise to several challenges that have presented themselves over the years. My siblings John, Michael, Brian, Kathryn, my siblings-in-law, and their children were welcome distractions from research and writing. My mother- and father-in-law Iraida and Andres Soto have supported me and my family in the final stages of this dissertation, and for that I will always be grateful. Finn was also a good dog throughout this drafting process.

Finally—and most importantly—I thank my wife Andreina Soto, to whom I dedicate this dissertation. She has been my travel companion, editing partner, and the strongest supporter I have in my life. Without her, this dissertation would remain unfinished. Thanks for everything. I cannot wait to see where we go next.

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Abstract

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Throughout the thirteenth and fourteenth centuries, the communes of Florence and Bologna opened participation in government to large portions of their adult male populations. As these efforts to broaden political power unfolded, popular régimes sought to protect their monopolies on political power by targeting specific groups for exclusion from a variety of civic offices and membership in popular associations. Foreigners and urban knights known as magnates were frequent targets in Florence and Bologna. In this dissertation, I draw on the rich archives of Bologna and Florence to explore how magnates and foreigners encountered and reacted to their imposed statuses. Magnates tended to respond to their status by either reconciling with the commune and becoming rehabilitated or attempting to reassert their power through opportunistic violence. The financial strain that magnates and foreigners lived under could be made significantly more difficult if they were heavily indebted. While magnates tended to have more access to wealth, it is less clear how foreigners created systems of support in societies that were increasingly becoming more closed off to them. To counter this, foreigners sought out support by becoming parts of economic networks through their involvement in transactions. Foreigners also turned to systems of mutual aid and support that were not limited to any single occupation group or administrative division to build and reinforce community networks.

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Introduction

In this dissertation, I draw on the rich archives of Florence and Bologna to explore how one's status shaped lived experiences during the communal period over the course of the thirteenth and fourteenth centuries. The communes of Florence and Bologna flourished during this time as both became important regional centers of commerce, political power, and migration. As popular régimes sought to preserve their monopolies over civic offices and popular associations in both cities, they used forms of exclusion as fundamental political strategies. We tend to think of popular régimes in the Italian communes in terms of gradual, partial democratization. Indeed, the communes did greatly expand governing councils and opened membership in them to a broad range of non-élites. However, to ensure that these institutions remained under their control, popular régimes denied participation to large portions of the population. Ironically, democratization required exclusion. Frequent targets of these exclusionary efforts were foreigners and urban knights known as magnates. By foreigner, I mean people who had origins outside of these cities and their hinterlands or *contadi*, the rural areas under their direct control.

In this study, I compare the workings and effects of exclusion in two towns where they are particularly well-documented, magnates in Florence and foreigners in Bologna. How did the status of magnate and the status of foreigner shape people's actions and their access to forms of support? I argue that people of different social groups encountered and reacted to their excluded status in a variety of ways depending on how popular régimes categorized them. I distinguish between forms of exclusion to highlight the ways its goals varied depending on the group being excluded. In the case of magnates, popular régimes sought to limit the influence of potentially powerful enemies and establish ways to make problematic lineages

serve the commune. Regarding foreigners, communes sought to benefit demographically and economically from their presence while drastically limiting their ability to affect political and popular institutions.

Although the communes of Florence and Bologna during the thirteenth and fourteenth centuries extended political power to large portions of their adult male population, they also acted to define social and political status in ways that excluded inhabitants from participation in popular associations and governing councils. The *popolo* not only sought to protect themselves and their political privileges from élite magnates, but from foreign working people, especially those involved in textile manufacturing. I have chosen to concentrate on foreigners and magnates because the purposes behind their exclusion and their experiences of it were quite different. Popular régimes used exclusion to accomplish very different goals depending on the target. While foreigners were excluded to maintain them in permanent marginality, magnates were excluded for their association with factional violence, disorder, and the potential threat they posed to the *popolo*'s power inside and outside the city. The status of foreigner and magnate developed quite differently. The category of magnate underwent a gradual evolution from the twelfth century to the end of the thirteenth in both Bologna and Florence. In Bologna, "foreigner" as a legal category was far more stable, labeling an individual as originating outside the city and its rural district. What changed over time for people bearing foreign status was the extent to which they were excluded from popular societies. Moreover, popular régimes applied these status categories quite differently. Some members of a magnate lineage were singled out for exclusions while immediate and distant relatives were not; similar variability in a single generation was not possible for foreigners. It was possible for magnates to escape their status and become rehabilitated *popolani*, individuals

enrolled in popular associations; the path out of foreign status was less clear and involved ever-longer periods of obligatory residence. The separation between magnate and *popolano* was transparent and permeable while the one between foreigner and native inhabitant was much more fixed. Finally, although magnates were targeted for exclusion, they could be valuable assets for popular régimes and some continued to serve important judicial, diplomatic and military functions. In effect, the status of foreigner meant an extreme form of exclusion while magnate status allowed some possibility for maneuvering.

Early scholarship for both Bologna and Florence emphasized the connection between the development of communal institutions with the conflicts between the magnates and the *popolo*. Nineteenth-century historians tended to see the *popolo* and the magnates as sociopolitical actors locked in a medieval class struggle. Augusto Gaudenzi for example viewed the Bolognese *popolo* as belligerents who sought to defend themselves against an entrenched and abusive aristocracy.¹ Gaetano Salvemini, studying Florence, had a similar view but combined it with a conception that associated the *popolo* with “progressive” forces in urban centers and magnate nobles with rural power.² More recent historians have done much to refine and reassess these earlier conceptions. According to Daniel Waley and Trevor Dean the *popolo* in any Italian commune tended to define itself in negative terms, basing their identity on their non-magnate status before any other consideration.³ In truth, status in Bologna or Florence was determined by a complex set of factors. In Bologna a man's status as a magnate or

¹ Augusto Gaudenzi, “Prefazione” in *Statuti delle Società del Popolo di Bologna*, vol. 1, Società delle armi, ed. Augusto Gaudenzi (Roma: Ist. Storico Ital., 1889), VII–VIII.

² Gaetano Salvemini, *Magnati e popolani in Firenze dal 1280 al 1295*, ed. Ernesto Sestan (Milan: Feltrinelli, 1974; original, 1889), 48.

³ Daniel Waley and Trevor Dean, *The Italian City-Republics* (London: Pearson Education Ltd., 2010), 141.

popolano depended on his family's history, his political and social relationships in the city, and how the commune's councils viewed his presence.⁴

The degree to which the magnates and the *popolo* differed in practice has been a frequent subject of debate. In an influential paper, Philip Jones argued that the *popolo* never included "the whole people or even the whole commune." The *popolo* instead was a political party that best represented the interests of the "guilds of bankers, businessmen and industrialists." Jones then argued that although the communes espoused republican principles, "despite all constitutional checks and balances, power in the Italian communes clung obstinately to wealth and migrated with movements of wealth, and through all revolutions of political and economic régime, oligarchy, in fact or law, was the predominant form of government."⁵ For Jones, rather than being inclusive, the *popolo* in any Italian commune best represented only a small portion of especially wealthy individuals. The *popolo* was not a revolutionary political force as nineteenth-century Italian historians had viewed it, but rather a new oligarchic faction that did not have a substantial impact on the distribution of power in Italian communes.

Though influential, Jones's view has received criticism. John Najemy rejected the conception that the popular governments of Florence and other Italian communes "never really changed anything very much."⁶ In Najemy's estimation, this approach had several weaknesses, perhaps most importantly its apparent inability to account for the persistence of institutions of the *popolo* during later periods of élite rule. Even though popular governments "only lasted a

⁴ Sarah Rubin Blanshei, *Politics and Justice in Late Medieval Bologna* (Boston: Brill, 2010), 30.

⁵ Philip Jones "Communes and Despots: The City-State in Late Medieval Italy," *Transactions of the Royal Historical Society*, Vol. 5, No. 15 (1965), 75-76.

⁶ John M. Najemy, "The Dialogue of Power in Florentine Politics" in *City States in Classical Antiquity and Medieval Italy*, eds. Anthony Molho, Kurt Raaflaub, and Julia Emlen (Stuttgart: Franz Steiner Verlag, 1991), 271.

few years, mainly because of the élite's hostility to their political aims...the institutions to which they gave birth lasted in many cases for a very long time, and the reasons for this endurance are not, perhaps, quite so obvious." These institutions enjoyed longevity in spite of the failure of popular governments because the *popolo* were able to reinvent discourses of power and legitimacy. For Najemy, the starting point of this discourse was the agreements that guild members, consuls, and council participants entered into. To resolve the issue of how power could be legitimated, the *popolo* turned to "consent, representation, delegation, accountability." These justifications for power, drawn from Roman legal traditions, remained a valuable tool for later élite régimes. In Florence, this discourse was so powerful that by the fifteenth century it had "become the élite's second nature, just as many of the *popolo*'s formal institutions were absorbed into the constitution of an aristocratic republic."⁷ In this way, the true power of the popular régimes came from their ability to create new discourses for the exercise and distribution of power in the Italian communes, enabling them to initiate programs of exclusion to protect their monopolies on political domination.

Social closure in the form of exclusion and usurpation was a crucial element in the *popolo*'s discourse of power. Social closure theory is an influential concept in sociological and historical research. Closure refers to the "process of mobilizing power in order to enhance or defend a group's share of rewards or resources."⁸ It derives from Max Weber, who used it as a framework for a general analysis of struggles for domination, a framework broader than the Marxist emphasis on control of the means of production. Weber developed the idea of the monopolization of privilege to explore how a social group builds power through processes of

⁷ Ibid., 282-284.

⁸ Raymond Murphy, "The Structure of Closure: A Critique and Development of the Theories of Weber, Collins, and Parkin," *The British Journal of Sociology*, Vol. 35, No. 4 (Dec. 1984), 548.

exclusion.⁹ Frank Parkin defined it as “the process by which social collectives seek to maximize rewards by restricting access to resources and opportunity to a limited circle of eligibles.” Parkins argued that a collective might single out one of a possible group attribute to monopolize specific, usually economic opportunities, and attempt to close out competition. Parkins saw class stratification not in Marxist terms as class position generated by access to the means of production but as the product of struggles for monopolization and exclusion.¹⁰

Exclusion of groups based on different attributes was central to the efforts of the popular régimes to hold power. Initially, researchers like Raymond Murphy studied two forms of social closure: exclusionary and usurpation. Exclusionary closure is the “exercise of power in a downward direction through a process of subordination” that prevents a lower social group from securing advantages by defining it as “inferior and ineligible.” Usurpation is directed upward and intends to “bite into the advantages of higher groups.”¹¹ According to Murphy, a major weakness in closure theory discourse was its inability to provide a “coherent conception of the relationships among the different rules of closure, of the primacy of some closure rules over other, nor of how primacy of rules varies from one type of society to another.”¹² To remedy this, Murphy elaborated on social closure theory by distinguishing between principal, derivative, and contingent forms of exclusion. Principal rules of exclusion are coercive, tied to the state, and help to determine “access to or exclusion from, power, resources, and opportunities in society.” Principal forms of exclusion are not only evident from the effects they can have on the dispossessed but “also by the fact that it dominates and renders dependent

⁹ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, trans. Ephraim Fischhoff, eds. Guenther Roth and Claus Wittich (New York: Bedminster Press, 1968), 382.

¹⁰ Frank Parkin, “Strategies of Social Closure in Class Formation” in *The Social Analysis of Class Structure*, ed. Frank Parkin (London: Tavistock Publications, 1974), 1-18.

¹¹ Murphy, 548.

¹² *Ibid.*, 555.

other forms of exclusion.”¹³ Principal forms of exclusion can be thought of as the legal basis for derivative and contingent forms.

Murphy’s derivative and contingent forms of exclusion can be connected to state institutions but are not identical to legal sanctions. In his descriptions, derivative and contingent forms of exclusion appear to operate most noticeably in private institutions rather than public ones. Derivative forms of exclusion are “rules for the monopolization of opportunities in society.”¹⁴ In a review of Murphy’s work, Raymond Morrow described these forms of exclusion as based on collectivistic ideas.¹⁵ Murphy provides some examples in the form requirements for educational degrees along with exclusions based on race, religious affiliation, ethnicity, or sex. While derivative forms of exclusion are not always directly tied to the state, Murphy claims that they can eventually be formalized into law.¹⁶ In this way, social closure can be thought of as a process that is both top-down and bottom-up.

Contingent forms of exclusion are not directly related to principal forms but rely on them and the particular contexts in which they exist. According to Murphy, most “professional credential and license requirements (e.g., of doctors) fall into this category.”¹⁷ In other words, principal exclusion is state-mandated law while derivative forms are extensions of these legal precedents. Contingent forms involve practices that are not necessarily mandated by any governing institution but cannot be separated from the qualifications of entry to any institution. The social closure the Italian communes practiced against foreigners and magnates can be seen as embodying principal, derivative, and contingent forms of exclusion. Both Bologna and

¹³ Ibid., 555.

¹⁴ Ibid., 555.

¹⁵ Raymond A. Morrow, “Social Closure: The Theory of Monopolization and Exclusion by Raymond Murphy,” *The Canadian Journal of Sociology*, Vol. 15, No. 4 (Aut., 1990), 478.

¹⁶ Murphy, 555-556.

¹⁷ Ibid., 557.

Florence created communal legislation that denied individuals and entire groups access to opportunities and political power. Less formalized structures that depended on collectivistic forms of association, like each city's guilds or arms societies, performed derivative exclusion by denying people access depending on their foreign origin. Practices related to social closure did not always follow a top-down approach with communal governments mandating certain practices. In some cases, popular associations took more stringent approaches toward exclusion, especially in the case of foreigners. Finally, these same popular associations performed contingent exclusion by denying access to particular individuals who did not fit specific criteria for entry related to origin, familial affiliation, and occupation.

While social closure theory provides a valuable framework for describing exclusion in the Italian communes, the categories of usurpationary and exclusionary do not help to explain why the *popolo* sought to exclude groups of similar socioeconomic status to themselves. To help explain this aspect of exclusion in Bologna, Sarah Rubin Blanshei employed an adjusted form social closure theory in an influential study of the thirteenth century. While both usurpation and exclusion are apparent in Bologna with the exclusion of magnates, lower status working people, and women from councils, guilds, and arms societies, Blanshei's version of social closure theory adds a lateral element. This new element allows Blanshei to understand the *popolo*'s struggle against the magnates as usurpationary closure, the marginalization of political opponents as lateral closure, and the exclusion of rural inhabitants, foreigners, and "humbler citizens" as downward closure.¹⁸ This reconceptualization of social closure in the Italian communes is a valuable contribution because it allows historians to move away from earlier interpretations of a class conflict between the magnates and *popolo*. This older

¹⁸ Blanshei, 11.

interpretation was not able to explain the deep connections that still existed between these two groups and why popular régimes continued to deny access and opportunities to lower status urban and rural inhabitants.

Blanshei's reconceptualization shares much with the distinctions Murphy outlined. For both, social closure can come from a variety of sources whether they are formal political institutions or smaller—though still significant—methods of affiliation. Social closure can also target several groups simultaneously, though the contingencies and scope of practices can change over time. With these distinctions and Blanshei's reconceptualization in mind, I approach exclusion in the Italian communes as a complex series of processes that affected different parts of the medieval populations and constrained their lives in several ways. Exclusion against magnates and foreigners carried important implications for both groups in terms of how they interacted with communal authorities and the forms of support they could rely on.

In the first chapter, I examine the historiography of magnates in Bologna and Florence to uncover how their status developed and changed over time in both cities. I then turn to a case study of a series of legal cases involving a branch of the Gherardini to determine how magnate status shaped this lineage's actions and relationship with the commune of Florence. I focus specifically on a series of denunciations to a judicial court from the 1340s brought against members of the Gherardini family for abuse against urban *popolani* and *contadini*, residents of the *contado*. In this chapter, I argue that the abuses the Gherardini inflicted on people were not random but were intimately tied to their cultural affiliations and the magnate status imposed on them. Magnates like the Gherardini often used violence in response to perceived attacks and to broadcast their power, especially to *contadini* and passersby. However, the Gherardini

turned to this form of predation only after a lengthy period of conflict with the commune of Florence. As a result, the lineage experienced a series of punishments that included property confiscations and heavy fines in addition to the annual security the commune imposed on all magnates. These financial costs pushed a branch of the Gherardini into the *contado* in an effort to reestablish a powerbase in the Chianti region south of Florence. Magnate status had greatly diminished the family's power, but in doing so further alienated it from any sort of reconciliation with the Florentine commune. Moreover, the commune itself exacerbated the issue through judicial inaction. Even though denunciations against the Gherardini often arrived in the city's courts, few if any of the family members ever faced punishment for their individual assaults.

In the next chapter, I turn from the magnates to examine the legal mechanisms and historiography of credit and debt in communal Italy. The workings of credit and debt were crucially important to magnate lineages in part because the financial pressures the commune imposed on them could cause downward social mobility, as petitions to escape magnate status show. The commune's financial pressures and a lack of access to credit could provoke predation, as in the case of the Gherardini. Credit and debt were also crucial to foreign workers. In truth, credit and debt touched all members of medieval societies throughout their lives and struck lower status people most harshly, especially workers, women, and foreigners. I focus my discussion on a study of Florentine, Lucchese, and Bolognese sources to show how disputes around debt could be resolved and the status considerations that went into them. The ways creditors resolved disputes often took their debtor's status into consideration along with the professional, familial, and social relationships that preceded the dispute. Collection of debt was left under the control of creditors who were empowered to choose between methods of

litigation or arbitration to recover a recalcitrant or bankrupt debtor's loan. While neither litigation nor arbitration was more correct than the other, the former was more punitive and could lead to debt peonage or imprisonment. Through litigation, creditors made use of civic officials that often had overlapping jurisdictional abilities to punish debtors. Arbitration was used to settle disputes without straining existing relationships to their breaking points. Depending on their occupational statuses and their working relationships with debtors, creditors also used guild courts that often forced people into debt peonage. Regardless of the methods creditors chose, they could rely on several avenues to recover their money while debtors had fewer options to protect themselves, their families, and their property. Even though debt affected all levels of society, it most severely affected working people, especially those engaged in Florence's and Bologna's textile production. Recent research has revealed how an individual's place within labor hierarchies affected how they experienced debt and could use their subordinated positions to force their employer-creditors into loans.

In the second part of this dissertation, I shift focus to foreign workers in communal Bologna during the thirteenth and fourteenth centuries. The use of exclusion in Bologna ensured that politically suspect individuals, whether they were magnates or other groups the régimes deemed less desirable, did not threaten the political monopoly of the *popolo* and its allies. This exclusion was directed against foreigners who arrived in Bologna from areas outside its direct control and extended to their descendants. While the city owed its twelfth-century demographic and economic expansion to migration, later communal legislation and guild practices shifted to ban foreigners' participation in popular associations. It is not clear how foreigners created systems of support for themselves in this increasingly closed-off

society. My examination of the realities foreigners faced opens up some possible answers, which I explore in the final two chapters.

In the next chapter, I explore evidence of a complex network in a series of contracts from fourteenth-century Bologna. The vast collections from the Archivio di Stato di Bologna have enabled me to gain a great deal of insight into how foreigners and lifelong Bolognese interacted with each other in business dealings. I begin with a close consideration of a rather inconspicuous event recorded in the *Libri Memoriali*, the commune's record of notarial contracts. Melchion, a resident of the peripheral urban parish San Giuseppe del Borgo di Galleria, sold a small home to another man named Guido for sixty pounds. After the sale, several contracts are recorded in which Melchion relinquished the debts of at least twenty-nine different people. They were split into groups stretched out over ten separate parish locations inside and outside of Bologna. The indebted appear to have resided in parishes throughout the city and involved the changing of or substitution of foreign currencies for favorable rates. Many of the indebted are also recorded with toponymics that tied them to towns and villages outside of Bologna's *contado*. The nature of sources in the *Libri Memoriali* make it difficult to draw a strong connection between the sale and the relinquishments, but regardless Melchion's sale and relinquishments sits at the center of an interesting aspect of Bolognese life. Based on the names and toponymics of the individuals involved and the presence of foreign currencies, we can tell that economic interaction between foreigners and lifelong Bolognesi was possible and could create complicated webs of connection that stretched across and beyond the city. This shows that even extensive efforts at exclusion had their limits and were not always able to prevent individuals from economic interactions with one another.

In my final chapter, I continue to explore the experience of foreignness in Bologna through a look at the city's foreign arms societies. Bologna had twenty-four arms societies—militia organizations—by the middle of the thirteenth century. Yet only the arms societies of the Toschi, Lombardi, and Stelle accepted foreign residents of the city. Members of arms societies were expected to keep and maintain weapons and armor in case of war or public disturbance. The arms societies were accessible to members from a diverse range of occupations though there were some restrictions built into their founding statutes, most notably a prohibition against all agricultural workers and pimps from matriculation. Though no statute list remains for the Stelle, those of the Toschi and Lombardi provide valuable information about the services these organizations provided for their members and how they created communities for a diverse population that included people with foreign status. More than just an armed club, the Toschi and Lombardi guaranteed to pay for the burials of their deceased members and their immediate families. These burials, along with the societies' other activities, were funded by the regular payment of membership fees on a semester basis, entry fees, and fines for different offenses against members and officers. These fees and fines were collected during regular meetings that also involved the renewal of oaths to one another and the society. By doing so, the foreign arms societies provided a cohesive space for foreign populations where they could participate in social events like member burials and had the opportunity to display aspects of their foreign identity in public spaces. These armed societies may have also permitted foreigner workers opportunities for further financial support from wealthier members. An examination of foreign textile workers' tax records show that they suffered poverty and debt more frequently than their similarly employed Bolognese peers.

Tax records from the *estimo*, a fiscal census conducted in 1296-7, can give us a snapshot view into foreigners' economic lives. In a survey of beaters, weavers, combers, and dyers, foreigners lagged behind their Bolognese contemporaries in terms of their declared wealth, debt-to-property ratios, and other financial indicators. Although the tax records are often incomplete, they reveal that foreigners were typically more impoverished and more indebted than similarly employed Bolognesi. The records also reveal wealth concentration in some occupational groups, however, even when this occurred, claimed property values were significantly higher among non-foreigners. As a result, foreigners were not only typically poorer and more indebted but had a much lower wealth ceiling than non-foreigners. These findings do not only carry important implications for the foreigners named in the 1296-7 *estimo* but can also indicate that their descendants and later arrivals experienced further financial and social disadvantages as the commune continued to close off opportunities for access to popular associations.

The case studies described above show that the statuses of magnate and foreigner had profound effects on individuals' lives in the communes of Bologna and Florence. Much of the scholarship has concentrated on urban magnates but has not emphasized how foreigners fit into democratizing city-states that excluded vast parts of their populations from political, social, and economic participation. By examining both statuses in a single study, I hope to show the important similarities and distinctions between the two and how different parts of the population responded to the restrictions their statuses imposed. In general, magnates responded to status-related impositions by either reconciling with the commune or—in the case of the Gherardini—attempting to reassert their power through violence. In response to their exclusion, foreigners sought out support through economic and social connections. Further research is

required to understand more deeply how foreign status affected not only first-generation arrivals but their descendants as well.

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Magnate Status in Communal Italy

The most dramatic exclusions of Italy's thirteenth-century towns targeted elites whom popular regimes constructed as magnates. Historians of medieval Bologna and Florence long debated what magnate status actually meant. How and why did these elites come to be targets for exclusion by popular regimes? Recent scholarship has done much to move the conversation away from older conceptions of medieval class conflict, emphasizing instead a gradual rhetorical evolution that came to identify a social group traditionally associated with cavalry service to one connected to violence and disorder. In the first part of this chapter, I explore the historiography on Bolognese and Florentine magnates. In both cities, wealthy lineages associated with warfare and public disturbance were classified as magnates and marked for exclusion as popular regimes sought to create and expand a monopoly over communal institutions. I emphasize the sophisticated scholarship on the complex question of the exclusion of the Bolognese magnates.

Then, I turn to a central question of this study: how did people experience and respond to exclusion? This requires a turn from Bologna to the rich Florentine sources from the mid-fourteenth century. Christiane Klapisch-Zuber has brilliantly examined how some Florentine magnates sought to escape exclusion and reconcile with the *popolo*. I seek instead to understand how some magnate lineages, rather than seeking reintegration, reacted with violence against *popolani* and the commune. Detailed research on this question is possible because of a source which to my knowledge is unique: denunciations of magnates to the Florentine tribunal of the Executor of the Ordinances of Justice and the ensuing inquests. In the second portion of this chapter, I provide a case study of how the Gherardini lineage reacted

to their exclusion, drawing on a series of denunciations against members of the Gherardini for violence against *popolani* and *contadini*, residents of the *contado*, and the ensuing witness testimony and inquests. The records are of course incomplete, but Gherardini were probably one of the most often denounced lineages. What do we know about the property and politics of the Gherardini before their exclusion, and what do the cases from the Executor's court reveal about how a magnate lineage reacted when they were excluded?

Making Magnates: The Historiography

According to Jean-Claude Marie Vigueur, the political core of Italian consular communes during the twelfth and thirteenth centuries was formed by a broad militarized élite known as the *militia* that included not only “grand families” but roughly ten to fifteen percent of the entire population in a city. This élite drew its cohesion and a “not negligible part of its own resources from warfare and from privileges recognized to them by the citizen community.” While this was the case, the *militia* did not separate themselves from other forms of economic gain and its members included people engaged in a variety of occupations and commercial endeavors. Marie Vigueur went on to claim that the *militia* enjoyed a monopoly on all militaristic action in the consular communes that coincided with their complete control of politics, owing to the fact that urban councils were only open to them. These privileges ultimately amounted to forms of compensation from the commune and included lesser tax burdens for lineages that fit under the status.¹

¹ Jean-Claude Marie Vigueur, *Cavalieri e cittadini: Guerra, conflitti e società nell'Italia comunale* trans. Aldo Pasquali (Bologna: Il Mulino, 2004) 509–512. Originally published as *Cavaliers et citoyens. Guerre, conflits, et société dans l'Italie communale, XIIe-XIIIe siècles* (Paris: Éditions de l'École des hautes études en sciences sociales, 2003).

The applied term *miles*–knight–did not refer to one’s juridical, political, or hereditary status but rather to the nature of one’s military service to the commune. In Florence, a member of the *milites* received compensation from the commune for the costs of waging war, most commonly the expenses associated with maintaining a horse and any damages they might suffer as a result of military campaigning.² Membership in the *milites* was neither hereditary nor lifelong. By the early thirteenth century, the *milites* experienced a significant change in its composition as “new men of means” began to fill its ranks and “older participants found the obligation less attractive,” allowing for greater social heterogeneity. As a result of these changes, there were distinctions within the *milites* between a knight who served as a result of ancestral lineage–*miles pro honore persone*–and one who accepted the duty through communal appointment–*miles pro districtu comunis*.³ Those who served as a result of ancestry, though, were often conflated with nobility, received greater social prestige, and served as standard-bearers. Appointed knights’ lineages could also eventually move into the status of ancestral knights with successive generations.⁴ Diacciati further characterizes the Florentine *milites* as lineages of varying wealth and power. Rather than there being a clear separation between this knightly class and commercial interests, the *milites* were the driving force behind Florence’s “flowering of activities of exchange, credit, and artisanal production.” Along with their legal and political privileges, and perhaps because of them, the *milites* understood themselves to be above the commune’s laws, even as newer lineages began to shed their cultural attachments to

² Giuliano Milani, “Da *milites* a magnati. Appunti sulle famiglie aristocratiche bolognesi nell’età di Re Enzo,” in *Bologna, Re Enzo e il suo mito*, eds. Antonio Ivan Pini and Anna Laura Trombetti Budriesi (Bologna: Deputazione di Storia Patria per le Province di Romagna, 2001), 126.

³ Sarah Rubin Blanshei, *Politics and Justice in Late Medieval Bologna* (Boston: Brill, 2010), 152-153.

⁴ Giovanni Tabacco, “Nobili e cavalieri a Bologna e a Firenze fra XII e XIII,” *Studi medievali*, Vol. 3, No. 17 (1976), 46.

knighthood and martial prowess. Rather than being in opposition to the urban *popolo*, Diacciati argues that the *milites* were the leaders of the Florentine popular movement.⁵

The *milites* can be contrasted with the *pedites*—infantrymen. The differences between these two did not carry the same late thirteenth-century rhetorical antagonisms as those of magnate and *popolano*, though there were important legal distinctions between them. Communal legislation in Bologna during the thirteenth century created a difference between the punishments a *pedes* and *miles* experienced for similar crimes, but this did not constitute a precursor to anti-magnate legislation later in the century. Their different punishments emerged from the contemporary belief that one’s criminal penalties should be determined by the nature of their crime and the “‘quality’ and ‘condition’ of the person, in particular to the individual’s presumed wealth and capacity to pay.”⁶ In a 1259 redaction of communal statutes, penalties for a Bolognese *miles* were substantially higher than a *pedes* for the same offense, especially those associated with harboring criminals and failing to do service for the commune. For example, a *pedes* could be fined one hundred pounds for harboring a banned person while a *miles* could be penalized three hundred pounds. In instances of failed service, the differences could be even more substantial. If a *pedes* failed to aid in the capture of a criminal their penalty could be a mere ten *solidi* while a *miles* would be forced to pay ten pounds.⁷ On first glance, the differences between the punishments in the 1259 statutes suggest that the *pedes* were in some way a privileged class in society that were targeting the *miles* for status-based punishment. Instead, the punishments reflect presumptions about what members of each status could be expected to pay as a result of their wealth.

⁵ Silvia Diacciati, *Popolani e magnati: Società e politica nella Firenze del Duecento* (Spoleto: Centro italiano di studi sull’alto medioevo, 2011), 395–400.

⁶ Blanshei, 145, 161.

⁷ *Ibid.*, 145.

The shift toward exclusion in the thirteenth century required a variety of preconditions to be met. The first was a shift in broader conceptions of *militēs*' place in society and politics. According to Diacciati, by the thirteenth century the defining characteristics of the *militēs* shifted away from social prestige to "military expertise...and a *habitus* inclined to violence and abuse of power, accompanied by such an intentional display of grandeur as to be well known in the city." Rather than being exemplars of communal service, the *militia* became more associated with display, ostentation, disruption, and violence in opposition to the consensus-driven governing approach of the late thirteenth-century commune under the *popolo*.⁸

Giuliano Milani's work expands upon this and provides further preconditions. According to Milani, the exclusionary practices instituted against magnates in Bologna starting in the 1240s were the ending of a complicated process lasting several generations "marked by the slow acquisition of principles previously unknown" in communal politics.⁹ Much of Milani's analysis deals with political exclusion against the Lambertazzi, members of a frequently expelled Bolognese faction, but his observations are still valuable for anti-magnate restrictions in other communes. Exclusion of magnates from Bologna's popular societies first entered communal legislation in 1248 and changed over time to target specific factions, lineages, and individuals. However, in order for exclusion to be a useful political weapon three preconditions had to be met, which began to emerge during the twelfth-century wars against the Holy Roman Emperors. The first precondition to be met was the rhetorical development of political crime and its associations with specific factions in communal politics. In this imagining, political crime was not only a threat to citizens' safety but the commune itself,

⁸ Diacciati, 398-400.

⁹ Giuliano Milani, *L'esclusione dal comune. Conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo* (Rome: Istituto storico italiano per il Medio Evo, 2003), 435.

implying that physical exclusion of certain individuals was a matter of self-preservation for the entire community. Italian communes deployed this rhetoric of political crime “against traitors and rebels that were acting in local and regional wars.” The generation immediately following Frederick II’s reign consolidated exclusion’s identification with political criminals and extended this to include not only individuals but entire groups.¹⁰ As a result of this first precondition, communes were able to cast their inhabitants or groups as politically suspect and act against them under the justification that they posed threats to the entire community.

Milani’s first precondition provided a justification for exclusion, the second and third supply scope. The second precondition involved the “affirmation of the territorial character of communal power.” This precondition was necessary because there needed to be a solidified notion of the commune’s territorial limits to determine where and how individuals were to be confined. Along with this precondition came a reconceptualization of the Bolognese commune itself. Rather than being recognized as a less formalized “*de facto* institution” like *élite consorterie* in the city and other organizations, the commune became a divinely ordained legal institution “able to lay claim to that space under its own control” and helped to establish urban centers as the “principle political subject to deal with.”¹¹ This precondition provided a definite geographical area—the physical space of the city itself—in which one experienced exclusion or where they were to be excluded from and placed the commune’s power there. The city itself held a place of preeminence above rural settlements. Rather than being a less formal organization of peers, the commune was cast as an entity with the authority and power to make demands within a defined space from an empowered urban core. Milani’s final precondition for exclusion is the “formation of two parties within every city able to connect themselves to

¹⁰ Ibid., 436–437.

¹¹ Ibid., 438–439.

those of other urban centers and to refer to two sources of organized alliances.”¹² Exclusion relied on the construction of defined partisan alliances within individual cities that extended beyond any one commune’s territory. This aspect of exclusion, its identification of a partisan punishment, came to define many of the features of politics in the late thirteenth century through the fourteenth with the repeated expulsions of Lambertazzi from the city.

While the Lambertazzi were treated as a separate group from other Bolognese social categories, Milani’s preconditions are useful for understanding the formulation of anti-magnate exclusionary practices. With these preconditions in mind, exclusionary practices imply the presence of at least two distinct social groups within a space, with one being cast as the defenders of a community’s stability and the other as an existential threat to it. In this case, the parts are played by the *popolani* and those they cast as magnates. Unlike the Lambertazzi though, a magnate’s exclusion did not always involve physical confinement outside Bologna’s walls. Magnates often experienced exclusion within a city as a result of prohibitions against their involvement with several forms of social and political association open to *popolani*. Finally, Milani’s preconditions are also useful for the magnates because of the importance he ascribed to the rhetorical development of exclusion. The social categories that crystallized in thirteenth-century communes were rhetorical constructions, and much like exclusion the *popolani* and magnates went through a long process of formation.

The closure magnates experienced can be interpreted as being both usurpatory and exclusionary. In the initial stages of the popular régimes’ efforts to wrest control from this militarized élite, the *popolo* can be seen as usurpers attempting to “bite into the advantages”¹³ of a group that had previously monopolized political and military power in the commune.

¹² Ibid., 440–441.

¹³ Murphy, 548.

Although the magnates remained powerful élites as the thirteenth century continued, closure against them took on a more exclusionary nature as lineages' fortunes and political influence waned as the *popolani* gained greater control over institutions. Rather than experiencing a diminution of privileges, subsequent generations of magnates were prevented from accessing many of the privileges that *popolani* granted themselves, unless they managed to reconcile themselves with the commune. In this instance, the magnate remained in some ways subordinated to the popular régime since the decision to accept them into the ranks of the *popolo* was ultimately out of their control.

Excluding Magnates

The term magnate itself first entered Bolognese communal legislation in 1248 and in these early usages it referred to knights or their male heirs associated with public disorder. Intriguingly, the laws that referred to them as “magnates” were pieces of legislation associated with public order, implying that as early as 1248 the group was already associated with large disturbances. Those of magnate status were prohibited from serving on the council of *anziani* but popular societies were not closed to them at first.¹⁴ The arms societies did not begin to exclude magnates from their ranks until the 1260s. In 1265 the arms society of the Glorious Virgin Mary or *Frati Gaudenti*, then in control of the city's government, took a particularly hard line on their members associating with magnates during public disturbances. If members were found to be at the home of a magnate during a riot they would forfeit “all honors and offices of the commune and *popolo*,” their membership in the popular societies, their rights to practice a craft, their protection under the commune's laws, and they would be declared

¹⁴ Blanshei, 143-146.

traitors.¹⁵ To be sure, the severity of this law likely reflects the position of political importance the *Frati Gaudenti* enjoyed in the commune, but legislation soon developed that transformed magnate status into a legal status.

Beginning in 1271-2 with the Ordinances of the First and Second Forty, magnate became a distinct legal status with specific characteristics rather than a vague category of a social group inclined to public disturbances. Magnates were now a general legal category to which communal lawmakers sometimes attached different characteristics. There was now a special system for the prosecution of magnates when they attacked a *popolano*, broadly defined as a member of the popular societies.¹⁶ The commune required magnates to “post securities guaranteeing their good behavior.” Additionally, they could be confined to their homes in the city or “specific places in the *contado* or even outside the district. The commune itself chose who would be included on these lists based on whether they were a “danger to public security.”¹⁷ A later iteration of the list of magnates from the Sacred and Most Sacred Ordinances of 1282-4 indicates further development in communal terminology. Particularly violent magnates were labeled as *lupi rapaces*—ravenous wolves—and were required to post securities of 1,000 pounds. Additionally, they were required to promise not to protect members of the expelled Lambertazzi faction or anyone banned for crimes. They also pledged to obey the *podestà* and *capitano*, and to “present themselves before the officials whenever asked to do so for any reason, and not to ‘offend’ (attack) anyone or anyone’s possessions.”¹⁸ Ancestral associations with public disturbances, knighthood, or nobility did not factor into the commune’s decisions on who was a magnate or a ravenous wolf. Instead, according to

¹⁵ Ibid., 148–149.

¹⁶ Ibid., 150-151.

¹⁷ Ibid., 166.

¹⁸ Ibid., 167.

Blanshei, the decision to categorize an individual or family as a magnate was a “recognition of power, a power to be restrained, but also a power that, under certain circumstances, could be used to the commune’s advantage.”¹⁹ This aspect of the status accounts for the commune’s frequent use of magnates and even *lupi rapaces* as envoys, military captains, and even in some public offices.²⁰ In this way, the commune continued to benefit from this excluded group not only through their annual posting of securities but by their continued service to furthering the popular regimes’ territorial and political goals.

According to Blanshei, Bologna’s magnate lists were not meant to be an exhaustive list of all in that status but an attempt to “specify only those ‘great’ individuals who were considered a threat to public security *at a particular moment in time*.”²¹ In other words, the status was not static. The commune’s categorization of magnates could change depending on the “demands of political expediency and perceived advantage to the commune and regime, and sometimes those changes were affirmed, canceled, and then reaffirmed with rapidity.”²² A magnate could leave their status behind using one of three methods. First, the commune often changed a magnate’s status as a “reward for reasons of political expediency and military necessity.”²³ Régime changes in the city often involved the removal of individuals and sometimes entire families from the magnate lists. In these instances, political allegiance and relationships determined one’s status as a magnate rather than personal behavior.²⁴ Finally, magnates themselves could take their own categorization to court and be removed from their

¹⁹ Ibid., 166.

²⁰ Ibid., 137.

²¹ Ibid., 166.

²² Ibid., 166.

²³ Ibid., 172.

²⁴ Ibid., 174.

status.²⁵ Magnates could become *popolani* through faithful service to the commune, the ascendance of a friendlier government, or through court action.

Although the Bolognese *popolo*'s rhetoric against the magnates characterized them as disruptive and violent, the group's relationship with the commune was not uniform. While magnates as a group had been the targets of exclusionary legislation since 1248, there were still several holding offices—including those referred to as violent wolves—into the late thirteenth century. Many magnates could also be found in the popular associations, often acting as captains for the arms societies. Those classified as magnates could experience rehabilitation and leave their exclusion through a court system, service to the commune, or shifting political realities. Magnate status could extend to different generations of the same family, but shedding it remained a possibility.

In Florence, as in Bologna, magnate status was conceptually unstable but came to emphasize a history of knighthood in a lineage and public reputations for “violence and arrogance.”²⁶ Much like their Bolognese cousins, the Florentine magnates had their roots among the *milites*. Although they were distinct from their peers, members of the *milites* were thoroughly embedded in Florence's politics and economy. However, by the end of the thirteenth century the *milites* came to be associated with violence, and public ostentation that stood against the *popolo*'s vision of city government.²⁷ To combat magnate violence and ensure *popolano* control, Florentine popular governments restricted and marginalized lineages using frequently updated lists that marked entire families or specific individuals as threats to the commune.

²⁵ *Ibid.*, 287–88.

²⁶ John M. Najemy, *A History of Florence, 1200-1575* (Malden: Blackwell Publishing, 2006), 12.

²⁷ Diacciati, 395–400.

New popular regimes often made restriction and marginalization of magnates a primary concern. The Florentine *popolo* established a program of magnate marginalization in a body of laws known as the Ordinances of Justice, first enacted in 1293. Enforcement of the laws on magnate criminality was entrusted to the Executor, an office first instituted in 1307. The office of the Executor was always held by a foreign rector who depended on a retinue of legal experts and armed men to aid him during his six-month appointment.²⁸ Unlike the offices of the Podestà and the *Capitano del Popolo*, Florentine law specified that the office must be held by a man of popular status who was also a Guelf. To bring a case forward, an individual could either make an accusation in person before the court of the Executor or leave an anonymous denunciation along with a list of named witnesses in a box called a *tamburo*. The Executor, his judges and notaries, and the capitano del popolo then read and copied each denunciation once a week and began an inquest for any case that they were obligated to do so. What obliged the Executor to begin an inquest was magnate action that transgressed one or more of the statutes in the Ordinances of Justice, most frequently an act of physical abuse against a *popolano*. Fundamentally, the Executor's main judicial function was to punish magnate abuse of *popolani* in the city of Florence and in the *contado*.²⁹ According to Carol Lansing, people likely preferred using denunciations to spark inquisitions rather than accusation procedure. In an accusation case, the complainant had to prove the entire charge. In an inquisition, the court could convict on some parts of the charge and the denouncer would not be penalized for unsuccessful cases.³⁰

²⁸ Lorenzo Valgimogli, "Esecutore degli ordinamenti di giustizia," in *Elenchi nominativi degli esecutori degli ordinamenti di giustizia in carica dal 1343 al 1435*, ed. Irene Fabii (Florence: Archivio di Stato di Firenze, 2004), 2-8.

²⁹ *Ibid.*, 4.

³⁰ Lansing, "Magnate Violence Revisited," in *Communes and Despots in Medieval and Renaissance Italy*, eds. John E. Law and Bernadette Paton (Burlington: Ashgate, 2010), 39.

Florence kept track of the identity of magnates using lists. The oldest Florentine lists come from the late thirteenth century. It is important to note, though, that these lists were not entirely fixed; communal regimes changed them with some frequency. The extant lists of magnate lineages in and around Florence were drafted in 1280, 1293, 1295, 1322-25, 1355, and 1415. Lineages were placed on the lists for their reputations for “violence and arrogance.” A more solid definition in Florence developed in the final decades of the thirteenth century and targeted lineages that had knights in them within the last twenty years. Still, the definition was somewhat open to interpretation because a lineage’s public reputation could also determine their status.³¹ The Florentine lists did not grow longer between the 1280 and 1415 versions. Instead, the number of lineages on the list remained relatively static and some lineages or their cadet branches were even removed after they successfully petitioned the commune. In many cases, the reformed magnates successfully argued that the security they had to pay each year to guarantee their lawful behavior had become so burdensome that they had lost any ability to be a threat to the commune.³² Economic factors, then, had profound effects on who could no longer be considered a magnate and made it possible for individuals who bore that status to move downward into different social categories.

Despite the presence of law courts, codes, and lists that aimed to diminish magnate power communes were never able to establish and maintain complete control over the violent tendencies of their magnate lineages. Indeed, these cities always remained under the control of some kind of elite class. As Phillip Jones has argued, despite the efforts of Italian popular regimes, power remained tied to wealthy individuals and tended to follow wealth even during

³¹ Najemy, *A History of Florence, 1200-1575* (Malden: Blackwell Publishing, 2006), 12.

³² Klapisch-Zuber, *Ritorno alla politica: I magnati fiorentini, 1340-1440*, translated by Isabelle Chabot and Paolo Pirillo (Rome: Viella, 2009), 19-26. Originally published as *Retour à la Cité: Le Magnats de Florence, 1340-1440* (Paris: Éditions École des Hautes Études en Sciences Sociales, 2006).

moments of upheaval. Oligarchy, not republicanism, remained the primary form of government by law or by fact. This was in part due to the nature of the *popolo*, which, in Jones's opinion, was itself a different political party set apart from the magnates with its own strict set of rules for inclusion. Moreover, even when the popular regimes under the *popolo* actively curtailed magnate power, the magnates maintained their influence in urban affairs and "their old ambition to dominate."³³

Jones's language is somewhat extreme here. While magnate violence can indeed reflect a desire to exert control over others, Jones's formulation tied magnates inextricably to an all-consuming desire to dominate their surroundings. This effectively decontextualizes instances of magnate aggression from other historical forces and imposes a uniformity to violence that in fact was more complicated and multivalent than this characterization implies. It also ascribes a unity of purpose to the magnates that did not exist among the entire group, within individual lineages, their *consorterie*, and the factions that developed around them. According to Lansing, magnate solidarity was difficult if not impossible to maintain. The lineages and the individuals in them could fall on either side of political divisions over the course of Florence's tumultuous thirteenth century. Moreover, commercial and property disputes could and did often tear these families apart.³⁴ While Jones does acknowledge that the group's involvement with communal governments was quite common and even necessary for both parties, he appears to view this engagement as a means that the magnates used to subvert the power of the popular regimes. The situation, especially during the fourteenth century, was more complicated than his characterization.

³³ P. J. Jones, "Communes and Despots: The City State in Late-Medieval Italy," reprinted in *Communes and Despots in Medieval and Renaissance Italy*, eds. John E. Law and Bernadette Paton (Burlington: Ashgate, 2010), 6-8.

³⁴ Carol Lansing, *The Florentine Magnates*, 176-77.

Klapisch-Zuber has argued that the magnates as a group were “negatively privileged” by their status and left vulnerable in a partisan urban environment. Members of the community of the *popolo*, especially wealthier ones, understood and used this vulnerability as leverage to make the group more useful to the commune, especially as diplomatic representatives and at least in Bologna as members of an advisory council of *sapientes*.³⁵ Magnate interests and abilities, then, depended on the protection that their peers among the *popolo* were willing to extend in exchange for loyalty to the commune. In this way, both groups needed each other to a certain extent.³⁶ The magnates needed the *popolo* to remain socially and politically relevant while the *popolo* needed the magnates to act on behalf of the commune in certain diplomatic capacities. The relationship between magnate and *popolano* was not inherently antagonistic, but dependent on certain contexts. The 1340s provides an important context for Klapisch-Zuber to study these marginalized individuals. According to her study, the fourteenth century brought about the rehabilitation of several magnates who moved out of the status into the ranks of the *popolo*. She also noted that this process of re-entrance into the city coincided with a diminished use of violence among those who reentered the city.³⁷ However, this interdependence between the magnates and *popolo* in urban politics does not seem to have had a counterpart in the *contado*. Violence among rural magnates remained a pernicious problem for the city’s communal institutions. According to Claudia Caduff, between 1345 and 1346 seventy-five percent of the crimes denounced in the court of the Executor occurred in the

³⁵ Giuliano Milani, *L’esclusione dal comune: Conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo* (Rome: Istituto storico italiano per il medioevo, 2003).

³⁶ Klapisch-Zuber, “Nobles or Pariahs? The Exclusion of Florentine Magnates from the Thirteenth to the Fifteenth Centuries,” *Comparative Studies in Society and History*, Vol. 39, No. 2 (Apr. 1997).

³⁷ Klapisch-Zuber, *Ritorno alla politica*, 19-31, 101-123.

contado, only a quarter of which launched an inquest.³⁸ The reason for these violent actions has often been attributed to the cultural practices of the magnate lineages.

Historians have frequently connected magnates with violence, knighthood, and informal lordship. The Florentines themselves made a connection between the violence of vendetta and magnate status.³⁹ Although these things were not all the magnates' monopolies by the start of the fourteenth century, the connection has remained. According to Lansing, magnate culture was partly based on militarism and that acts of violence in the *contado* were a "weapon of domination" that they attempted to use to force others into obedience. They effectively used violence to extract rights and force an unwilling rural population into complying with their demands. Sometimes these included demands for rents or the use of violence as leverage in disputes with tenants. Moreover, magnates were able to avoid punishment through intimidation of victims and witnesses. In several of the cases that Lansing examines, most of the witnesses provided in the denunciations denied any knowledge of the crimes that they were said to have witnessed, which she attributes to a fear of reprisals against those who resisted. This was of course only from the recorded witnesses who did go to court, others avoided appearing for testimony and received a provisional ban because of their contumacy or claimed to know nothing.⁴⁰ Lansing's assessment places much of the cause for magnate violence on the group's cultural practices and military capacity. However, this explains the use of violence as a tool rather than necessarily what motivated an individual or a lineage to use it. To be sure, enforcing dominance and extension of rights of informal lordship

³⁸ Claudia Caduff, "Magnati e popolani nel contado fiorentino: dinamiche sociali e rapporti di potere nel trecento," *Rivista di storia dell'agricoltura*, Vol. 33 No. 2 (Dec. 1993).

³⁹ Andrea Zorzi, "Consigliare alla vendetta, consigliare alla giustizia. Pratiche e culture politiche nell'Italia comunale," *Archivio storico italiano*, Vol. 170, No. 2: 263-284.

⁴⁰ Lansing, "Magnate Violence Revisited," 40-45. Joseph Figliulo-Rosswurm, "Rural People and Public Justice in Fourteenth-Century Tuscany," *Renaissance Quarterly*, Vol. 72, No. 2: 417-456.

did play a part in the equation, but other, primarily economic, motivations were at work as well.

While this historiography sheds light on the instability of magnate status over the course of the fourteenth century, magnates in the *contado* are not the protagonists of the story that many historians, especially Klapish-Zuber, relate. They often quite explicitly privilege magnate movement away from the *contado* and into the city, often portraying it as a refusal of magnate sensibilities in favor of participation in urban-based popular regimes. In this way, the historiography sometimes lacks coverage on magnates who continued to reject or were rejected by urban institutions and practices. Moreover, though Lansing's coverage of magnate violence out in the *contado* can help to provide immediate contextualization for seemingly random magnate assaults, there is a larger history of violence that can sometimes be constructed for individual lineages and branches. To understand these instances of systemic violence in the *contado*, it is necessary to take a long-term view of one family's practices to see how they changed and adapted to specific circumstances. A series of fourteenth-century denunciations against different members of the Gherardini offers the opportunity to do a case study on a branch of a lineage that was a direct opponent to and "reject" of the Florentine commune.

"The Enemies of the State of the Florentine *Popolo*": A Case Study of Gherardini

Violence

In 1347, a denunciation appeared on a *cedula* in the Florentine court of the Executor of the Ordinances of Justice, a court charged with responding to denunciations of magnate violence against *popolani*. The parchment scrap accused the magnate Giovanni di Lottini de' Gherardini of assaulting a *popolano* named Lorenzo di Ventura, who was at the time working

as a soldier for Giovanni's family. According to the denunciation, the offense took place in 1323 during a wedding at the home of Michele Boschi in the piazza Santa Croce. Niccolò, Giovanni's brother, ordered Lorenzo to take his dog outside so that it could defecate. The dog, "through a wicked spirit," then turned around and bit Lorenzo twice on the leg so severely that the wounds drew blood, causing him to scream. Niccolò, annoyed by Lorenzo's screams, then sent Giovanni outside to silence the man by striking him twelve times in the face with an empty hand; four of which drew blood. Although some of Lorenzo's witnesses appeared in the Executor's court to corroborate the denunciation's narrative of the events, the court took no action and the case was dropped.⁴¹ In this instance, it appears that the Gherardini were able to dissuade enough witnesses from providing testimony. Another denunciation from the same period not only details another Gherardini's crime but completes its narrative of the offense in the following way: "may it always be pleasing to you to punish the enemies of the state of the Florentine *popolo*, the Gherardini."⁴²

While they were not the most actively violent magnate lineage in Florence, the Gherardini far outstripped most of their contemporaries in assaults against urban *popolani* and *contadini*. What set the Gherardini apart from their magnate peers is the longer history of violence that the accusations in the Executor's court reveal and the perceptions of the lineage among their victims. The Gherardini's crimes and their public reputation were in large part shaped by the Florentine commune's repeated identification of them as magnates, a status that excluded individuals and several generations of families from many political offices and popular associations. Denunciations against the Gherardini lineage show how the Florentine *popolo*'s efforts to marginalize urban nobles perpetuated violence against urban and rural

⁴¹ Archivio di Stato di Firenze (ASF). Atti del esecutore degli ordinamenti di giustizia, 95, 24r-24v.

⁴² ASF. Atti del esecutore degli ordinamenti di giustizia, 26, 21r-82r.

dwellers. Their magnate status pushed the Gherardini into a lengthy conflict with the commune of Florence that ultimately led to their victimization of those they perceived to be of lesser status, especially the *contadini* who lived near and on their rural properties.

The purposes of these assaults shifted from the late thirteenth century into the middle of the fourteenth. Up until the fourteenth century, Gherardini violence in the *contado* took the form of organized resistance against the Florentine commune. A shift occurred between 1300 and 1319. In the first decade of the fourteenth century, Gherardini violence shifted in scope and took the form of brigandage that harassed grain transports. After a brief period of peace with the commune, the Gherardini again found themselves expelled from the city. To sustain themselves, a branch of the Gherardini began to attempt to re-consolidate a powerbase in the Florentine *contado* in the Chianti region centered around a network of castles attributed to the lineage. They did not, however, abandon violence and reconcile with the commune. Instead, they shifted to predation that revolved around opportunistic attacks on passersby and *contadini*. For its part, the commune of Florence was not only ineffective at reining in the violent excesses of the Gherardini but in fact sometimes exacerbated the issue through judicial action or inaction against those responsible. Through the thirteenth and into the fourteenth century, different members of the lineage often found themselves the targets of politically-motivated exile which involved the confiscation of goods and property. Some of the assaults the Gherardini committed resulted in further financial punishment, including fines that reached up to several thousand pounds for one homicide. Florentine judicial inaction exacerbated the issue of magnate violence. While several of the Gherardini were frequently denounced to Florentine judicial officers for offenses in the *contado*, few if any of the cases went to court and even fewer resulted in a punishment for those that stood accused of the crimes. These acts of

confiscation, exclusion, and repeated denunciations involved the imposition of heavy fines in addition to the demolition of the family's homes and towers inside and outside of Florence, punishments they had been experiencing for several decades.

The Florentine chroniclers Dino Compagni and Giovanni Villani can both shed some valuable light on the activities of the Gherardini from the thirteenth century into the middle of the fourteenth. In general, these chroniclers portray Florence as a city prone to devastating factional conflicts between the Guelfs and Ghibellines. Though Florence and several other Italian communes acted as independent states, they often sought outside support in their internal political struggles. Larger alliances of Guelf states were associated with the papacy and the Angevins while Ghibellines appealed to the Holy Roman Empire, especially the Hohenstaufen dynasty, for aid. Except for some short episodes of Ghibelline rule, Florentine regimes followed a Guelf policy characterized by occasionally strained relations with the Church and different branches of the Angevin dynasty.⁴³ The earliest reference to the Gherardini in Villani's chronicle notes the family as a Guelf lineage in the *sesto* of San Piero Scheraggio, an administrative section of the city situated in what was the southeast corner of the city in the thirteenth century. According to Villani, the Guelf faction began in 1215 after the murder of Buondelmonte de' Buondelmonti. In Villani's recounting of the events, the retaliatory murder initiated the city's fierce political divisions.⁴⁴ It is important to note that at this early stage in Florentine history the magnate status did not yet exist. When the lineage does appear, especially in Compagni, they and their peers are described as nobles or nobility

⁴³ Rala I. Diakit , "Introduction I: The Chronicler," in *The Final Book of Giovanni Villani's New Chronicle*, trans. and ed. Rala I. Diakit  and Matthew Thomas Sneider (Kalamazoo: Medieval Institute Publications, 2016), 3.

⁴⁴ Giovanni Villani, *Nuova Cronica*, ed. G. Porta (Parma: Fondazione Pietro Bembo/Guanda, 1991), 214-16. Enrico Faini, "Il convito del 1216. La vendetta all'origine del fazionalismo fiorentino," *Annali di storia fiorentina*, 1 (2006), 9-36.

rather than magnates because there was no formalized definition before the 1280s. For that reason, I will also refrain from calling them magnates throughout this section.

Outside of a few passing references in both chronicles, the Gherardini do not receive any mention until the middle of the thirteenth century when their political fortunes began to take a turn for the worse. On 4 September 1260, Guelf Florence lost the Battle of Montaperti to their Ghibelline Sienese opponents. While the battle itself was the result of Florence's territorial expansion, the defeat of the Florentine Guelf families emboldened the city's Ghibellines who seized power in the city and expelled their adversaries. The expulsion was primarily an act of revenge against the Florentine Guelfs who had done the same to the last of the Ghibellines in Florence in 1258. Villani, however, spun this event somewhat differently. According to him, upon their return to Florence several of the heads of the defeated Guelf families went into voluntary exile on 13 September "without being sentenced to ban or confinement." He also noted that the families went to Lucca. The Gherardini appear among the list of Guelf exiles from San Piero Scheraggio along with the Lucardesi, Manieri, and many others.⁴⁵ Whether or not this exodus of Guelfs was truly voluntary or even as immense as Villani makes it out to be is an open question. Regardless, upon their ascendancy in the city, the Ghibellines drafted a list of enemies for expulsion in a codex called the "Book of Exiles," which has been lost. Those listed were not only expelled from the city, but also suffered the confiscation of their movable and immovable possessions, which would then either be rented out to enrich the new regime or demolished.⁴⁶ After the exile, the Gherardini are again largely

⁴⁵ Ibid., 309-10.

⁴⁶ Fabrizio Ricciardelli, *The Politics of Exclusion in Early Renaissance Florence* (Brepols: Turnhout, 2007), 72-3.

absent from Villani's chronicle, although other sources can reveal how the lineage functioned in a Ghibelline Florence.

It is not clear from Villani how long the Guelf exiles remained in Lucca, let alone if the Gherardini even went there. However, according to Roberto Davidsohn, sometime after the mass exile the Gherardini began to gather Guelf supporters at Montecorboli, one of the lineage's castles in the Greve river valley situated on a road that led southward to Siena.⁴⁷ From there, the Gherardini and several other exiled Guelfs made war against the Ghibelline regime in Florence from 1260 until April 1266 when the castle was besieged and demolished.⁴⁸ After this act of demolition, the Florentine Guelfs seized the city, emboldened by Charles of Anjou's defeat of Manfred of Sicily and the Ghibelline cause at the Battle of Benevento in 1266. While the Gherardini are again absent from Villani's coverage of these events, the lineage's experience of the Ghibelline regime is somewhat captured in the *Liber extimationum*. The *Liber* records a 1269 property assessment following the Guelf return to power in Florence in 1267. The purpose was to assess the damages to the properties of exiled Guelf families who fought against the commune between 1260 and 1267.⁴⁹ In total, the *Liber* lists 103 palaces, 580 smaller houses, 85 towers, and several shops and warehouses in Florence and the surrounding contado that were either damaged or destroyed during Ghibelline rule.⁵⁰ The document lists properties within the physical bounds of the city first and those in the contado second. Entries in the city are organized by *sesto* and by district in the contado. In total, there are about 530 entries which first note where the property stood, its rough dimensions, the different holdings

⁴⁷ Roberto Davidsohn, *Storia di Firenze*, vol. 2, *Guelfi e Ghibellini, parte I*, trans. Giovanni Battista Klein (Florence: Sansoni, 1956), 819.

⁴⁸ Ricciardelli, 74-5; Davidsohn, *Guelfi e Ghibellini, parte I*, 819.

⁴⁹ *Liber extimationum*, ed. Olof Brattö (Stockholm: Wiksell, 1956), 18.

⁵⁰ Najemy, *A History of Florence*, 71.

that it bordered, and, for listings in the contado, the kind of things on the property. While the *Liber* can fill in some valuable material information for these different families, it can also give us an indication of where they drew their support and with whom they might have interacted.

Even though the Gherardini holdings in the city appear earlier in the document, it is worth looking first at their holding in the contado, which was most likely the castle Montecorboli because it is the only one of their rural castles that appears to have incurred significant damage during the Ghibelline regime. The entry lists an expansive property that bordered on the holdings of several other lineages and appears to have had productive capabilities. According to the entry, the property held a castle and a home that belonged to the sons of Filippo de' Gherardini. In addition to its defenses of walls and ditches, the property also contained part of a road, a cistern, a mill, and a part of the Greve river. The property also appears to have been at the intersection of several roads and trails. There are references to approaches and pathways that led to the parish of San Stefano a Collegali, a holding of the Montese, and another that led to the parish of San Donati. Each of these churches stood on land owned by different lineages, mainly the Pogiolini, the Lamberti de Mugnana, Marcellini, and several others.⁵¹ With this in mind, Montecorboli was a well-situated castle for the Gherardini and the other exiled Guelfs to harass the Ghibellines back in Florence. In addition to being stoutly fortified, the castle was at the center of a larger network of other Florentine lineages' properties in the contado. Moreover, its location on a road that led toward Siena made it possible for them to harass two different centers of Ghibelline control. In total, the damages assessed on the property added up to 500 *lire*.⁵² The *lira* was a currency of account whose

⁵¹ *Liber extimationum*, 48.

⁵² *Ibid*, 48.

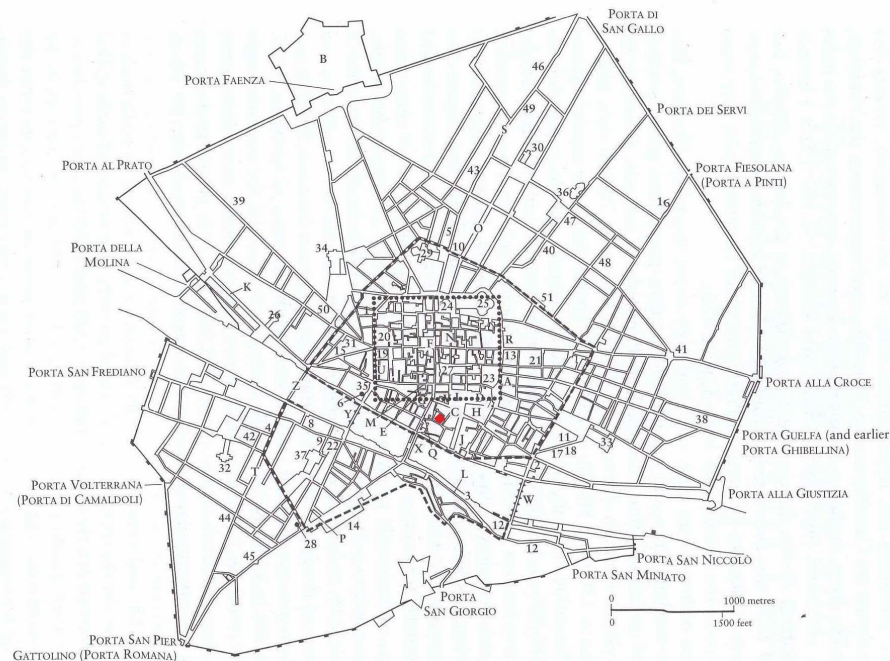
value in the late thirteenth century was equivalent to the golden *florin*.⁵³ The values given for the damages around this holding range from 200 to 1000 *lire*.⁵⁴ It is important to keep in mind that these assessments did not give an understanding of the value of the properties themselves, but rather of damages claimed. Nonetheless, this piece of land does appear to have been especially valuable and the damages claimed extensive. Its entry in the *Liber* is considerably lengthier than those surrounding it and describes a holding of the Gherardini lineage that had productive and defensive capabilities in addition to its connections to other parishes. Any hindrances to this property's productive and defensive abilities would have been quite costly to the lineage.

Other than the castle in the contado, two assessments describe Gherardini holdings in the *sesto* of San Piero Scheraggio. Unfortunately, these entries are much less descriptive of the kinds of things that exist on the properties. The first of the entries briefly describes a house assessed at 300 *lire* which belonged to the sons of Filippo de' Gherardini. A home belonging to the sons of Francesco Bonaprese bordered one side, on another side stood something recorded only as "Cinelli," and finally two roads ran along the remaining parts. In another part of the same parish, possibly on the same street, stood another building associated with the Gherardini. The second home described in the following entry is recorded as belonging to the sons of lord Pegolotto de' Gherardini and his brothers. They did not own this home independently but instead only a part of it assessed at 150 *lire*. This second building was bordered on one side by a single road, on another by the heirs of Guardaville, and on the last

⁵³ Rala I. Diakit  and Matthew Thomas Sneider, "On Money," in *The Final Book of Giovanni Villani's New Chronicle*, trans. and ed. Rala I. Diakit  and Matthew Thomas Sneider (Kalamazoo: Medieval Institute Publications, 2016), 24.

⁵⁴ *Liber extimationum*, 42-50.

side by the sons of a “certain Salterelli,” another noble lineage.⁵⁵ In comparison with other properties in the same *sesto*, these properties tended to be assessed toward the lower end of the spectrum, with other entries ranging from 50 to 1,050 *lire*.⁵⁶ It is not clear from the second assessment who owned the property along with the Gherardini. These urban properties reveal some information about the lineage’s place among its peers. Most of Florence’s noble lineages had homes and towers located in the city’s center, situated nearby major markets.⁵⁷ The Gherardini homes mentioned in the *Liber* were absolutely central.



Map source: Najemy, *A History of Florence*, 98. I provided the mark for the Gherardini holdings.

The Gherardini holdings, represented by the red dot, stood within a circuit of walls that was completed by around the 1170s and were on the street leading to the oldest bridge. This was

⁵⁵ *Ibid.*, 38.

⁵⁶ *Ibid.*, 36-42.

⁵⁷ Najemy, “Florentine Politics and Urban Spaces,” in *Renaissance Florence: A Social History*, eds. Roger J. Crum and John T. Paoletti (New York: Cambridge University Press, 2006), 20.

the oldest portion of the city, where the highest concentration of noble households was situated.⁵⁸

It is worth noting that a tower still stands in Florence that is attributed to the lineage on the modern day Via Lambertesca near the Arno.⁵⁹ The location of this tower can help to give us a concrete idea of where the above-mentioned properties stood. The towers of the nobility in Florence served for habitation, display, attack and defense. By the thirteenth century, these structures were the symbols of a lineage's social and political control in their neighborhoods.⁶⁰ It is likely that it functioned the same way for the Gherardini, the assessment describing Montecorboli implies that the lineage's place in the contado was even stronger than in the city of Florence.

In 1267, the Guelf exiles returned to a Florence that was again on the brink of substantial political change and disruption. This was the political ascendancy of the popolo, a restructuring of the Florentine elite, the formalization of magnate status and the measured marginalization of people who were given that title. In some ways, the Gherardini directly benefited from these changes and in other ways suffered because of them. In the 1280s, some members of the lineage appear among the ranks of the Calimala, a guild of wool merchants involved in international trade.⁶¹ From the list's initial drafting in 1293, the Gherardini remained recorded as magnates of the *sesto* San Piero Scheraggio.⁶² The lineage, however, disappears from Villani's chronicle after the Guelf return to the city. Compagni's narrative picks their story back up at the start of the fourteenth century. Two members of the lineage,

⁵⁸ Najemy, *A History of Florence*, 99.

⁵⁹ Piero Bargellini and Ennio Guarnieri, *Firenze delle torri* (Florence: Bonechi, 1973), 72.

⁶⁰ Lansing, *The Florentine Magnates*, 17.

⁶¹ Najemy, *A History of Florence*, 22-3.

⁶² Klapisch-Zuber, *Ritorno alla politica*, 415.

Andrea and Naldo di Lotto dei Gherardini, appear quite frequently throughout this source. During this period, the Florentine Guelfs fractured into two separate factions, the Blacks and the Whites, with Corso Donati leading the former and the Cerchi were at the center of the latter. The Blacks were generally associated with older nobility in the city and the Whites with the more recently enriched mercantile elite. Andrea and Naldo are recorded as White Guelfs and played active roles in Florence's domestic and foreign politics. In 1301, Andrea was knighted by the commune and then made a captain of the Florentine forces during a siege of the Tuscan town of Pistoia. Evidently, the Florentines sent him under the impression that armed contingents from Lucca would join him. This, however, was not the case and a mutiny had to be quelled to bring the Lucchese back under Andrea's control. For his trouble, Andrea received as much as 4,000 florins from the rebels or from the commune of Florence.⁶³ While Andrea served in foreign wars, Naldo was more active in the city where he appears to have run in with the wrong crowd. In 1302, Naldo was implicated in a conspiracy against Charles of Valois, then ruling Florence as a papal vicar. According to Compagni, Naldo was banned and confined along with 600 other men for his involvement in the conspiracy.⁶⁴ The first few years of this century saw several other family members fall under the same punishment.

Between 1302 and 1304, several members of the Gherardini appear in the *Libro del Chiodo*, or "The Book of the Nail." The *Chiodo* is a list of condemnations against Florentine White Guelfs and Ghibellines drawn up between 1269 and 1378. With each condemnation, family property was confiscated, and individuals and occasionally entire lineages were excluded from the city of Florence or its contado. On 18 January 1302, Andrea was accused

⁶³ Dino Compagni, *La cronaca di Dino Compagni delle cose occorrenti ne' tempi suoi* in *Dino Compagni e la sua cronica*, ed. Isidoro del Lungo (Florence: Successori Le Monnier, 1887) 79-80.

⁶⁴ *Ibid.*, 141-42.

by lord Simone de' Cancellieri of attempting to overthrow the Guelfs in Pistoia. Andrea's entry in the *Chiodo* not only accuses him of being a Ghibelline and attempting a coup against the Guelfs of Pistoia, but of also trying to expel "the faithful of the Holy Roman Church." His punishment required the payment of a fine of 10,000 *fiorini di piccioli*, or roughly 416 golden florins. Andrea neither paid the fine nor attempted to make any kind of peace with the commune; he was declared contumacious and condemned.⁶⁵ In the same year, after his connection to the conspiracy against Charles of Valois was discovered, one of Naldo's homes was demolished and three other Gherardini were sentenced to death.⁶⁶ Both Andrea and Naldo left the city and took up residence in the contado where members of the Gherardini lineage again became a focal point for resistance to a Florentine urban regime. Over the next two years, Naldo, based at the castle of Montagliari, took to brigandage by harassing grain shipments on roads to the south of Florence that led through the Greve and Pesa valleys. He and several other Florentine exiles would cut off the hooves of pack animals and murder the drivers or take them prisoner for torture and eventual ransom.⁶⁷

Naldo and Andrea were not the only members of the Gherardini to be punished by the Florentine Blacks in this way. On 3 May 1302, Betto di Filippo dei Gherardini was also condemned for conducting war against the commune based out of the castle Montagliari. A few months later in August, Bernardo di Lotto dei Gherardini was likewise condemned along with his kinsmen Cione, Binduasso, Lotto, Bracha, and Dinuccio for conducting war in the Greve and Pesa valleys outside of Florence.⁶⁸ The attacks from Montagliari eventually became

⁶⁵ *Il Libro del Chiodo: Riproduzione in facsimile con edizione critica*, eds. Francesca Klein and Simone Sartini (Florence: Polistampa, 2004), 166-67.

⁶⁶ Davidsohn, *Storia di Firenze*, vol. 4, *Le ultime lotte contro l'impero*, trans. Giovanni Battista Klein (Florence: Sansoni, 1956), 292.

⁶⁷ *Ibid.*, 327-31.

⁶⁸ *Il Libro del Chiodo*, for Betto's condemnation, see 190-91; for Bernardo et al., see 218-19.

such a nuisance for the commune that the castle was besieged and demolished. All the trees on the property were also uprooted and the commune created legislation that mandated that no structure be built on the site, with the punishment of decapitation for anyone who put up a wall there.⁶⁹

The sentences against the Gherardini were the result of their political rivalries with lineages associated with Corso Donati and the Black Guelfs. Over the course of 1304, the Gherardini were forced to establish peace accords with both the commune of Florence and various families allied with the Donati, especially the Lucardesi.⁷⁰ The sentences in the *Libro del Chiodo* also reveal a connection between violence in the contado and the Gherardini branch that claimed descent from Lotto. Naldo, Bernardo, Cione, Binduasso, and Dinuccio all bore that same patronymic. As we will see in the cases from the 1340s, certain members from one branch of the family appear more frequently than others.

It is difficult to reconstruct a history for the Gherardini between the peace accords in 1304 and 1319. They again disappear from both the Villani and Compagni chronicles and members of the lineage do not come up in the *Chiodo* after 1304. They resurface in November 1319 due to accusations of aligning themselves with the Ghibellines. In retaliation, the commune of Florence expelled a branch of the lineage and also demolished some of their homes, though it is not entirely clear where those homes stood. There may have been some merit to the commune's accusation. In 1326, two members of the Gherardini became members of the *parte imperiale di Firenze*, another political organization that supported the imperial cause in the Italian peninsula.⁷¹ While one branch was expelled at this time, it can be verified

⁶⁹ Davidsohn, *Le ultime lotte contro l'impero*, 327-31.

⁷⁰ *Ibid.*, 266; Compagni, 174.

⁷¹ Davidsohn, *Le ultime lotte contro l'impero*, 845.

that another remained and achieved some measure of success in the Florentine guilds. In a *consiglio* with the Capitano del popolo dated 9 to 10 June 1338, three members of the lineage named Lappo, Cione, and Francisco appear. The document reports that a case was settled in the favor of these three men, who are described as bankers and merchants.⁷² While the documentation from the *consiglio* does not provide any firm details of what their case entailed, it is still worth noting that at this time members of the lineage were not only residing in the city but were active participants in Florence's most powerful guilds.

While Lappo, Cione, and Francisco found themselves on the right side of the law, within a few years of their successful case many of their kinsmen were accused of several crimes. As stated above, most of these offenses occurred in the *contado* over the course of the 1340s, except for two that occurred in the city of Florence itself. The earliest denunciations come from 1344 and they end in 1347. Some of the denunciations give narrative accounts of offenses that had occurred years before, and two of them recount the same events but in very different ways. The denunciations give the Gherardini the appearance of being excessively disruptive to life in this area of the *contado*. Most of the cases center in the Chianti region of Tuscany around the Greve river where there were three castles attributed to the Gherardini at Vicchio Maggio, Montagliari, which was destroyed by the 1340s, and Montecorboli, damaged in the 1260s. Vicchio Maggio, the northernmost and closest to Florence was the setting for an abduction case while several cases of assault were instigated around Montecorboli. Montagliari does not appear to have any crimes directly associated with it, for the simple fact that it was already a ruin by the 1340s. The castles and the crimes seem to follow the banks of the Greve river southward toward Siena.

⁷² *I consigli della Repubblica fiorentina libri fabarum XVII: 1338-1340*, eds. Francesca Klein and Riccardo Fubini (Rome: Ministero per i beni culturali e ambientali, ufficio centrale per i beni archivistici, 1995), 42.

A series of alleged attacks between 1344 and 1345 provides some initial indications about the nature and the motivations behind these attacks; they also include some useful suggestions about the longevity of Gherardini violence in the contado. The first denunciation was recorded by the court of the Executor on 16 December 1344. The denunciation stated that Nuccio di Stoldi and Gerio di Manetto, both Gherardini, attacked a popolano named Francisco Lapucci, a public *nuncio*, from the parish of San Martino at a place called Storni in the Greve valley with their followers. There appears to be little or no action on Francisco's part that aggravated the magnates and their men, it simply reads that the popolano was struck in the chest with a lance and then wounded four more times in the kidneys with an iron sword, which drew a "great amount of blood" and caused his death. According to the denunciation, Nuccio advised his men against aiding the wounded man "for he was clearly killed." Considering the magnate's actions, the denunciation begged the Executor to "let that brigand [meaning Nuccio] die."⁷³ This case has certain similarities to another that took place around the same time. On 22 December 1344, Gerio, the man implicated in Francisco's death, was accused of attacking and ultimately killing a merchant named Dato in July of that year. Gerio had allegedly used an iron knife against Dato in his own home in the parish of San Donato de Lucciano. It is worth mentioning that Dato had been a prominent *popolano*. According to the text, he had served in the "office of prior and prior of the guilds of the *popolo* and the commune of Florence thirty years before."⁷⁴ While it is difficult to determine if this was a politically motivated attack, Dato's murder resulted in a 6,000 *lire* fine against Gerio, a punishment he evidently had no intention of paying himself. During the fourteenth century, it was not uncommon for violent magnates to force their disarmed relatives to help pay off their own penalties. Not long

⁷³ ASF. Atti del esecutore degli ordinamenti di giustizia, 5, 22r-24r.

⁷⁴ Ibid., 7, 27r.

afterward, four Gherardini unassociated with the attack complained that they had been forced to pay the entire fine.⁷⁵ Not only did Gerio's actions lead to the death of a former office holder, but he managed to escape any personal financial cost by likely intimidating a branch of the family with a more positive relationship with the commune.

Another case came before the Executor's court on 23 February 1345. The denunciation stated that an attack occurred near the Tuscan town of Colle di Val d'Elsa at a place called Belvedere. According to the document, Bocchacio di Rinaldo de' Gherardini and Angnolo di Lapo da Chelle seized Nuccio di Giovanni Arrighi with an empty hand and then struck him in the face with a lance that "made a large wound that effused blood." Additionally, Nuccio had wounds on the hip and hand from the same lance. The denunciation then goes on to state that others believed that Nuccio had died of his wounds. This denunciation is of interest for its inflammatory rhetoric against the Gherardini in general. At the beginning of the document, the denunciation claims that "all the Gherardini have committed more assaults and wicked deeds than all the houses of Florence." This is the denunciation referenced at the beginning of this paper which ends with the entreaty calling the Gherardini "enemies of the state of the Florentine popolo."⁷⁶ On 26 May 1345, a denunciation accused Cione di Rosso de' Gherardini of causing a brawl in the parish of San Michele a Tagolaia in the city of Florence. Four witnesses claimed that they had seen him hit an unnamed man in the face with a registry book that caused him to bleed from the nose.⁷⁷ A final denunciation of a crime that occurred in the contado was made against Giovanni di Geri de' Gherardini in September 1347. According to

⁷⁵ Klapisch-Zuber, 163.

⁷⁶ *Ibid.*, 26, 21r-82r.

⁷⁷ *Ibid.*, 33, 10r.

the denunciation, Giovanni struck a popolano named Matteo del Maestro in the head with a sword that drew blood. The event occurred in the contado in Castellina.

These first three cases share certain similarities. The first is that in each someone of the Gherardini appears as a knife or sword-wielding aggressor, except for Cione who only had a book handy, in a seemingly unprovoked attack on a *popolano*. Each also ended with the *popolano*'s death, except for Cione's brawl in San Michele. Whether the Gherardini intended for these individuals to die is unclear from the text of the denunciations, though taken together they give the impression that the lineage was exceptionally disruptive to life in the country. These cases suggest the possibility that violence against seemingly defenseless individuals could be a pointed attack on a régime. Violent excesses could also serve Gherardini interests when they were linked with informal feudal rights.

In the first two cases outlined above, the victims of the Gherardini were associated with the commune of Florence. Francisco was apparently a representative of the commune and Dato, who can be thought of as an elder statesman, had held one of the highest positions in Florence's civic government. While it is difficult to argue that these two attacks were entirely politically motivated, they can be viewed as acts against the commune and efforts to re-assert power over the newer urban élite. The Gherardini, in effect, were attempting to usurp the power and privileges of these *popolani*. While it is unclear if the Gherardini were even aware of the parts their victims played in Florence, attacks on politicians done with impunity could damage urban republican institutions at the very least by revealing their weakness. They could also serve to undercut the *popolo*'s efforts to legitimize their power inside and outside the city by revealing that they had not pacified the magnates. Another of the denunciations makes a much clearer connection between these attacks in the 1340s and the older practices of the Gherardini.

The denunciation against Bocchacio and Angnolo makes a very clear reference to the longer history of the Gherardini. The reference to the lineage's past wrongs can be seen as functioning in two different ways. First, it referenced the lineage's actions in the early fourteenth century, actions which put them into direct conflict with Florence while the city was under the rule of the Black Guelfs. Second, it referenced more recent acts by the family in the four decades since their apparent peace settlement with the city.

One pair of denunciations deals with the same theft and kidnap. A denunciation lodged on 10 December 1346 accused Giovanni di Lottino de' Gherardini, nicknamed Buglassa, of stealing Cino del Fave da Monte Ficalli's horse, valued at twenty-nine florins, and then abducting and imprisoning him at a family castle at Vicchio Maggio in 1343. The case ended with Giovanni paying a fine of two hundred *fiorini di piccioli* after he confessed to the theft; he was absolved of all other wrongdoing.⁷⁸ Cino evidently did not find this punishment harsh enough and lodged another denunciation in January 1347 after the installation of a new Executor, this time implicating Giovanni's cousin Bartolo Bertucci in the crime. The second denunciation also added quite a few important elements. In it, Cino appears as a popolano stricken with gout who was beaten about the face with a lance until bloody. It also stated that the theft and abduction had occurred on a road near the rural parish of San Donato a Ravignana. The denunciation ends with the claim that the only reason that Giovanni had received a light financial penalty was because he and the previous Executor were engaged in a sodomitical relationship. Cino demanded that the Executor take up the case anew and give Giovanni a more appropriate punishment. The second denunciation never made it past the Executor's court. It

⁷⁸ Ibid., 51, 2r-2v.

was dropped when several of Cino's named witnesses were either contumacious or claimed to know nothing of the attack. The case was dropped.⁷⁹

These two denunciations reveal some aspects of the individuals that the Gherardini chose to attack. The second denunciation's sudden inclusion of Cino's gout may have been an attempt to generate pity in the Executor but, taken with the denunciation concerning Dato's death, it may also indicate that the Gherardini targeted individuals who were infirm, elderly, frail, and wealthy. Both denunciations suggest that the victims had some at the time of the attack. The narrative of the attack on Dato mentions that he was a merchant and that the event occurred in his own home. Gerio may well have intended to rob his victim or perhaps even to force tribute or service out of him. The denunciation involving Cino is even more curious. The text claims that Giovanni and Bartolo had seized the *gouty popolano* to "make him redeem himself as if he were a *grande*."⁸⁰ The two magnates had intended to extort Cino or his associates into paying them a ransom for his release. Cino and Dato's appearances, not only their physical condition but also evident displays of wealth, can be thought of as aggravating factors for the offenses against them. Their actions can be read as an effort to police and protect their presumed privileges as holders of martial identity.

The accusations against the Gherardini describe actions that range from disruptive to lethal. The alleged crimes show a proximity to the Gherardini castle at Montecorboli. Montecorboli stood at the intersection of several crossroads, enabling communication with others in the area. This may be an indication that the castle still stood during the 1340s and remained a valuable base for the lineage's operations in the *contado*. although none of the denunciations make any direct reference to this castle. Indeed, the Gherardini castle at Vicchio

⁷⁹ Ibid., 96, 24r-26v.

⁸⁰ Ibid., 96, 24r-24v.

Maggio is the only one that is named in any denunciation. This may be an indication that the center of Gherardini power in the *contado* had begun to shift northward closer to Florence and away from Siena. Perhaps this was due to the damaged state of Montecorboli and the destruction of Montagliari. If so, Vicchio Maggio might have been a last opportunity for the Gherardini to exert their power in the area.

Taken together, these cases of violent crime paint a picture of a lineage in desperate need to broadcast power, keep control of *contado* residents, and the movement of passersby. Crimes that do not seem aggravated were a means for the Gherardini to make claims of lordship in the Chianti. Violence committed or directed by some part of the lineage was nothing new in this area by the middle of the fourteenth century. Indeed, Gherardini violence was a continuous practice, they simply shifted their targets as necessity dictated. In the 1260s and the early 1300s, the Gherardini and their associates actively fought against the commune of Florence. A network of roads and pathways that crisscrossed the region helped to make these actions possible, as did the revenues from a variety of holdings in the Chianti. During the same period, however, successive punishments from the commune in the form of the demolition of several of their holdings diminished the financial and material bases of support for a branch of the lineage. These actions made the sort of large-scale resistance of the 1260s through the early 1300s characteristic of the lineage unsustainable.

The commune had effectively succeeded in its efforts to greatly weaken the abilities of the Gherardini to oppose the régime, but in doing so drove family members to the abuse of *contado* residents. Their magnate status, imposed by the Florentine commune, perpetuated violence against lower status individuals. The abusive actions often looked like random intrusions into the life of the *contado*, though at least one of the denunciations studied here

counters that view. While the destruction of the court records make certainty about cases of magnate aggression against *contado* residents before 1343 impossible, the abuses of the Gherardini were not random. Instead, they were systematic, intended to reinforce power by abusing lower status victims and ensure the survival of one branch of the lineage after years of identification as magnates. They can also be read as efforts to protect their branch. Other branches seem to have fared much better than their kin in the *contado*. Only a few years before Giovanni beat a man for screaming when his brother's dog bit him, another branch achieved a degree of wealth along with political and social prominence in the ranks of the *popolo*. One side managed to change its status and, in doing so, integrate into Florence's communal life. The other took up the violent practices associated with magnate status and sought to support itself and assert its power through brigandage, assault, and horse theft.

Conclusion

In the case of the Gherardini, status-based exclusion pushed individuals and families into violent action that targeted their perceived social inferiors, even as they themselves were forced into subordinated positions as a result of their exclusion. The commune's identification of the Gherardini as magnates and the isolation that came with that status was ultimately the cause of their victimization of *popolani* and *contadini*. Repeated financial punishments caused by fines for assaults and murder, property confiscations, the regular indemnity magnates paid Florentine régimes, and judicial inaction to hold violent Gherardini accountable created conditions to perpetuate violence rather than force the lineage to reconcile with the commune. Financial punishments that took the form of fines, property confiscation, and demolitions incentivized the Gherardini to refocus their violent efforts away from a strengthening

commune toward more vulnerable *contadini* and passersby. Magnates like the Gherardini turned to these violent acts in part because of older cultural connections to militaristic values that carried over from the earlier *militia*. However, a long history of communal confiscations against their properties and other penalties appears to have been more immediate causes. In this way, members of the Gherardini likely viewed violence against tenants and others as not only a way to support themselves but to defend their exclusive property rights, a right that Florentine courts were not always able to take away from them. The attacks can also be viewed as pointed attacks against popular régimes and their political projects to broadcast and legitimize their power in the city and the *contado*. In the case of the Gherardini, institutional status prevented a lineage with a violent history from potentially reconciling with the Florentine commune. Financial necessity pushed them to acts of predation that targeted *popolani* and *contadini*.

In the next chapter, I will turn from magnates to focus on how financial privation and systems of credit and debt affected the lives of medieval people, especially more vulnerable populations like foreigners.

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The Legal Machinery and Experience of Debt

Credit and debt are worth deep consideration in a dissertation about status because they were crucial parts of the late medieval economy across medieval Italy. While other chapters in this dissertation have examined status considerations in particular places and moments and how they affected specific groups of people. This chapter will take a more open approach to its consideration of debt historiography during the Italian middle ages by discussing the development of the forms of coercion creditors used against debtors, the broader context in which these methods developed, and how different historians have understood the use of litigation and arbitration to resolve disputes. It will conclude with a reflection on the paths that these approaches allow for scholars of medieval Italy and Bologna in particular, which has received less attention on this subject. I will primarily cite from the historiography of Florence, whose woolen cloth guild was particularly litigious against subordinated workers. I will occasionally bring Bologna into discussion to compare and contrast the institutional infrastructure creditors had at their disposal to enforce payment of loans. Finally, I will also bring Lucca's historiography into discussion because of the rich judicial records that provide crucial information about how court agents performed seizures for debt.

Historians have done much to reveal the status considerations that affected debt disputes in Florence and Lucca; there is little work that has applied these questions to the commune of Bologna. Some of this can be attributed to the preeminence of Florence in the European textile industry and the particularly rich archives of Lucca's court of the *podestà*. However, Bologna was itself a center of woolen cloth production and has its own rich archival collections. Refocusing on Bologna could then reveal how the overlapping statuses of skilled or unskilled labor and foreign origin affected debt disputes. Florentine historiography has

approached this question more directly because that city's wool guild, the Arte della Lana, maintained an independent court where members of the guild brought debt cases against spinners, weavers, and other wool workers. The Arte della Lana also participated in the Mercanzia, a court that adjudicated disputes between foreign merchants and their Florentine business associates. The Lucchese court of the podestà also pursued debtors, initiating hundreds of debt collections every year in the fourteenth century. It is not clear if members of Bologna's two wool guilds, the Lane Bixelle for coarse products and the Lane Gentilis for finer textiles, maintained a similar level of control over skilled and unskilled labor or sought to provide guarantees to foreign or domestic merchants through another court. Despite this lack of strong sources for Bologna, it is still evident that debt was a considerable stumbling block for textile workers there, especially those of foreign origin. As noted in a previous chapter, the *estimo* of 1296-7 shows that foreign workers tended to be more indebted than their non-foreign peers. The subject of debt combined with the city's extensive records provide researchers on Bologna an opportunity to participate in a quickly expanding field of historiography.

Previous scholarship tended to downplay credit's importance in medieval society or deny it entirely, frequently asserting that clerical polemics against usury indicated that credit and debt were not common. In an important break with this scholarship, Daniel Lord Smail noted that private credit was ubiquitous, "encompassing everything from large commercial investments guaranteed by notaries to the small hand loans and shop credit extended by retailers."¹ Purchasing items on credit was an important part of the emerging consumer economy and a necessity. Through the middle ages, the market for fine consumer goods expanded considerably and became available to new portions of populations across communal

¹ Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Cambridge: Harvard University Press, 2016), 90.

Italy. While some evidence suggests that families were becoming wealthier, there remained a growing wealth gap, especially between urban dwellers—regardless of their personal or ancestral origin—and those living in the rural areas.² Irrespective of one’s location, credit became more crucial towards the end of the middle ages. During the fourteenth century, more and more consumers were reliant on systems of credit to purchase both luxury items and daily necessities because of persistent shortages of hard currencies minted by governments that “led directly to a decrease in the per capita money supply, even accounting for the population losses associated with the plague.”³ While debt was ubiquitous with even wealthy creditors carrying their own obligations, it tended to magnify social inequalities that already existed in medieval societies. According to Smail, a significant portion of the debts people carried can be attributed to the “nature of the political economy and the structural factors that, then as now, make poverty so expensive to those who are poor.”⁴ Credit and debt—much like the effects of status—were everywhere. Practices associated with debt and credit affected people’s lives in visible and invisible ways regardless of whether they were a magnate or foreign. Moreover, one’s social and economic statuses greatly affected how debt litigation proceeded. While lines of debt and financial obligation crossed social boundaries, they clung most perniciously to vulnerable parts of urban and rural communities.

Debt and credit were important sectors of the economy in Florence, Bologna, and Lucca. In all three locations, a significant portion of debt and credit was contracted by notaries, moneychangers, and bankers. According to Massimo Giansante, in trading cities like Florence, the constant presence of foreign merchants using different currencies allowed *cambiatori*—

² Ibid., 14-15.

³ Ibid., 26.

⁴ Ibid., 134.

money changers—to develop close relationships with mercantile guilds and corporations. This allowed *cambiatori* to gain professional importance and spurred the creation of their autonomous guilds. While commerce was the main driving force of this development in Florence, Bologna’s student population helped to spur “the increase in the activity of the *cambio*” along with the “development of all the operations connected to the transmission of money and borrowing on interest.”⁵ Members of the *cambio* were not only influential in Bologna’s commercial sectors but were also frequently prominent political figures with members serving on the city’s executive councils.⁶ While Bologna’s systems of debt collection are rather understudied, a much larger historiography exists for Florence and Lucca.

Litigation for debt was a major preoccupation for medieval Italian authorities, but Smail’s work has revealed that Lucca’s court of the podestà was remarkably active. In medieval Italian communes, there were two broad methods creditors used to recover their debts: private distraint and collection through the courts. In Lucca, private distraint took the form of “do-it-yourself debt collection” and involved creditors with hired help invading the homes of their debtors and taking valuable appearing objects to satisfy the outstanding obligation. While appearing more convenient, private distraint was expensive, time-consuming, and could lead to charges of theft from the debtor. For creditors, litigation through courts was financially more convenient and reliable because debt collection was not subject to lawsuit procedures but summary justice. A creditor only needed to provide proof in the form of a broken contract to initiate collection.⁷ Moreover, the judicial systems that communes designed to aid creditors’ efforts at restitution were quite refined by the fourteenth century and

⁵ Massimo Giansante, *L’usuraio onorato: Credito e potere a Bologna in età comunale* (Bologna: Il mulino, 2008), 52-53.

⁶ *Ibid.*, 40.

⁷ *Ibid.*, 137-138.

involved their own distinct personnel. The Lucchesi developed a system of debt collection that was plunder based and Lucca's courts operated as alternative economies of secondhand exchange "based on relations that were threaded with coercion and violence," a characteristic that runs counter to the positive impressions that expanded market economies indicate greater consumer freedom. This system of state-sponsored plunder developed alongside broader transformations in local judicial administration.⁸ In Lucca, this took the form of a remarkably active debt collection court that relied on cryer-sergeants and repossession personnel to confiscate goods from the homes of debtors. In 1338 Lucca's court of the podestà recorded 738 cases of debt collection, a figure that amounts to roughly one initiation per household every two years, making debt collection more common than punishment for violent offenses.⁹

Legal scholarship on the Florentine middle ages and debt is perhaps the most developed. Historians of Florence stress the difficulties that the city's complicated judicial infrastructure presents. The first of these difficulties is the lack of any real delineation between the institutional jurisdictions of the podestà and the capitano del popolo. There were, however, differences in how the two offices formed and operated in cases involving debtors. The office of the podestà developed during the late twelfth century. Initially, a Florentine citizen filled the position, but this practice changed after the commune of Florence began to appoint foreigners from other Italian states. Whether they were Florentine or foreign, these earliest office holders had much in common with the landowning elite families that dominated political life in the early commune.¹⁰ The earliest podestà maintained "a monopoly of government

⁸ Ibid., 13-14.

⁹ Ibid., 138, 255.

¹⁰ John M. Najemy, *A History of Florence, 1200-1575* (Malden: Blackwell Pub, 2006), 64.

functions” and commanded Florence’s armed forces, chaired its legislative councils, oversaw public works, and exercised judicial functions.¹¹

The office of the capitano del popolo developed as the political head of Florence’s non-elite mercantile population, the popolo. According to Laura Ikins Stern, the establishment of the office of the capitano was tied to Florence’s turbulent factional politics in the middle of the thirteenth century. Between 1244 and 1250 Emperor Frederick II sent legates to Florence to serve as the podestà, thus aligning the office with imperial and Ghibelline interests. By 1250 the popolo, who were mostly Guelf and wished to align themselves with papal interests, had withdrawn their support for the podestà and established the office of the capitano.¹² Like the podestà, the earliest capitani had judicial and martial duties. The capitano was responsible for summoning and leading the civic militias of the popolo in addition to trying crimes related to its constituency of the popolo.¹³ By 1280 some of the capitani had received the additional epithet of *difensore pacis* which one of the Priorates in 1282 enshrined as a separate office known as the capitano difensore delle arti e degli artefici. In 1284 the two offices fused into the single magistracy title of capitano del popolo e difensore delle arti. The offices of the podestà and the capitano continued to change toward the end of the thirteenth century when both shifted from one-year to six-month appointments.¹⁴

¹¹ Lorenzo Valgimogli, “Podestà del comune di Firenze,” in *Elenchi nominative dei podestà del comune di Firenze e di capitani del popolo in carica dal 1343 al 1502*, ed. Stefano Ginanneschi (Florence: Archivio di Stato di Firenze, 2002), 5.

¹² Laura Ikins Stern, *The Criminal Law System of Medieval and Renaissance Florence*, The Johns Hopkins University Studies in Historical and Political Science, 112th ser., 1 (Baltimore: Johns Hopkins University Press, 1994), 116.

¹³ *Ibid.*, 115.

¹⁴ Valgimogli, “Capitano del popolo e difensore delle arti,” in *Elenchi nominative dei podestà del comune di Firenze e di capitani del popolo in carica dal 1343 al 1502*, ed. Stefano Ginanneschi (Florence: Archivio di Stato di Firenze, 2002), 38.

By the fourteenth century the podestà and the capitani maintained some of their political duties. The podestà chaired meetings of the Council of the Commune while the capitani presided over the Council of the Popolo. The capitano's legal jurisdiction also expanded and became the equal of the podestà's in terms of the kinds of cases he heard. However, there were still some differences between the two officials. Each brought their own retinue of personnel to aid them in their six-month terms of office. Judges, notaries, knights, and law enforcers made up the bulk of these retinues and helped to fill administrative and judicial posts for the commune.¹⁵ The judges and notaries in these retinues were experts in Roman law while the podestà and the capitani often did not have any formal legal training. According to Stern, there is some indication that the podestà had greater jurisdiction in criminal cases because his retinue usually had two criminal judges as opposed to the capitano's one.¹⁶ This personnel difference, however, should not serve as an indication that the judges associated with the podestà heard different kinds of cases than the one connected to the capitano. Instead, it more appropriately serves as an indication that the office of the podestà had a slight measure of greater availability to hear criminal cases.

Even though they were both associated with specific Florentine socioeconomic groups, by the fourteenth century there was no difference between the kinds of cases these foreign rectors accepted, and neither was considered more appropriate for any particular case. The drafters of the fourteenth-century statutes on debt appear to have been aware of this ambiguity. Most of the rubrics in the statute of the capitano del popolo, compiled 1322-25, empowered both the podestà and the capitano to undertake the same actions in the litigation of debtors.

¹⁵ Stern, 118; Valgimogli, "Podestà del comune di Firenze," 3; Valgimogli, "Capitano del popolo e difensore delle arti," 39.

¹⁶ Stern, xi, 71.

There were some slight differences over when each official became directly involved in a case and the kinds of criminal actions they punished. One of the rubrics in the statute of the podestà from 1325 specifically empowered the podestà to perform alienations against a debtor's goods.¹⁷ Moreover, the podestà would decide cases in his court in a summary fashion and imprison debtors. The capitano handled cases involving debtors who had defaulted and fled the city to avoid trial and payment.¹⁸ The podestà and the capitano appear to have been fully aware of each other's responsibilities and where they started or stopped in relation to cases against debtors. This mutual awareness allowed for a single series of rubrics in the statute of the capitano del popolo to explain how the officers were to handle these cases.

While the rubrics in the statutes of the capitano concern the responsibilities of both the capitano and the podestà, they make no direct reference to the court of the Mercanzia. This is due to the Mercanzia's original purpose. From its inception in 1308 the Mercanzia functioned as a juridical council under the leadership of Florence's five commercial guilds that were directly involved in international trade and banking. The Mercanzia had its own statutes as early as 1312 and participation in it was quite informal. Any member of the five participating guilds could be elected to its governing committee or sit in on any of the organization's meetings. According to John Najemy, the purpose of the Mercanzia was to assure that Florentine merchants would honor their obligations to foreign creditors. The court was a "stronger and swifter" means to "satisfy foreign creditors and protect Florentine interests abroad."¹⁹ The Mercanzia's purpose was to extend and protect Florence's stake in the larger economic world by assuring foreign creditors that their investments in Florentine interests

¹⁷ Romolo Caggese, Giuliano Pinto, and Andrea Zorzi, *Statuti della Repubblica fiorentina: Statuti del Podestà dell'anno 1325*, vol. 2 (Firenze: Olschki, 1999), 85-6, 135-6.

¹⁸ Kuehn, "Debt and Bankruptcy in Florence: Statutes and Cases," 360.

¹⁹ Najemy, *A History of Florence*, 110-111.

would receive some kind of insurance. Because of its selectivity, the court of the Mercanzia did not figure in too largely into the statutes of the capitano; however, over the course of the fourteenth century more Florentines fell within the court's jurisdiction. By 1318 the Mercanzia had jurisdiction over all cases directly related to commerce and a foreigner could use this court system to prosecute any resident of Florence or its contado regardless of whether or not the defendant was a guildsman or merchant.²⁰ The institutional power of the Mercanzia continued to grow into the fifteenth century when all the city's guild courts became subject to it.²¹ Though the Mercanzia was a powerful legal institution, it was rather paradoxical. Even though a plaintiff could bring any inhabitant of Florence to court through the Mercanzia, very few individuals would have been able to make use of it. As a result, the statutes of the capitano left out the Mercanzia because the offices of the capitano and podestà were both primarily concerned with adjudicating cases that inhabitants of Florence had initiated rather than foreign merchants.

Historians most commonly examine cases of debt litigation and arbitration that involve members of similar socioeconomic backgrounds. Smail, however, often incorporates cases where status differences do feature more prominently, in his fourteenth-century samples of Lucca and Marseille. Debt cases involving poorer members of Florentine do receive some coverage, but they often only receive brief mention in statistical data and have only recently received more consideration. Continued study of this historiography can provide an understanding of how these systems allowed or limited people's agency based on their statuses and the ways disputants resolved, or failed to resolve, these disputes.

²⁰ Ibid., 110; Stern, 96.

²¹ Richard A. Goldthwaite, *The Economy of Renaissance Florence* (Baltimore: Johns Hopkins University Press, 2009), 346.

Florentine, Lucchese, and Bolognese creditors could use litigation or arbitration to resolve disputes against their debtors. Both remedies assumed that debtors held property but treated that property differently depending on the method for settlement. In litigation, a debtor's property appears as a good with potential value in the Lucchese and Florentine economies that would satisfy both the creditor's original loan and any court fees generated through the course of the dispute. For that reason, creditors valued debtors as a source of mobile and immobile property. Lucchese court operatives usually sought out mobile pieces of property even when immobile ones were available to them. Calling a debtor to court and confiscating property also served the creditors because it acted as a "gesture of assurance on the part of the creditor, to his creditors in turn."²² In essence, it assured other members within a network of credit that the individual who called a case was an honorable and competent business partner who had their affairs in order. In settlements resolved through litigation or arbitration, the debtor's property did not only matter within the context of the relationship between the parties directly involved in the case. A creditor's personal reputation in larger social and business networks also depended on the debtor's property. This necessity to exhibit oneself as an honorable member of a business network along with the possibility of monetary restitution incentivized the Florence's creditors to settle their disputes through either litigation or arbitration.

Another difficulty in Florentine legal scholarship emerges when one considers the civic statutes themselves. None of the rubrics in the statutes of the capitano del popolo or the podestà have any record of their date of adoption into Florentine law. There are some specific dates

²² Thomas Kuehn, "Debt and Bankruptcy in Florence: Statutes and Cases," *Quaderni Storici*, Vol. 46, No. 2 (2011), 369–370.

mentioned in the rubrics, but they all refer to dates earlier in the fourteenth and thirteenth centuries, indicating that the practices they relate to had already been common before the compilation of the statute. According to Najemy, each rubric has its own history that is often difficult or impossible to discern. He notes that in addition to having no accompanying date of adoption, the statutes do not detail the circumstances surrounding their adoption, their origins, or their “application that defined their specific historical and political context.”²³ Najemy goes on to argue that these laws cannot illustrate any realities or trends at work in Florence during the early 1320s. Instead, a larger period in Florentine institutional and political history must be considered to better understand which developments most likely contributed to the formation of the statutes. To argue for this method, Najemy hypothesizes a chronology for the electoral reforms that make up parts of the fifth book of the statute of the capitano del popolo.²⁴ While Najemy made his observations in relation to institutional and electoral changes, a broader view into the debt statutes that takes into account normative economic behavior and trends can attempt to explain some of the characteristics of these laws.

Most economic histories of Florence stress the importance of the city’s wool industry and the Arte della Lana. According to Richard Goldthwaite, the Florentine wool industry drove the city’s fourteenth-century economic boom. Five different factors helped to give shape to this industry. Partnerships between wool entrepreneurs helped to provide the necessary capital for large industrial firms that separated “capital investors and managers from the work force.” The commercial and banking networks that these investors and managers brought with them also served as a further source of capital. The association of these individuals within the guild

²³ John M. Najemy, *Corporatism and Consensus in Florentine Electoral Politics, 1280-1400* (Chapel Hill: University of North Carolina Press, 1982), 72.

²⁴ *Ibid.*, 72–78.

helped to establish and subordinate a working force to the firm's owners. The industry's putting-out system established a semi-centralized work force that included skilled and unskilled laborers who produced pieces for the industry either in a workshop or at their own homes. Finally, the industry relied on structural overlap between members of the wool guild and international merchant guilds.²⁵ These ties with international merchants were crucial to the health of the Florentine wool industry because the industry depended on foreign traders as sources of raw wool and as markets for finished products.

Rubrics twenty-seven through forty-one in book two of the statute of the capitano del popolo are the only civic statutes that explicitly describe how Florence's courts handled debt cases. Creditors could initiate a case against their debtors through a communal document, typically a private contract that recorded the loan, or through the defaulting and flight of a debtor. Contumacious debtors and their cases were usually considered to be more criminal than those against a debtor who remained in the city.²⁶ In either case, the statutes set up a legal system that attempted to guarantee restitution for creditors through the alienation of the debtor's goods. This system required the podestà or the capitano to appoint syndics who inspected the debtor's mobile and immobile goods and then oversaw their subsequent sale as representatives of the commune of Florence. Cases involving a contumacious debtor were conducted in a similar fashion but depended on either the creditor's ability to produce witnesses, some kind of contract, or his ability to prove himself as a man "of good reputation" to establish whether the claim against the debtor was legitimate. In another section, the statute specifies that contumacious debtors could be placed under a ban from the city that also

²⁵ Goldthwaite, 267.

²⁶ Romolo Caggese, Giuliano Pinto, and Andrea Zorzi, *Statuti della Repubblica fiorentina: Statuti del Capitano del Popolo degli anni 1322-25*, vol. 1 (Firenze: Olschki, 1999), 80.

extended in perpetuity to all their unemancipated male heirs. The following rubric then allows for debtors to be held “for a long time” and subjected to torture and judgment from the podestà and the capitano “until each and every one of their creditors might be satisfied.”²⁷

The institution of a ban serves to set medieval Italian law apart from its Roman predecessor. There was no precedent for a ban of any kind in Roman law and the digest of Justinian explicitly forbade it. According to Joanna Carraway, the only precedent for this kind of punishment came from Germanic legal traditions.²⁸ In the context of medieval Florence, a ban “entailed the loss of civil, legal, and judicial rights” and the separation of individuals from their “means of making a living and their rights as citizens, including the right of public protection.”²⁹ While there was considerable danger in being contumacious, there was a difference between a debtor’s ban and one for a more serious felony. Moreover, contumacy may have occupied a middle ground between an act of desperation and a calculated risk on the part of the contumacious felon. According to Carraway, there was a difference between *bannum in persona* and a ban against goods in medieval Italian law. In either case, Italian jurists justified the ban as a punishment because they viewed willful avoidance of the court as a confession of guilt. A *bannum in persona* empowered the rest of the population to assault and sometimes kill with impunity the person under the ban. Another form of the ban allowed for the confiscation of the contumacious felon’s goods.³⁰ The ban for Florentine contumacious debtors appears to be a combination of these. The statutes allow for confiscation and alienation of goods in the debtor’s absence, which in a sense constitutes a continuation of the creditor’s

²⁷ Ibid., 1:104.

²⁸ Joanna Carraway, “Contumacy, Defense Strategy, and Criminal Law in Late Medieval Italy,” *Law and History Review*, Vol. 29, No. 1 (2011): 110.

²⁹ Katherine L. Jansen, “‘Pro Bono Pacis’: Crime, Conflict, and Dispute Resolution. The Evidence of Notarial Peace Contracts in Late Medieval Florence,” *Speculum*, Vol. 88, No. 2 (2013): 442.

³⁰ Carraway, 106-110.

case against the debtor. However, the statute also allows the creditor to imprison and torture the debtor for an indefinite amount of time upon the debtor's recovery in Florentine territory or unlawful return to Florence.

The imposition of a ban and the approach to debt litigation should not imply that the debtors in every instance were the victims of a totally unjust system. Carraway has argued that the ban was a remedy for contumacy in addition to being a punishment for the contumacious. In her understanding, contumacy was a public punishment that deterred further disputes through the separation of feuding parties and, under ideal circumstances, encouraged them to reach a settlement through other means, like dispute resolution.³¹ Further, there were certain protections in the rubrics to assure that creditors could not seek money fraudulently. At the same time, a debtor could not maintain possession over an object after its alienation from him. However, the stakes for breaking these laws and the kinds of tools the commune of Florence made available for creditors and debtors were significantly different. The punishment for a creditor's pursuit of fraudulent money from a debtor was a monetary fine of one hundred pounds.³² If a debtor held goods or sums following alienation, a creditor could order him "to be held or seized for whatever pretext or cause following the transfer."³³ Moreover, the commune of Florence provided the personnel who performed the confiscation of debtors' goods. While creditors did have to pay these "ambassadors or nuncios," they were described as being "of the commune of Florence" in the statute and they were available at a creditor's request.³⁴

³¹ Ibid., 114–115.

³² Caggese, Pinto, and Zorzi, *Statuti della Repubblica fiorentina: Statuti del Capitano del Popolo degli anni 1322-25*, 1:103.

³³ Ibid., 1:102.

³⁴ Ibid., 1:103.

Creditors and debtors were not the only members of Florentine society to gain explicit protections under these laws. The rubric concerning the ban for contumacious debtors specifies that only the “non-emancipated” male descendants could receive the debtor’s punishment.³⁵ The rubric left female descendants out of the ban because of the common Florentine practice of dividing a family’s property among the next generation’s male members.³⁶ The rubric existed in the statute to assure that only the debtor’s familial dependents came under the force of the ban. Any emancipated male descendants would have been free of the restrictions that the ban placed upon themselves and their property. It appears to make this exception based on another rather common practice in Tuscan towns and cities. Male heads of households often emancipated their sons in these commercial centers because, according to Herlihy and Klapisch-Zuber, these places generally favored “individualism in property administration.” This, however, does not mean that their financial relationships ended at that emancipation. According to Herlihy and Klapisch-Zuber, these young family members often used their elders as sources of credit.³⁷ The rubric also does not put any kind of restrictions on how long the male descendants must have been emancipated from their older relative. It is likely that this part of the statute code received some degree of abuse. According to Kuehn, heads of families often used emancipation as a means to keep property within a certain patrilineal line.³⁸

The wives, widows, and heirs of debtors also received a measure of protection in these statutes. One rubric guaranteed that a wife’s dowry and any gifts given to heirs would not be counted among a debtor’s goods and could therefore not be confiscated during alienation.

³⁵ Ibid., 1:104.

³⁶ Najemy, *A History of Florence*, 7.

³⁷ David Herlihy and Christiane Klapisch-Zuber, *Tuscans and Their Families: A Study of the Florentine Catasto of 1427* (New Haven: Yale University Press, 1985), 304-5.

³⁸ Thomas Kuehn, *Emancipation in Late Medieval Florence* (New Brunswick: Rutgers University Press, 1982).

There was, however, one exception made for women who had been widowed at the time of her indebted husband's flight or the remission of his goods and a transfer had been made from her husband's property to her dowry. Any transfers between the dowry and her husband's property five years before the alienation and remission would be treated as if it belonged to her husband.³⁹ There is no mention in the statute of how the widow would have been punished beyond the removal of the transfer from the dowry's value. By the fifteenth century a substantial portion of Florentine women would have come under the protection of this part of the statutes. According to the Catasto tax assessment of 1427, around twenty-five percent of the women above the age of twelve in Florence were widows.⁴⁰

All of these statutes assumed that the debtor independently owned something that had value in the Florentine economy. These statutes also show a conceptual connection between restitution to the creditor for the original loan and punishment performed by an officer of the commune. With these observations in mind, the statutes were equipped to handle cases between members who did not differ greatly in terms of their socioeconomic status and on behalf of individuals who sought to enforce a contract. The statutes appear to best serve the legal purposes of Florence's guildsmen, especially those in the major guilds. According to Kuehn, the kind of litigation outlined in the statutes of the *capitano del popolo* was not particularly well suited toward the maintenance of social relationships.⁴¹ The primary purpose of the statute was to punish a dishonest or insolvent business partner to reestablish a sense of equity between the parties. Another reason to interpret these statutes as the product of

³⁹ Caggese, Pinto, and Zorzi, *Statuti della Repubblica fiorentina: Statuti del Capitano del Popolo degli anni 1322-25*, 1:104.

⁴⁰ Najemy, *A History of Florence*, 225.

⁴¹ Kuehn, *Law, Family, and Women: Toward a Legal Anthropology of Renaissance Italy* (Chicago: University of Chicago Press, 1991), 20.

Florentine major guildsmen is their possible political use against the city's disenfranchised elites, the magnates. Massimo Vallerani interprets the debt statutes as a legal tool geared to the use of debt as an "instrument of political control for the magnates."⁴² One of the possible reasons for this argument is the empowerment of people outside Florence to hinder and capture contumacious debtors wherever they might be.⁴³ This stipulation, in addition to placing legal responsibilities and powers on common people, assumed that contumacious debtors had somewhere to go beyond Florence's walls. Such a stipulation would make it difficult for a fugitive magnate to find associates and allies willing to protect them.

If the purpose of litigation was to punish and sever business ties, arbitration intended to maintain preexisting relationships as much as possible. The subject of arbitration in the Florentine legal system receives particularly close attention in Thomas Kuehn's *Law, Family and Women*. Previously, medieval legal historiography viewed arbitration as secondary in the study of crime and law. Disputing parties, however, tended to use litigation and arbitration interchangeably to settle a conflict. According to Kuehn, people frequently initiated suits in order to force the other party into arbitration to reach a compromise settlement. These settlements often did not involve punishment as envisioned in the civic statutes. Instead, these agreements sought to establish justice through an attempt to "restore peace, or to take an effective step in that direction."⁴⁴ The decision to settle an issue through arbitration dispensed with the need for a judge or a court but necessitated an *arbiter* or an *arbitrator* to help establish

⁴² Massimo Vallerani, *Credito e società: le fonti, le tecniche e gli uomini, secc. XIV-XVI: Atti del Convegno internazionale di studi archivio storico, Palazzo Mazzola, Amphithéâtre [i.e., Amphithéâtre] de l'Université de Savoie: Asti-Chambéry, 24-27 settembre 1998*, ed. Convegno Internazionale di Studi Archivio Storico (Asti: Tipografia ASTESE, 2000), 22.

⁴³ Caggese, Pinto, and Zorzi, *Statuti della Repubblica fiorentina: Statuti del Capitano del Popolo degli anni 1322-25*, 1:103.

⁴⁴ Kuehn, *Law, Family & Women*, 19-21.

a peace. There were important differences in how these two settled conflicts. An *arbiter* settled disputes in a way that imitated the court and legal systems while an *arbitrator* “operated without reference to norms or set procedures but solely on the basis of a vaguer flexible equity.”⁴⁵ In this way, an *arbitrator* had considerably greater freedom in how they could reach a peace in a conflict. The characteristics of these mediators had a major effect on how the decisions they made were viewed by the disputing parties and larger legal institutions.

Only individuals with full legal capacity could serve as *arbitri* or *arbitratores*. In the context of Florence, this meant that only men could take up either position. While both positions were entirely voluntary, neither an *arbiter* nor an *arbitrator* could pass his responsibilities to another once he accepted an assignment. Ultimately, the *arbitri* and *arbitratores* differed in the strength of their decisions and how they reached them. Because of his imitation of the civic courts, an *arbiter*’s decision was referred to as a *sententia*. Because he had no real legal jurisdiction, his *sententia* had no binding force in the sense that it could not stand as a precedent for any other disputes. His *sententia* also could not affect the legal statuses of uninvolved parties in the dispute, or the parties affected by the case. The only thing that bound disputants to their agreement was a monetary penalty placed upon both to guard against noncompliance. An *arbitrator*’s decision was not a *sententia* because of his reliance on “good intuition” to arrive at an agreement rather than legal knowledge. Instead, an *arbitrator*’s decision was referred to as a *laudum* or *arbitramentum*, implying that the decision was closer to a private transaction between the parties rather than something resembling a formal court sentence.⁴⁶

⁴⁵ Ibid., 24.

⁴⁶ Ibid., 24–26.

According to Kuehn, Florentines turned to arbitration because of their awareness of the complexities of their own legal systems. Florentines “displayed a healthy wariness before the law’s labyrinthine and mystical ways” and were often suspicious of the courts because they doubted their ability to provide fair access to justice. The courts were also more prone to linguistic manipulation as a result of the jurists’ use of Latin during deliberations.⁴⁷ There was also no guarantee that the person bringing the complaint forward would win his or her case in a courtroom and thereby incur any court costs. Florentines turned to arbitration because of its comparative simplicity in the face of a judicial system that, by the fourteenth century, had become difficult to navigate. Arbitration made dispute settlement intelligible to Florentines as a result of its rejection of legalistic Latin. Its flexibility also appealed to those bringing cases against familiars, whether they were family members, business associates, or neighbors. Arbitration attracted Bologna’s residents for similar reasons. According to Shona Kelly Wray, arbitration was only one of several options available to resolve disputes for “consumers of the law.”⁴⁸ What made arbitration a common method of dispute resolution in Bologna was the availability of notarial culture. According to Wray, notarial services were available to any resident of the city and *contado* who could pay the notary’s fees.⁴⁹ Moreover, arbitration could be a more attractive option for residents who might have found the city’s courts to be a “daunting and foreign environment...especially women, the poor, and rural residents.”⁵⁰ However, these observations should not imply that arbitration was always fair to both sides of a dispute. There was still always the chance of losing for either disputant or the possibility that

⁴⁷ Ibid., 80–81.

⁴⁸ Shona Kelly Wray, “Instruments of Concord: Making Peace and the Settling Disputes through a Notary in the City and Contado of Late Medieval Bologna,” *Journal of Social History*, Vol. 42, No. 3 (2009), 733

⁴⁹ Ibid., 744.

⁵⁰ Ibid., 751.

the case might remain in arbitration for a long time.⁵¹ Arbitration could be just as unpredictable, unfair, alienating, and inefficient as more formal courtroom litigation.

While arbitration may have been more accessible to Florentines and Bolognesi, studies tend to emphasize cases that occurred between people of similar socioeconomic status. Indeed, Wray pointed out that the Bolognese evidence indicates that “disputants and arbiters belonged to a narrow stratum of society and that the political purposes of the elite often lay behind...negotiations.”⁵² At a certain level this is to be expected. Most of these cases occurred between individuals with previous relationships, whether those were based on familial, mercantile, or social ties. Cases between these people frequently involved disputes over inheritance, dowries, and legitimacy suits. However, Kuehn’s study in *Law, Family, and Women* does show that cases involving debt could sometimes involve individuals from different social backgrounds. According to Kuehn, “all issues in arbitration were ‘debts’ in some sense” and very often debts appeared to be bound to different kinds of issues, especially when the parties involved were kin. The focus of these cases could often shift depending on the specific circumstances in which the disputants found themselves. For example, after Lorenzo di Marco Benvenuti’s death his five sons went into arbitration to determine which of them would be responsible for their father’s unpaid 600-florin debt. Kuehn describes this case as a division of inheritance rather than a debt dispute because after the three eldest sons had paid their father’s obligation, they received ownership of his properties near Casentino, about forty miles from Florence.⁵³ It is worth noting that this settlement did not involve alienation or even its threat. Indeed, creditors are surprisingly absent from Kuehn’s coverage of the case.

⁵¹ Kuehn, 81–83.

⁵² Wray, 735.

⁵³ Kuehn, 48.

Instead, the brothers themselves determined how to best resolve the issue and came to a resolution that included compensation for those who took an active role in paying the debt. In this way, the brothers effectively avoided any possible property seizures thereby protecting their patrimony while avoiding the scandal of an insolvency accusation in open court. Arbitration in this instance functioned as a calculated tactic to protect property and social reputations.

Debt appears to be handled in a much different manner in cases settled through arbitration involving unrelated parties. Creditors did not feel the need to reward debtors who managed to make their payments. The only appreciable differences between litigation and arbitration in these instances were the absence of alienation and a longer schedule toward full repayment of the debt. Keuhn highlights one case in which the monastery of San Salvatore de Vaiaio came to owe Francesco di Berto Busini 375 florins. Rather than taking the case to the courts of the podestà or the capitano, Francesco and the monastery agreed to a settlement that lengthened the payment period to two years. According to Kuehn, Francesco had forced this issue into arbitration by taking control of some of the monastery's lands. In return for their agreement to the payment schedule, Francesco promised to vacate the monastery's lands. One of the most important features of this case is that neither party denied the fact of the debt itself at the outset of the dispute. There was merely a disagreement over how and when to pay it back coupled with the desire to end Francesco's seemingly illegal seizure of the monastery's property.⁵⁴ Kuehn's coverage of the case did not mention any kind of relationship that may have existed between the two parties; however, there are still some notable features to this case. Settlement in this instance did not entail a form of compensation for any individual

⁵⁴ Ibid., 50–51.

member of the monastery, likely because the monks were treated as a single legal entity. Conceivably, the promise of the return of full control over the organization's lands was enough to bring them to the bargaining table with Francesco.

Studies concerned with debt disputes in Florence tend to emphasize cases in which the creditor and debtor are not substantially different in terms of socioeconomic backgrounds. The way that poorer people, especially lower status workers, experienced debt in the late-fourteenth and early-fifteenth centuries was substantially different from their contemporaries. Primary and secondary sources often refer to these workers as *sottoposti* who belonged to the broader social order of the *popolo minuto*. The *sottoposti* of the wool guild are particularly prominent in scholarship because of the Florentine economy's reliance on them in the European wool trade and the Revolt of the Ciompi in 1378. Historians of Florence though have stressed the necessity to not view the *popolo minuto*, or any parts of Florentine society, as monolithic entities. According to Gene Brucker it is better to view the *popolo minuto* as an amorphous social group that included the *sottoposti* of the guilds, the urban poor, and many other politically and socially underrepresented people.⁵⁵

What marked a member of the *popolo minuto* and the *sottoposti* of the guilds from other members of society was a lack of taxable property and indebtedness. By 1371 sixty-six percent of the *sottoposti* were classified as "possessing nothing," meaning they lacked any taxable property.⁵⁶ To complicate matters, scholars have maintained that the wool *sottoposti* and the *popolo minuto* were not universally destitute. Income and living conditions varied

⁵⁵ Gene A. Brucker, "The Florentine Popolo Minuto and Its Political Role, 1340-1450," in *Violence and Civil Disorder in Italian Cities, 1200-1500*, ed. Lauro Martines (Berkeley: University of California Press, 1972), 155-157.

⁵⁶ Samuel K. Cohn, "Rivolte popolari e classi sociali in Toscana nel Rinascimento," *Studi Storici*, Vol. 20, No. 4 (Oct.-Dec. 1979), 752.

considerably, making historical concepts like a broad economic class conscious among the popolo minuto a “most tenuous concept.”⁵⁷ In 1974 Charles de la Roncière suggested that a more useful way to judge the prosperity of families among the popolo minuto and Florence is to take into account household indebtedness.⁵⁸ Debt was common across Florentine society, but it affected the *popolo minuto* more than any other group. According to the Catasto of 1427 debt “completely obliterated the assets of the lowest 30 percent of the taxpayers.” From the next 20 percent, debt subtracted about 40 percent from their patrimonies. According to Herlihy and Klapisch-Zuber, about half of the entire city probably fell into the ranks of the popolo minuto by the fifteenth century.⁵⁹

In order to better understand how Florentines experienced the financial duress that a debt case brought; it is necessary to get a better understanding of their working lives. From the fourteenth century onwards a substantial portion of the popolo minuto and the sottoposti spent most of their working lives in the wool industry. A hierarchy of unskilled labor within the wool industry helped to determine how much these workers received on a regular basis. A complicated amalgam of workers who worked either at home or in shops inhabited Florence’s wool industry. According to Bruno Dini, there were two kinds of workers in this industry. The first were workers who were attached to specific wool workshops. These workers generally had lower regular wages but enjoyed greater job security. A second group, known as *giornalieri*, worked for different shops according to necessity and earned slightly higher wages than their counterparts that were attached to a specific location. Regardless of whether or not

⁵⁷ J. R. Hale, “Violence in the Late Middle Ages: A Background,” in *Violence and Civil Disorder in Italian Cities, 1200-1500*, ed. Lauro Martines (Berkeley: University of California Press, 1972), 30.

⁵⁸ Charles de La Roncière, “Pauvres et pauvreté à Florence au 14e siècle.” In *Etudes sur l’histoire de la pauvreté (Moyen Age – 16e siècle)*, edited by Michel Mollat (Paris: Publications de la Sorbonne, 1974), 661-745.

⁵⁹ Herlihy and Klapisch-Zuber, *Tuscans and Their Families*, 104.

these workers had a stable workplace, both groups' wages were tied to the quantity of product they processed not the amount of time they put into the work. As a result, their livelihoods depended on the fee they could expect to receive and the amount of work available in the wool firm.⁶⁰ Though the *giornalieri* did earn more than their colleagues, their working lives were much more uncertain and more prone to changes in the demand for Florentine wool.

Those who worked in the wool industry often only played a small part in any phase of production. Where those individuals worked and the overall worth, they added to the finished product helped to establish where they fell within a hierarchy of unskilled or semi-skilled labor. According to Dini, the workers who performed the initial stages of production in workshops were the *sceglitori*, *battilani*, *pettinatori*, and *scardassieri*, the laborers whom the Florentines collectively called *ciompi*. The wool they prepared then went into the hands of *filatrici*, who worked from their homes where they received, spun, and sent out their semi-finished product. Afterwards, the wool returned to the workshop where warpers and weavers worked with their own tools, which may serve as an indication that these individuals had a measure of economic power in the wool firms where they worked.⁶¹ The woven wool then left the workshop again to be dyed and treated with caustic alkali. Dyers were especially valuable members of a workshop. According to Alessandro Stella, the process of dyeing could add ten percent to the value of a piece of wool.⁶²

Once dyed, the wool returned to a workshop for fulling, a process that could change the thickness of the finished piece. The workers who performed this final stage of production

⁶⁰ Bruno Dini, *Manifattura, commercio e banca nella Firenze medievale*, La Società Medievale (Florence: Nardini, 2001), 157–160.

⁶¹ *Ibid.*, 145.

⁶² Alessandro Stella, *La révolte des Ciompi: Les hommes, les lieux, le travail* (Paris: Editions de l'École des hautes études en sciences sociales, 1993), 106.

were called *gualchieri* and they, along with dyers, appear to have had a very prominent place in the workshops because of the value they added to pieces. However, Dini continues his coverage on wool production by making the argument that workers who worked from their home “had the possibility to organize their work according to their personal capacities and inclinations.”⁶³ Franco Franceschi makes a similar point in his monograph on Florentine wool workers in the fourteenth and fifteenth centuries. According to Franceschi, the fact that these workers were not “connected in a stable fashion to a single client-employer of work but [lent] their work for several” guaranteed them a “relative independence.” He then goes on to qualify his statement by claiming that it has a “general validity” that cannot be uniformly applied to every category of worker.⁶⁴ Differences in treatment were especially evident in how employers dealt with *filatrici* and other domicile workers. While a *filatrice* and others who worked in their homes may have had the ability to schedule their work around their lives, they generally received much less in wages from employers who occasionally viewed them with suspicion.

Work tied to a specific workshop and a more technical task guaranteed greater pay in the fourteenth and fifteenth-century wool industry. There is also the possibility that this disparity existed in part because of gender differences. While all of these workers earned piece rates, *filatrici* received considerably less than others. According to Dini, a fourteenth century *filatrice* could expect to earn about one pound four *soldi* over five to six days at around twelve hours of work each day. *Scardassieri* and *pettinatori*, on the other hand, could earn ten *soldi* for a single day’s work.⁶⁵ There also appears to have been a tendency to not trust the *filatrici* or other domicile workers as readily as those attached to a workshop. Before collecting the

⁶³ Dini, 144–145.

⁶⁴ Franco Franceschi, *Oltre il Tumulto: I lavoratori fiorentini dell’Arte della Lana fra Tre e Quattrocento* (Florence: Casa Editrice Leo S. Olschki, 1993), 183–184.

⁶⁵ Dini, 153–155.

wool from the hands of a domicile worker, the piece would be weighed carefully to determine its actual cost and to guarantee against any theft that might have occurred.⁶⁶ To be sure, this does appear to be a reasonable requirement considering that a firm could jeopardize its investments through dealings with untrustworthy workers. However, the circumstances these workers lived under often made them dependent on their employers as creditors.

According to Franceschi, forty-five percent of the wool guild's members' debtors were artisans who worked for them. Each of these artisans owed at least twenty-nine florins to their employers. Sometimes the *lanaioli* offered their employees raw material as a form of credit and expected the loan to be repaid in cash. The raw materials do not appear to have been associated with actual production intended for the Florentine wool market. For example, Franceschi highlights the example of an employer named Cigliamochi who claimed one of his dyers, a woman named monna Lucia, owed him money for fabric he had sent to her to "cloth herself and her children with it."⁶⁷ Workers also fell into debt because of normal living expenses. According to Goldthwaite, they often did not take their wages in cash but instead used credits on their wage accounts to pay for food and housing costs. This practice, along with the fact that real wages consistently lagged behind the prices of goods in Florence, assured that particularly vulnerable workers remained in some kind of debt throughout their working lives.⁶⁸ A podestà, a capitano, an *arbiter*, or an *arbitrator* did not determine how workers paid back their employers for any kind of loan. A tribunal of guildsmen in the Arte della Lana decided how *lanaioli* would receive restitution. This characteristic is not in itself surprising.

⁶⁶ Stella, *La révolte des Ciompi*, 107.

⁶⁷ Franceschi, *Oltre il Tumulto*, 188.

⁶⁸ Goldthwaite, 363, 459.

Several guilds had their own independent courts that were ultimately subject to the Mercanzia, however, the extent of this control is not entirely clear.⁶⁹

Coverage on a selection of cases implies that the tribunals of the Arte della Lana conducted their trials with little outside interference. Franceschi spends much of his time covering cases involving *filatrici*. None of them mention any kind of interest charged on the original loan, and the period to pay off the loans was often longer than a year. While this does appear to be rather lenient, in practice punishments against recalcitrance were more akin to debt peonage. To highlight this characteristic, Franceschi examines the case of monna Antonia, a widow who owed twenty-six lire to Piero di Tingo and his business associates in 1389. Rather than paying them back in cash, Antonia was ordered to “spin for them and their warehouses...and no other warehouses or persons until she might have counted up the said quantity.” Franceschi calculated the time period for the actual complete repayment of the debt to be around four or five months of uninterrupted work for Antonia.⁷⁰

Cases like Antonia’s are worthy of more careful consideration. There is the possibility that she did not commit all of her wages to the debt’s payment, but rather established a kind of payment plan. To say that she committed every coin to repayment would be to ignore any other living costs she had in that time period. There is also the possibility that Antonia’s judgment at the hands of the Arte della Lana tribunal constituted a kind of exclusive work contract that used the pretext of a debt to guarantee her as a source of labor to one wool firm. Ultimately, however, Antonia’s case brings up the question of agency and to what extent these workers could exert influence over the circumstances surrounding their lives. Pivotal moments like the Revolt of the *Ciampi* in 1378 do show that workers in the wool industry were able to exercise

⁶⁹ Ibid., 348.

⁷⁰ Franceschi, 193.

collective agency and direct events in Florence, at least for a time. However, the subject of debt, especially among the *popolo minuto* and the *sottoposti* in the wool guild, can reveal everyday moments of resistance and agency. In his coverage on the wool *sottoposti*, Franceschi briefly mentions the case of one *filatrice* who used her labor as a way to force her employer, Porcello, to give her a loan. The unnamed *filatrice* simply stated: “Porcello is not loaning me those twelve pounds he promised to loan me, and if he does not loan them to me, I will not spin for him.”⁷¹ There were similar opportunities for resistance in Lucca. According to Smail, debtors often resisted by simply refusing entry to court personnel and hiding objects of value in their homes or in dowries.⁷²

Conclusion

The unnamed *filatrice*'s refusal provides a valuable reference point for future scholarship on debt and its settlement between individuals of differing social and economic status. When historians examine debt and its settlement, they tend to view creditors as the ones taking the initiative by pursuing either litigation or arbitration to recover their property. Communal legislation and loan contracts both reinforce this view by placing the onus on creditors to pursue their debtors. Tax records from Florence and Bologna also reveal the ways that debt factored into individuals' wealth but these primary sources from medieval institutions do not reflect what it was like for debtors, especially foreigners and women, to live under the threat of alienation or how they acted during dispute resolutions. The unnamed Florentine *filatrice* though raises the question of how other medieval debtors used their status to their own advantage in dispute negotiations.

⁷¹ Ibid., 196.

⁷² Smail, 257-60.

Historians must view lower status debtors as active participants in a negotiation rather than as someone at the mercy of a creditor and communal authorities. Instead of viewing workers as destitute debtors at the mercy of their employer-creditors, one must consider their actions and place them within a larger framework that takes careful consideration of where individuals fell in several overlapping hierarchies, including occupational and gendered ones. It is also necessary to reconsider how creditors wished themselves to be viewed by their peers and their own creditors in turn. Recent scholarship on litigation and arbitration of debt has shown that the social and economic relationships of the disputants was important to how they went about resolving their conflicts. Scholarship on debt among unskilled and semi-skilled laborers has more recently begun to consider how an individual's placement in a hierarchy of labor affected how they experienced their working lives and the kinds of punishments they could expect to face for debt. In spite of this turn toward poorer members of Florentine society, most scholarship still tends to see them as relatively passive participants in an unfair system. Closer attention to their cases and the kinds of relationships they had with their employers will help to reveal moments of agency and power within this group of people.

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Foreigners and Networks in Medieval Bologna

I now turn to the theme of status-based exclusion with a focus on foreigners' experiences in medieval Bologna. The narrative of exclusion based on foreignness in Bologna is quite different from that of the magnates. Magnate status evolved over time as the régime refined the list of people who fell under the label, even making distinctions within a single lineage. No such refinement was applied to foreigners. If anything, Bolognese popular régimes expanded foreign status to include not only a single generation but their descendants as well. Popular régimes periodically shifted how they sought to use migration to the city and the foreigners who arrived. Initially, popular régimes at the head of communal governments at times invited skilled workers and entrepreneurs from abroad to relocate and offered strong incentives to do so. Over time popular régimes and associations severely limited the ways recent arrivals and even their descendants could participate in Bolognese society and institutions. Exclusion against foreigners expanded in the Italian communes as time went on.

Migration to Bologna during the middle ages has a history that stretches from the twelfth into the fifteenth century. Most Italian communes during this period displayed a “constant tendency...to attract the inhabitants of other territories, preferably the rich ones or contributors of new manufacturing technologies.”¹ The communes in northern Italy competed against one another to attract foreign entrepreneurs and laborers to “improve the demographic and economic situations of urban structures.”² To accomplish this goal, communes often extended concessions that included rights to maintain a monopoly, protection against foreign

¹ Antonio Ivan Pini, *Città medievali e demografia storica: Bologna, Romagna, Italia (secc. XIII-XV)* (Bologna: CLUEB, 1996), 147.

² Luca Molà, “States and crafts. Relocating technical skills in Renaissance Italy,” in *The Material Renaissance*, eds. Michelle O'Malley and Evelyn Welch (Manchester: Manchester University Press, 2007), 134.

competition, partial or complete tax exemption, property, loans, access to resources, and access to legal privileges.³ It is important to note that these “were carried out only intermittently, with long gaps between one legislative act and the next; and often the policies were adhered to for only a few years and then abandoned.”⁴ The communes and their representatives in particular exercised a great deal of control over who entered their cities and when they were invited. Therefore, these practices should not be understood as long-standing policies designed to fully integrate foreign people but as momentary practices that were carried out to benefit communes for demographic and economic purposes. Moreover, as the communes reached out to and encouraged specific foreigners to migrate, they also sought to limit other forms of migration. Communes frequently sought to limit movement from their own *contadi* to prevent substantial depopulation in those areas.⁵

In Bologna, efforts to attract migrants coincided with urban development initiatives. According to Susan Snyder, over the course of the thirteenth century the commune began to make improvements in the less developed districts of Porta Stiera and Porta Piera to house newcomers and construct crucial infrastructure for textile production. Part of this project involved the construction of two canals, the Reno and the Cavaticcio, that flowed between the two districts before reaching the city’s center. The commune then constructed homes along these canals in an effort to bring cloth dyers, fullers, and leather tanners to the city.⁶ These development plans coincided with efforts to expand Bolognese roadways and specify the limits

³ Ibid., 137.

⁴ Ibid., 134.

⁵ Pini, *Città medievali*, 147.

⁶ Susan Renée Taylor Snyder, *Woman as Heretic: Gender and Lay Religion in Late Medieval Bologna* (Ph. D. Dissertation, University of California, Santa Barbara, 2002), 17.

of private and public property.⁷ The phases of migration that occurred in Bologna took place during a time of substantial urban reinvention and a reconceptualization of urban space itself.

Within this context of competition, urban development, and demographic balancing there were four main phases of migration in Bologna's history from the twelfth until the end of the fourteenth century. Some of these phases involved directing people away from Bologna as the commune did not always seek to bring outsiders into the city and settled many people in the *contado* to strengthen their fiscal base of *fumantes*—non-noble rural inhabitants with a particular tax status. The first phase of movement began during the twelfth century and lasted until around 1246. This phase witnessed the “spontaneous and unregulated” movement of artisans and some specialized personnel to Bologna.⁸ This period is also notable for the arrival of many skilled clothworkers between 1230 and 1231.

These foreign entrepreneurs and workers arrived at the invitation of Bologna's councils who used several incentives to uproot them from their original homes in Veneto, Lombardy, and Tuscany.⁹ The concessions the commune extended to these settlers included an interest-free loan of fifty pounds, a rent-free lease on a house to serve as a dwelling and workspace, a stall to sell their products, and immediate citizenship upon their settlement in Bologna. In return, these foreigners were expected to repay their fifty-pound loan within five years and remain in Bologna for twenty years. As a result of these negotiations, perhaps as many as six hundred people—including the textile producers' households and dependent workers—took up residence in the city.¹⁰ The new residents “did not represent any single class of workers such

⁷ Francesca Bocchi, *Emilia-Romagna: Bologna* (Bologna: Grafis Edizioni, 1995), 118.

⁸ Pini, *Città medievali*, 147.

⁹ Maureen Fennell Mazzaoui, “The Emigration of Veronese Textile Artisans to Bologna in the Thirteenth Century” in *Atti e memorie della accademia di agricoltura scienze e lettere di Verona*, Vol. 6, No. 19 (Verona: Linotopia Veronese Fiorini, 1969), 276-79.

¹⁰ *Ibid.*, 276-279. Mazzaoui's estimate of 600 is based on the 150 foreign signatories present on the contracts and an estimate of their accompanying families and dependent workers.

as weavers but embraced almost all levels and aspects of the productive process” of woolen cloth with the exception of washers and spinners.¹¹

The 1230–31 movement was closely controlled and had an important effect on the formation of Bologna’s woolen cloth guild. The event also shows that even when invited and promised citizenship, foreigners still experienced exclusion from political participation. The experienced workers who arrived in Bologna between 1230–31 did so at the commune’s invitation with the express purpose of bringing their skills and tools to set up workshops in the city. Along with their expertise, the Veronese imported a framework that helped to organize Bologna’s nascent wool guild. The emigration of Veronese artisans did not only mark the diffusion of people and their technical skill but of guild structures and statutory guidelines that created a diverse corporation made up of producers from Veneto, Tuscany, and Bologna. The earliest statutes of the guild stipulate that its three *castaldi*, a Veronese term for guild officials, were to include one Bolognese, one Tuscan, and one Veronese. The three *castaldi* oversaw the guild’s operations from its headquarters in the *Domus Veronesium*, the House of the Veronese.¹² While the characteristics of the guild’s formation and leadership were inclusive, its statutes contained efforts to curtail foreigners’ involvement in Bolognese politics. The guild’s statutes dictated that its officers would not play a role in the city’s government, nor would its members be permitted to hold a position on any council.¹³ In addition to reshaping a city’s economy, foreigners played crucial roles in molding urban corporations. However, even though they arrived at the commune’s invitation and were sometimes granted citizenship, they were still excluded from participating in their new home’s governance.

¹¹ Ibid., 283.

¹² Ibid., 280.

¹³ Ibid., 287.

After the 1230s, Bologna's councils were less concerned with bringing in newcomers and more preoccupied with balancing urban and rural populations. Much of the period between 1246 and 1274 involved moving serfs and *fumantes* around the commune's territory to maintain an equilibrium between the populations of the city and the *contado*, thereby ensuring reliable tax bases in both areas.¹⁴ This concern with the *contado*'s population is evident in the commune's manumission of the serfs surrounding the city. In 1256 the commune freed about 5,800 serfs from landholders outside of Bologna. Upon their manumission, these serfs were forbidden from moving away from their dioceses in an effort to expand tax revenues in the *contado* and to maintain population and production outside the city.¹⁵ Some historians have noted that efforts to keep a population outside of Bologna also served defensive purposes. *Borghifranchi*—rural communes—were also established outside of Bologna on the roads to Modena, Ferrara, and Imola to act as defensive fortifications against those regional rivals and as housing for foreigners.¹⁶ Though the Bolognese councils were not focused on settling foreigners inside the city at this time, they continued to use migration to further the city's economic, demographic, and territorial ambitions.

The third and fourth phases of migration were often tied to natural disasters and political developments inside and outside Bologna. The period from 1274 until 1347 was characterized by several efforts to attract or repulse immigrants, depending on political and food rationing concerns. During this time, the city was in an “unstable equilibrium” due to political expulsions and economic recession.¹⁷ Some of this demographic loss can be attributed

¹⁴ Pini, *Città medievali*, 130.

¹⁵ The names of these serfs and slaves are preserved in the *Liber Paradisus*. The text claims that the commune spent 54,014 Bolognese pounds for 5,855 serfs. See *Il Liber Paradisus: Con un'antologia di fonti bolognesi in material di servitù medievale*, 942-1304, ed. Armando Antonelli (Bologna: Masilio, 2007).

¹⁶ Luigi Casini, *Il contado bolognese durante il periodo comunale* (Bologna: Forni, 1992), 34.

¹⁷ Pini, *Città medievali*, 130-31.

to disruptions in the city's food supply. Because Bologna's *contado* was relatively small and unproductive, maintaining the supply of food could be problematic. Food rationing, always an issue in thirteenth-century Bologna, became a more pernicious problem from the 1250s onwards as the commune struggled to guarantee a steady supply of grain to feed the city's inhabitants.¹⁸ The final phase of migration lasted from 1348 to 1400. Migration during this period was mostly motivated by outbreaks of the plague, which impeded demographic growth for the rest of the century. The plague's impact on Bologna was particularly severe: some contemporary chroniclers estimated that between 60 to 75 percent of the city's inhabitants died between 1348 and 1351. To help spur repopulation, successive régimes offered a general amnesty to Bolognese residents who had been banned or expelled from the city. The *contado* was also depopulated due to warfare with the count of Romagna.¹⁹

While the final two phases of migration will not be explored further in this chapter, they serve to underscore how important it was to the city. The Bolognese sought to use foreigners and migrants to strengthen their economic, demographic, and military positions against regional rivals in all four phases. These efforts were not limited to enhancing the urban population but the *contado*'s as well. Overseeing these efforts were the Bolognese *popolo*, who substantially reshaped the city's government during this period.

¹⁸ Pini, "La Presenza dello Studio nell'economia di Bologna medievale," in *L'Università a Bologna: Personaggi, momenti, e luoghi dalle origini al XVI secolo*, ed. Ovidio Capitani (Bologna: Cassa di Risparmio, 1987), 91.

¹⁹ Pini, *Città medievali*, 136-37.

The *Popolo* and Its Political Reconstruction of the Commune

While historians frequently debate when the city's communal period began, most point to the early decades of the twelfth century.²⁰ The Bolognese *popolo* did much to reinvent the commune while reshaping status categories and how they affected social, political, and economic possibilities beginning in the 1180s after the Peace of Constance. The resulting economic recovery from the cessation of conflict between Frederick Barbarossa and the Lombard League in northern Italy increased the social importance of commercial workers and artisans while erasing some of the differences that existed between them and the merchants and bankers, who had closer ties to the city's nobility.²¹ Most historians of medieval Bologna view the thirteenth century as a time of significant institutional development. Over the first half of the thirteenth century, the *popolo* gradually gained a greater role in governing the city. In 1228, a new *consiglio generale* composed of *popolani*—members of the *popolo*—was established following Bologna's defeat at the hands of the Modenese. This council, alongside its oligarchic counterpart the *consiglio speciale*, “exercised normative power and the election of communal officials, legitimating the access of *popolani* to such offices.”²² In the 1240s, the *popolo* continued to strengthen its position in the city by creating the office of the *capitano del popolo*. Like the *podestà*, this office was held by a non-Bolognese who was accompanied by a retinue of notaries, judges, and knights to aid him in administering his office. However—unlike

²⁰ There is some imprecision with the exact date. Sarah Blanshei dates the start of the commune to 1116 while Chris Wickham places it in the 1120s. Much of this stems from what both of these historians consider the beginning of the commune's activity. Blanshei connects the destruction of Bologna's imperial fortress to the beginning of autonomous urban rule while Wickham associates it with the first mention of consular activity in the city's records. Sarah R. Blanshei, “Introduction: History and Historiography of Bologna,” in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah R. Blanshei (Boston: Brill, 2018), 1. Chris Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton: Princeton University Press, 2015), 178-9.

²¹ Giorgio Tamba, “Civic Institutions (12th-early 15th Centuries)” in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah Rubin Blanshei (Boston: Brill, 2018), 212.

²² *Ibid.*, 213.

the *podestà*—the *capitano* was the “leader and defender of the popular movement,” and could call up and preside over the *consiglio del popolo e della massa*, a newly formed council that included the heads of each guild and the *anziani*, a council of elders made up of guildsmen and members of the arms societies, militia companies in the city. According to Tamba, during this period the *popolo* essentially created a structure parallel to that of the commune. The two structures were not entirely equal. The *podestà* along with the officials and tribunals that surrounded him had the capability to affect the lives of all of Bologna’s inhabitants while the *capitano del popolo*’s judicial and political power did not extend beyond the *popolo* and their popular corporations of the guilds and the arms societies.²³

The *popolo*’s domination of the commune continued into the latter half of the thirteenth century. Brian Carniello views these as formative years for not only the city’s communal institutions in general but the Bolognese guild of notaries in particular. Carniello has shown that the city’s notaries became an administrative elite that required professionalism and loyalty to the city’s popular government for membership. These shifts took shape during the 1280s and 90s under the direct influence of the notary and popular political leader Rolandino Passeggeri. This did not only affect the inner workings of the guild but soon had larger implications for the city as the notaries “became the articulators and enforcers of communal authority...and its reform programme.”²⁴ This reform program did not only affect the city’s institutions but also had profound effects on political participation.

This reshaping of Bologna’s institutions involved a broadening of political participation. By the end of the thirteenth century between twenty and twenty-four percent of

²³ Ibid., 214.

²⁴ Brian Carniello, “The rise of an administrative elite in medieval Bologna: Notaries and popular government, 1282-1292,” *Journal of Medieval History*, Vol. 28, No. 4 (2002), 320.

Bologna's total population of 50,000-60,000 was enfranchised and participated in politics through their membership in popular corporations—guilds and arms societies—making the city one of the most politically inclusive of the Italian communes.²⁵ However, as the *popolo* coalition grew more influential their ranks became more circumscribed with perceived outsiders as a frequent target. This circumscription was particularly evident in the notaries' guild, which had counted a substantial number of *fumantes* during the 1220s and 30s.²⁶ As the century continued, new members tended to be relatives of previous ones. This tendency became so pronounced that by the start of the fourteenth century 89.7 percent of new members had a relative in the guild.²⁷ These tendencies toward involution line up with efforts to close off *popolo*-controlled associations to other members of society, including foreigners. Exclusionary practices also targeted the descendants of the excluded and by the 1330s the *popolo*'s efforts toward exclusion had led to an “increase in inequality on all levels: from the individual societies to the civic councils, from access to justice, and to the recruitment of the *anziani*.”²⁸

Access to participation in politics and inclusion in the popular associations was a closely guarded privilege and exclusion was an important tool the *popolo* used to restrict access by perceived enemies. In recent years, Sarah R. Blanshei has written extensively about the Bolognese *popolo*'s use of exclusion to provide themselves with political privilege while leaving their enemies out. What determined an individual's classification in a certain status depended on one's family history, their political relationships, and how the commune's

²⁵ Sarah Rubin Blanshei, *Politics and Justice in Late Medieval Bologna* (Boston: Brill, 2010), 80-81.

²⁶ Roberto Greci, “Professioni e ‘crisi’ bassomedievali: Bologna tra Due e Quattrocento,” in *Disuguaglianze: Stratificazione e mobilità sociale nelle popolazioni italiane (dal sec. XIV agli inizi del secolo XX)*, (Bologna: CLUEB, 1997), 715.

²⁷ Giorgio Tamba, *La società dei notai di Bologna* (Rome: Archivio di Stato di Bologna, 1988), 52.

²⁸ Giuliano Milani, “From One Conflict to Another (13th-14th Centuries),” in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah R. Blanshei (Boston: Brill, 2018), 250.

councils reacted to their presence in Bologna.²⁹ Much of the current historiography has examined the effects of exclusion by concentrating on the city's magnate lineages, who were most often distinguished from their contemporaries by their connections to chivalric culture and public reputations for violence. There is, however, less coverage of the exclusion that other social groups experienced. A focus on the exclusion medieval Bologna's foreigners faced will help to reveal the ways this lower status group encountered and navigated roadblocks in the system.

Exclusion Against Foreigners in Bologna

Even though exclusion targeted several groups, foreigners were a constant source of concern for Bologna's popular governments. As Blanshei described in *Politics and Justice*, exclusion was not limited to upward exclusion against magnates or in a downward fashion against lower status individuals. There was a lateral element to exclusion in Bologna that affected a wide portion of the population. In many cases, the foreigners targeted for exclusion were dependent workers but could also come from working backgrounds that were similar to guild members. While the *popolo* politically empowered a broad range of the city's male citizenry, its efforts to exclude portions of the population from popular associations and from political participation increased as the thirteenth century progressed and gained statutory force in the first quarter of the fourteenth century. In 1287, communal legislation eliminated all foreigners who had moved to Bologna since 1274 from popular societies. Any who had joined a popular society after 1274 were obliged to remove themselves from their societies' matriculation lists within a month or pay a twenty-five pound fine. Foreigners enrolled in a

²⁹ Ibid., 30.

guild were still permitted to practice their crafts and trades, but they would do so as *obbedienti*, a status that prevented them from holding any office and denied them membership in a guild while subjecting them to its regulations.³⁰ As a result, the *popolani* were able to utilize both downward and lateral closure to secure their monopolies in the guilds.

Bologna's woolen cloth guild also began to specifically exclude foreigners, regardless of when they entered the city. After the guild was split into two separate entities, one for the production of coarse cloth and the other for fine woolen products, the fine wool guild, known as the *ars lane gentile*, closed itself off to foreigners in 1303. In 1312 the guild specified that its leaders would all be of Bolognese origin.³¹ In the same period, a law was introduced to ensure that foreigners stayed out of governing institutions by forbidding anyone who spoke a foreign language from holding any office or serving in the Council of *Popolo*. Access to the popular societies was also blocked for future generations of foreigners through a 1306 law that required them to prove they had ancestors in Bologna at the time of the 1279–80 fiscal census.³² As a result of this law, foreigners and their descendants were effectively transformed into a “permanent, hereditary ‘outsider’ class.”³³

These changes targeting foreigners did not only appear in Bologna's craft guilds and governing structures but were also discernible in the city's more prestigious popular corporations. Studies of the matriculation lists of Bologna's guilds have revealed a tendency toward involution: new recruits came from the families of existing or past members. Roberto Greci showed that it was initially possible for newcomers to join the notaries' guild and use it as a means for social advancement. He based this argument on the prevalence of *fumantes* in

³⁰ Blanshei, *Politics and Justice*, 47-8.

³¹ Mazzaoui, 306.

³² Blanshei, *Politics and Justice*, 23-24.

³³ *Ibid.*, 208.

the guild during the early part of the thirteenth century; by the 1220s and the 1230s they made up about forty percent of the guild's new members. The share of *fumantes* among inductees dwindled to thirty-one percent in 1244. Their place in the guild continued to diminish, and by 1299 *fumantes* made up around seven percent of inductees.³⁴ Tamba has shown that by the start of the fourteenth century new members were more likely to have relatives already in the guild, with about 89.7 percent of inductees from 1301 to 1310 related to previous or current members.³⁵

While the Bolognese *popolo* enabled a wide range of political participation, there appears to have been a constant effort to push foreigners out of arms societies and guilds after the 1270s. Even though Bologna's guild members "sought ties of fraternity, patronage or working partnership in the shifting social environment of the medieval town" they distanced themselves from a wide range of "permanent marginals." This included the impoverished, the unemployed and "rootless and unskilled immigrants."³⁶ Unlike magnates, foreigners could never become *popolani* as a result of their outside origin. The *popolo*'s effort to expel and limit foreigners from the popular associations was a form of downward and lateral closure that separated them from the Bolognese population. They were never to be seen as part of the city. Late medieval Bologna was a place where a family could live and die in the city for generations and still be considered outsiders by governing authorities.

These shifts in treatment toward migrants and foreigners were often made more severe by the financial and legal damages that excessive debt could bring. Further, the lack of access to social networks available in most popular associations made it more difficult for foreigners

³⁴ Greci, 715.

³⁵ Giorgio Tamba, *La società dei notai di Bologna* (Rome: Archivio di Stato di Bologna, 1988), 52.

³⁶ Gervase Rosser, "Crafts, Guilds and the Negotiation of Work in the Medieval Town," *Past and Present*, No. 154 (Feb. 1997), 29.

to access support. What kinds of relationships and networks did foreigners enter into to find aid in a society that was increasingly closed off to them?

The Limits of Institutional Status: Melchion and His Associates

In 1309 in Bologna, a man named Melchion sold a house to a man named Guido. The house in question did not receive a lengthy description in the bill of sale, indeed it is likely that the house was quite small as it was only valued at sixty Bolognese pounds.³⁷ The sale itself is not unusual; there are many like it preserved in the *Libri Memoriali*, an extensive collection at the Archivio di Stato di Bologna (ASB) that contains copies of many kinds of notarial contracts drafted in the city. Melchion's sale and his subsequent actions offer a rare glimpse of a social network, which in turn reveals the limits of institutional statuses in a medieval commune. Immediately following the sale, Melchion relinquished his rights to the debts of several people, many of whom were probably foreigners: they are identified with toponymics and there are references to foreign currencies. Melchion, who is never identified with a toponymic in these documents, had extensive economic relationships with several foreigners. As we have seen, foreigners were the target of exclusionary practices that prevented them from participating in Bolognese politics and popular associations throughout the thirteenth and fourteenth centuries. In spite of these institutional efforts to separate foreigners from Bologna's public life, Melchion's sale and the following relinquishments show that networks including people of mixed statuses and origins could form during the early fourteenth century.

The purpose of this chapter is to show the limits of institutional status concerning networks, exchange, and urban geography. Agreements over urban property and the rights

³⁷ Archivio di Stato di Bologna (ASB), Comune, *Memoriali*, vol. 118, 237v.

associated with it may appear dry, but they can also prove crucial in understanding changes that were occurring inside and outside of Bologna's walls during the shift from the thirteenth into the fourteenth century and how lifelong residents and new arrivals dealt with those changes. The sale and the subsequent relinquishment of rights to debts can begin to help us understand how individuals related to one another in a city that was increasingly defined by exclusion on the basis of status. These documents not only detail the passage of a real estate from one man to another but reveal deeper relationships between lifelong inhabitants of Bologna and more recent arrivals. Brief references in the *cessi*, or relinquishments of rights, to different agreements between Melchion and debtors show relationships that stretched back in time. Again, many of the people involved in the relinquishments were almost certainly foreigners. In spite of the régime's ongoing efforts to exclude foreigners, it was still possible for them to situate themselves in extensive networks that crossed administrative boundaries in the early fourteenth-century city.

Neighborhoods in Medieval Studies and Melchion's Bologna

Uncovering the networks foreigners could fit into is a difficult task. Aside from the foreign arms societies, it is unclear how involved they were in face-to-face interactions in their neighborhoods. In truth, neighborhoods themselves can be a confounding topic in medieval scholarship because each historian who studies them has a slightly different understanding of what exactly they were. In several cases, historians treat the administrative divisions imposed by popular governments as neighborhoods. For example, F. W. and D. V. Kent and Nicholas Eckstein have studied the administrative units in late medieval and Renaissance Florence called *gonfaloni*. The Kents studied the patrician *gonfalone* known as the Red Lion through

records of annual meeting attendance over the course of the fifteenth century, using them to analyze familial networks in the district. This enabled the Kents to track the political and social influence of the prominent families in the district, which helped to reveal how a *gonfalone*'s political character shifted in favor of the Medici family over the course of the fifteenth century.³⁸ Much like the Kents, Nicholas Eckstein focused on a Florentine *gonfalone* known as the Green Dragon. Though the Green Dragon was more associated with Florence's working class than the Red Lion, Eckstein still emphasized the importance of the district's elite residents in helping to give shape to its urban setting, political character, and culture. Eckstein went further, and in much of his study on the district discussed the spiritual lives of the Green Dragon's residents in their confraternities and parish churches. In addition, he discussed the importance of the residents' occupational lives—especially those involved in the production of artwork—in shaping their social relations and networks. Religion and occupation, he argued, shaped residents' lives in the Green Dragon and helped to establish the unique culture of the *gonfalone*.³⁹

There are some strengths to the studies the Kents and Eckstein produced. Both studies treated a geographic area that was limited in scope and centered on specific parishes. However, both studies impose discreet administrative boundaries into medieval urban life regardless of whether or not these boundaries affected how people interacted with one another. Bologna's institutional boundaries cannot always reliably map out participation in popular societies. Moreover, the authors of both studies concentrated on homogenous sectors of the population. The Kents focused on prominent Florentine families while Eckstein concentrated on working

³⁸ D. V. and F. W. Kent, *Neighbors and Neighborhood in Renaissance Florence: The District of the Red Lion in the Fifteenth Century* (New York: J. J. Augustin, 1982).

³⁹ Nicholas A. Eckstein, *The District of the Green Dragon: Neighborhood Life and Social Change in Renaissance Florence* (Florence: Olschki, 1995).

people. In these studies, proximity, social solidarity, and occupational ties drove people together more than anything else. This approach would not work in Bologna, judging from who was involved in Melchion's network. It was a heterogeneous group in terms of their place of birth and residence in the city. For these reasons, I have interpreted Bolognese neighborhoods in ways that follow Shona Kelly Wray's approach. According to Wray, neighborhoods, parishes,⁴⁰ and administrative quarters were different entities that seldom overlapped perfectly. A parish in Bologna could exist within multiple quarters while neighborhoods are better imagined as several contiguous parishes rather than each one representing a distinct neighborhood.⁴¹ Wray's conception of neighborhoods largely line up with previous scholarship done on Bologna and medieval people's patterns of association, notably the work of Lorenzo Paolini and Massimo Giansante.⁴² Further, while Wray's observations regarding neighborhoods are helpful, the residential parishes I cover in this chapter are often quite far from one another, not continuous or interconnected. The network I have examined is instead economic in nature, and the people involved were not members of interconnected parishes.

According to some historians, Melchion and his co-contractors inhabited a fourteenth-century city in severe economic and demographic decline, even before the Black Death. In a 1368 letter to Guido Sette—the recently installed archbishop of Genova—Francesco Petrarca

⁴⁰ Rendered as “*capella*” in the primary sources.

⁴¹ Shona Kelly Wray, *Communities and Crisis: Bologna During the Black Death* (Boston: Brill, 2009), 194-7.

⁴² In his study on Bolognese heretics, Lorenzo Paolini examined a population of Cathars stretched out over several parishes. The residents called before the inquisition were not only coreligionists in heresy but were also neighbors in areas heavily populated by foreigners who often worked in similar trades. These areas tended to coincide with hydraulic urban features, canals and wells especially, for their use for dyeing and tanning. See Lorenzo Paolini, “Domus e zona degli eretici: L'esempio di Bologna nel XIII secolo,” *Rivista di storia della chiesa in Italia*, Vol. 35 (1981): 371-87. The bulk of people noted in Paolini's work were tradesmen and members of lesser guilds. Massimo Giansante noted similar patterns of habitation for members of the *Cambio* and other merchant-bankers, who generally lived in the parishes around the market at Piazza di Porta Ravegnana. See Massimo Giansante, *L'usuraio onorato: Credito e potere a Bologna in età comunale* (Bologna: Il Mulino, 2008), 130-31.

claimed that the papal legate ruling Bologna had greeted him during a recent visit and told him in the “facetious talk that he always used in sad cases—‘this city that you believe to be Bologna, it is Macerata.’” The remark refers to a city in the Marche region to the south that Petrarca then characterizes as “sweet and bitter at the same time.”⁴³ His comments well reflect traditional approaches to the fourteenth century. Historians have emphasized the negative demographic effects of famines, political strife, expulsion, and economic contraction in the early parts of the century not just for Bologna but for Europe in general. One strand of this argument related to Bologna comes from Douglas Dowd who maintained that the city’s fourteenth-century downfall was ultimately tied to its efforts to wrest control of the *contado* from the surrounding feudal lords. According to Dowd, instead of developing the region’s agricultural potential the city had “subdued and depleted [it], like an exploited colony, its vitality wasted.”⁴⁴

There have been, however, important counters to Dowd’s interpretation of a city in demographic and economic decline. According to Rolando Dondarini, Bologna did not undergo as large a demographic expansion in the latter part of the thirteenth century as has previously been claimed. Indeed, he argues that Antonio Ivan Pini’s estimate of 50,000 inhabitants in the city in 1294 actually represents a diminishment from the 55-60,000 inhabitants estimated in 1280.⁴⁵ The fourteenth century was also marked by a major change in the city’s economy. Massimo Giansante and others have noted a shift of investments away

⁴³ The full quote is as follows: “Perché, venuto io, or son tre anni, a visitare il Cardinale che col titolo di legato a latere fu spedito a governarla, e favorito da lui di liete, e secondo la mia piccolezza, troppo onorevoli accoglienze, dopo molto e diversi ragionari avendolo interrogato sulle condizioni della cosa pubblica ‘Amico’ – ei mi disse con quel faceto parlare che usava sempre nei casi tristi – ‘questa città che tu credi essere Bologna, è Macerata’, scherzando così sul nome di una città del Piceno. Dolce ed amaro ad un tempo, tu ben te n’avvedi, egli è per me il rammentare fra queste miserie quel tempo felice.” Francesco Petrarca qtd. in “Il Petrarca a Bologna,” in *Atti e memorie: Deputazione di storia patria per le provincie di Romagna*, ed. Gaspare Ungarelli (Bologna: Deputazione di storia patria, 1906), 543.

⁴⁴ Douglas Dowd, “Power and Economic Development: The Rise and Decline of Medieval Bologna,” *Journal of European Economic History* No. 3 (1974), 449.

⁴⁵ Rolando Dondarini, *Bologna medievale nella storia delle città* (Bologna: Pàtron, 2000), 73.

from credit toward investment in landed properties. The shift was not a generalized one, the largest and most important merchant-banker families like the Pepoli and the Beccadelli were not affected, but the trend toward landed investment still left a noticeable imprint in Bologna's records.⁴⁶

An Economic Network

The economic network I have examined revolved around pieces of property and debts between newcomers and lifelong residents of Bologna. Its members were spread across the city, just as they were spread across the spectrum of "foreign" and "Bolognese." Quite possibly, these individuals might have had other kinds of affiliation based on parish attendance or even common membership in a popular association. Further research on the city's popular associations is needed to explore how individuals maintained relationships outside of these transactions. More exploration of the matriculation lists for the city's arms societies, confraternities, and guilds could shed light on these relationships. Further research in Bologna's *Libri Memoriali* could reveal whether Melchion and his co-contractors were involved in other dealings.

The Source: The *Libri Memoriali*

The volume that holds Melchion's sale is a Bolognese public register compiled by a notary named Iacopo Petri de Cantone, a resident of San Tommaso di Strada Maggiore in the southeastern quarter, Porta Ravennate. The public register was known as the *Libri Memoriali*. Established in 1265, the *Ufficio dei Memoriali* was charged with guaranteeing the legal

⁴⁶ Massimo Giansante, "Bankers, Financial Institutions, and Politics," in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah R. Blanshei (Boston: Brill, 2018), 201-2.

authority of all private contracts and transactions involving sums over twenty Bolognese pounds in the interest of preventing future fraud.⁴⁷ Before 1265 legislative bodies in Bologna had not paid close attention to the preservation of private notarial records for individuals who did not request copies of the document from the notary's register. Notaries also had not been obligated to preserve these contracts, leaving no guarantee that a legitimate original copy or a later copy made for an individual would be available to resolve any legal disputes.⁴⁸ The *Ufficio dei Memoriali* was intended to resolve this oversight. With the establishment of the office, copies of contracts were usually submitted to appointed notaries in each of the city's four quarters either the day of or the day after their finalization. An extra day was also added to allow for holidays. If notaries failed to register a contract, they could be punished with a fine of 100 pounds.⁴⁹ While this public register is quite useful for historians, it still has some important limitations. The minimum value of twenty Bolognese pounds to register a contract left out the smaller contracts that occurred in the city. The commune also specifically stipulated those contracts related to apprenticeships and renting of land to laborers be left out of the *Memoriali*.⁵⁰ Still, the *Libri Memoriali* are an immense and invaluable resource for the study of Bolognese society and economic activity.

Bologna's notaries were not only important functionaries that drafted contracts and recorded them in the *Libri Memoriali*, but they were also an important part of the élite. The city's notaries, along with its merchant-bankers, were a portion of the population that was thoroughly embedded in Bologna's political, social, and economic fabric. Indeed, often legal

⁴⁷ Wray, *Communities and Crisis*, 13.

⁴⁸ Diana Tura, "Archival Sources: Governmental, Judicial, Religious, Familial," in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah R. Blanshei (Boston: Brill, 2018), 35-6.

⁴⁹ Wray, *Communities and Crisis*, 13.

⁵⁰ Tura in Blanshei, 36.

professionals were not only, or even primarily, notaries but held memberships in up to three other guilds.⁵¹ Moreover, notaries were quite accessible to the general Bolognese population. According to Wray, notarial culture was available to any inhabitant of the city or countryside who could afford it.⁵² Notaries were not only being powerful agents in the city's social, political, and legal realms but intermediaries that could act as binding agents in urban networks. Bologna's notaries were also important agents of political change.

Melchion, His Sale, and the Relinquishments

Melchion and his associates were economic actors at a crucial moment in the city's history. Rather than inhabiting a city whose economic and demographic strength were on the wane, they inhabited a dynamic environment whose rules of association were not constrained by institutional status. To become part of the city's social fabric and economic agents, foreigners could depend on ties with figures like Melchion. It is not entirely clear how these relationships started, these aspects of the network might be impossible to locate in the *Libri Memoriali* or any other collection of records in the ASB. Melchion himself may have been experiencing negative economic changes, ultimately leading to the need to sell off a structure for what was likely a rather low price. Whether this coincided with the shift toward greater investment in property in the city remains to be verified. Despite the ambiguities within the sale and relinquishments, a close reading of it and the individuals involved in it can still furnish worthy observations about Bolognese society and provide indications for further research.

⁵¹ Carniello, *The Notaries of Bologna: Family, Profession and Popular Politics in a Medieval Italian City-State* (Dissertation, University of California Santa Barbara, 2005), 13.

⁵² Wray, "Instruments of Concord: Making Peace and Settling Disputes through a Notary in the City and Contado of Late Medieval Bologna," *Journal of Social History*, Vol. 42, No. 3 (2009), 744.

Though the sale is opaque in describing the relationships surrounding the transaction, it does tell us a few things about its participants and the individuals affected by the deal. The first and most prominent member featured in the *Libri Memoriali* is Melchion, resident of San Giuseppe del Borgo di Galleria. The sale describes Melchion as having been “emancipated by order of his father,” a man only known as Alberto, while the subsequent relinquishments consistently describe Melchion as an *emancipatus*, meaning that Melchion was no longer subject to his father’s *potestas* and outside of his legal control. Moreover, we can also tell from the text that Melchion's father was still alive at the time of the sale and the relinquishments because no references to him were accompanied by the notarial shorthand “*qd*,” *quondam*, which would have specified him as deceased.⁵³

What does the fact that Melchion was the emancipated son of a living father reveal? The motives for emancipation have been debated. Manlio Bellomo argued that emancipation was a response to adversity. He tied acts of emancipation to financial distress threatening the father’s patrimony, especially in cases of excessive debt.⁵⁴ By shedding people from his direct care and control, a medieval father was essentially assuring the survival of the lineage’s assets. An opposing view, articulated by David Herlihy and Christiane Klapisch-Zuber, casts emancipation as an acknowledgment of maturity and permitting the next generation to “take their leave.” In their view, emancipation in an urban context was an opportunity to allow the younger generation to make its own prosperity.⁵⁵ In both instances, an observer would need to refer to other documents to come to a conclusion about why a father might have emancipated

⁵³ ASB, Comune, *Memoriali*, 118, 237v-238r.

⁵⁴ Manlio Bellomo, “Emancipazione (Diritto intermedio),” in *Enciclopedia del diritto*, vol. 14 (Milan: Giuffrè, 1965), 816.

⁵⁵ David Herlihy and Christiane Klapisch-Zuber, *Tuscans and Their Families: A Study of the Florentine Catasto of 1427* (New Haven: Yale University Press, 1985), 305. Originally published as *Les Toscans et leurs familles. Une étude du Catasto florentin de 1427* (Paris: L’Ecole des Hautes Etudes en Sciences Sociales, 1978).

his child. Indeed, even emancipation documents do not always give a clear indication of this. In *Una corporazione per il potere* Tamba provides a transcription of a typical mid-thirteenth-century writ of emancipation. The document concerns the emancipation of Ugolino from his father Santo Gaidi before the judge Bondotto da Subinago. Santo's order is quite precise in what his son received as his *premium emancipationis*—a gift given by a father at the moment of emancipation—but it does not reveal any substantial information regarding the fortunes of the larger family.⁵⁶ Documentation, even of the act itself, cannot always reveal all the facts that led up to a certain emancipation.

For Thomas Kuehn, neither of the approaches outlined by Bellomo or Herlihy and Klapisch-Zuber is entirely accurate because each still views emancipation as a clean break between the father and the child. Kuehn sees both of these views as based on hypothesized instances of emancipation rather than real world cases. Both ignore the fact that even after emancipation a father was still legally required to care for his child unless he or she was “ungrateful” or held property that could support him or her. Moreover, if the child was under the age of majority, typically twenty-five years, the father could act as a *tutor* or *curator* and be the guardian of his child's property. As such, he would be able to alienate the child's property as he wished, whether for financial gain or convenience, but he was still considered “justiciable in his person and in his property for malice or lack of diligence in managing his ward's estate.”⁵⁷

Which of these approaches might explain Melchion's emancipation? The sale and relinquishments do provide hints regarding his relationship to his father, suggesting that

⁵⁶ Tamba, *Una corporazione per il potere: Il notariato a Bologna in età comunale* (Bologna: CLUEB, 1998), 107-11.

⁵⁷ Thomas Kuehn, *Emancipation in Late Medieval Florence* (New Brunswick: Rutgers University Press, 1982), 21-2.

Kuehn's thoughtful caveat that a father could act as curator for his emancipated son evidently does not apply in this case. First, from the text of the documents, we can safely assume that Alberto was not at this time acting as his son's guardian. The record in the *Memoriali* merely refers to Alberto as Melchion's father without mentioning his involvement with the transaction. Melchion appears to be driving this sale under his own volition. Second, Alberto does not appear as a witness for any of the documents associated with the sale. Again, this indicates that Melchion was acted under his own legal power as a property and title holder. However, without further evidence we cannot know whether Alberto had emancipated Melchion to protect the family's patrimony or as an acknowledgement of his maturity. Finally, we can however safely assume that Melchion's father was not a foreigner. Typically, notaries recording acts in the *Memoriali* followed a foreigner's name with their birthplace preceded by the Latin phrase "*que fuit de,*" or "who was from." Melchion also was not identified with a toponymic.

On 5 March 1309 Melchion, the emancipated son of Alberto, who resided in the parish of San Giuseppe del Borgo di Galleria, located in the quarter Porta Stiera in the city's northern region, finalized a sale that set off a complicated series of relinquishments. The sale and its following relinquishments take up one and a quarter parchment pages in a communal register for the quarter Porta Ravennate in the city's southeast quadrant. The sale revolved around a structure described as a "*domus,*" or home, in the parish of his residence that was bordered by properties belonging to Giacomo son of the late Ainudi, a man named Pietro, the heirs of Alberto de' Mandutius, and two public roads on both of the structure's sides. The sale was made to Guido Giovanni, a notary, who paid sixty Bolognese pounds for it. The act was witnessed by another notary, Filippo son of the late Bonandrea de Lisignolis, by Acharizio de Lambertini, a member of a prominent family, and by Michele son of the late Marchexelli de

Arario. These men did not gather at a location associated with Melchion's own property or areas tied to communal authority. Instead, they chose to conclude the deal beneath the portico of the witness Filippo's home, presumably just outside his front doorway.⁵⁸

These documents still conceal more than they reveal. For example, the object being sold is only described as a *domus* followed by a list of the other properties and urban features that surrounded it. We do not know how large the house was, but we do have a rough understanding of where it stood. While the size of the home is missing from the record, we can make some assumptions about it based on its price and location in the city. The sale records that Guido paid sixty Bolognese pounds for it.⁵⁹ In her work on thirteenth-century Bologna, Bocchi described properties priced between fifty and one hundred pounds as low to medium priced structures while towers and *palazzi* owned by magnates were valued up to 1,500 pounds. She went on to specify that homes closer to fifty were single floor structures that were often used for storage rather than habitation.⁶⁰ From this, and keeping in mind that Porta Stiera was only recently developed, we can assume that the structure Melchion intended to sell was fairly humble and perhaps on the smaller side. We cannot say for certain whether or not it was used for habitation, nor can we safely make any other claims about how it was used. It is, however, useful to at least consider the possibility that the structure was used as a storehouse by individuals engaged in similar trades. The presence of several individuals who used loans from Melchion to buy large quantities of wax supports this.

⁵⁸ASB, Comune, *Memoriali*, vol. 118, 237v.

⁵⁹Ibid.

⁶⁰Bocchi, 117. Bocchi notes that single-story structures were sometimes recorded as a "*domum plena*."

Melchion's Debtors

Following the sale of the *domus*, Melchion relinquished his rights to the debts of several people outside of his parish of residence. It is not clear why the relinquishments occurred on the same day or whether or not the relinquishments were strictly related to the sale of the structure. It may be the case that the debts were in some way bound up with the property that was no longer in Melchion's possession, but again this is not apparent from the source itself or any precepts in Bolognese statutes. Even so, there are six separate documents surrendering these rights. The debts were collective and contracted by groups of people. The rights to the debts were not surrendered to Guido, instead in several instances they appear to have been satisfied either on the day of the sale or earlier in Melchion's dealings with his long list of debtors. With the exception of the fifth and sixth relinquishments, each document deals with a separate group of debtors. We can treat this list of debtors as five distinct groups based upon the relinquishment that relieves them of their obligation to Melchion.

Bragraieano son of the late Giuliano, Lorenzo son of the late Lovagre, and Rolandino son of the late Zachario, all of whom carried the toponymic de Beneraria Picho, were the first group of debtors to be released from their obligations. All of these debtors resided in the parish of Santa Maria Maggiore, a parish located north of the city center on the border of Porta Piera and Porta Stiera. Additionally, this first relinquishment released Giovanni son of the late Pietro, a resident of the central parish San Pietro in the quarter of Porta Piera, and Giacomo Migelleli, a resident of San Giuseppe del Borgo di Galleria, a more peripheral parish in Porta Stiera. This group incurred their debt of twenty Bolognese pounds as the result of a delay in paying off a previous debt from their exchange of sixty Venetian *grossi* for sixty Bolognese pounds.⁶¹

⁶¹ ASB, *Memoriali*, vol. 118, 237v.

Unlike some of the other relinquishments, the document does not specify what they used the money for, which may indicate that the exchange did not require any kind of pre-condition. The residential parishes are also worth considering here. Each parish is directed toward the northern part of the city in a bent line beginning at San Pietro near the city's center, stretching out toward Santa Maria Maggiore and then back to San Giuseppe del Borgo di Galleria, the location of the structure and Melchion's residence.

The second group released was Pietro son of the late *dominus* Michele and Francisco de Castagnola, both residents of San Tommaso del Mercato located in the city center in Porta Piera, Guido son of the late Michele who lived in Borgo Panigale, and Giovanni son of the late Michele, from the parish of Santa Maria de Stregonis. This group of debtors incurred their obligation again as the result of a late fee for a currency change. According to the document, they incurred a penalty of ten Bolognese pounds for a late fee that emerged from the exchange of fifty Venetian *grossi* for fifty Bolognese pounds.⁶² This contract is also intriguing for the range of residence for those involved. Giovanni son of the late Michele did not reside in the medieval city at all. During the fourteenth century Borgo Panigale was an independent commune situated about eight kilometers northwest from Bologna. Entering into a contract with a network did not necessarily depend upon proximity or even residence in the same city.

The third released Giovanni son of the late *dominus* Meholu de Seinle, his son Pietro, Francisco son of the late *dominus* Pietro de Fernisbi, Pietro son of the late *dominus* Giovanni de Culselli, and Iacopino son of Iacopo de Argellasa, all of whom resided in Santa Maria Maggiore. The debt again arose as the result of a money exchange, this time thirty gold Florins for sixty Bolognese pounds with a ten-pound late fee attached.⁶³ All of these debtors resided

⁶² ASB, *Memoriali*, vol. 118, 237v.

⁶³ *Ibid.*

in Santa Maria Maggiore along with three others that we have encountered already. Further research perhaps could verify whether these two groups of debtors may have ever made deals with each other directly or associated outside of the context of this deal.

The fourth released Bonandrea son of the late *dominus* Zachario, resident of San Prospero near the city center in Porta Stiera, Lorenzo son of Iacopo Spanaldi from the peripheral parish San Niccolò del Borgo di San Felice in Porta Stiera. Benevento son of Carrultini who lived of Santa Maria Maggiore, and Niccolò son of the late Pietro, resident of Santa Maria della Mascarella, a parish near the city wall in Porta Piera. The origin of their debt was a ten-pound late payment on a sixty Bolognese pound loan which they used to buy three hundred pounds of “fresh wax.”⁶⁴ The lack of foreign currency exchange precipitating this loan and eventual debt indicates that these men were lifelong residents of Bologna engaged in trade based in the city. This means that Melchion was not only involved in exchanging money for foreign residents but was also a source of credit for his fellow Bolognese inhabitants. Again, the residences of these men are significant. They are concentrated to the north of the city’s center and appear clustered together.

The fifth and sixth relinquishments deal with debts contracted with Marchexelle of the late *dominus* Ugolino, Buto de Perticonibim, Ugolino son of *dominus* Giovanni, Supramare of the late *dominus* Iacopo, and Federico Causaero of the late Ubaldino, all of whom resided in San Siro, a central parish in Porta Stiera. Their debt again arose from the purchase of fresh wax, this time 300 pounds of the material which they acquired with a sixty Bolognese pound loan and owed Melchion twenty.⁶⁵ The sixth and final only related to the aforementioned

⁶⁴ Ibid.

⁶⁵ Ibid., 237v-238r.

Marchexelle who independently borrowed an additional twenty Bolognese pounds for one hundred pounds of wax and for which a five Bolognese late fee was paid.⁶⁶

Many of the debts Melchion had contracted with the people above were related to charges incurred by the exchange of foreign currencies into Bolognese pounds. In at least three of these cases, the indebted parties were using their Bolognese pounds to buy fresh wax in large quantities. The connection between these debt cases and currency exchange implies that the individuals were recent arrivals to the city. The length of their stay is open to question. While Melchion's relinquishments of rights reports their parishes of residence, the documents do not indicate whether their stays were permanent or temporary. Melchion's involvement in several of these exchanges at more or less the same time may imply that he was a member of the *cambio*, the city's guild of bankers. It is also safe to conclude that his debtors included people who had resided in Bologna for all of their lives due to the absence of references to currency exchanges.

The positions of the parishes where the participants in this network resided supports Wray's understanding of neighborhoods and networks. Instead of being contained within a single parish or district, Melchion's associations stretched over several and straddled the borders of Bologna's administrative divisions, especially of Porta Pira and Porta Stiera. Melchion's dealings not only brought him into direct contact with other Bolognese but with more recent arrivals as well. Perhaps these individuals were forced into contact with him in due to the political and social developments that closed off other forms of association to them. It is difficult to determine whether urban geography played a role in these associations. Indeed, the participants appear to have been sidestepping what might be called the official plan for the

⁶⁶ Ibid., 238r.

city. The network was de-centered, or rather not centered in the areas that we might expect. The center of this network appears to be a cheap home in the periphery of a bustling medieval economic center.

Conclusion

In total, Melchion relinquished rights to the debts of twenty-nine people that were stretched out over ten separate parishes inside and outside of Bologna on the same day he sold a house. The majority of the residential parishes for his debtors were clustered near the city center but radiated outward to the peripheral parishes of San Giuseppe del Borgo di Galleria and Santa Maria della Mascarella, both of which were not only separated from the civic heart of Bologna by sheer distance but by the Reno and Cavaticcio canals as well. Networks did not only cross administrative boundaries, but much more physical ones as well that were built into the city itself. The highest concentration of his debtors resided in Santa Maria Maggiore, a more central location to be sure, but it is rather curious that individuals from an area closer to the focal point of Bolognese political life would rely on creditors so far removed from their own residences and areas associated with the city's commercial zones. Again, typically scholars have stressed proximity, social solidarity, occupational, and associational ties in historical study of networks and neighborhoods. This does not appear to have been the case here. Not only were Melchion and his debtors far removed from one another physically, but socially as well. Many of his debtors likely experienced exclusion from a variety of social and political spaces. However, exclusionary practices appear to have had their limits. The debts that several of the individuals outlined above incurred show that economic connections could be stretched far across the city. Melchion's sale and his relinquishments show that institutional

separations of “foreign” and “Bolognese” did not prevent these two groups from mingling with one another and establishing lasting relationships. Instead of centering around discreet neighborhoods, popular associations, or other features this network appears to have revolved around a single piece of property and connected debts.

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Bologna's Foreign Arms Societies

Giovanni da Spoleto was a member of the arms society of the Toschi from at least 1256 when his name first appeared in their matriculation list and a resident of Porta San Procola, Bologna's southeastern quarter. Like the city's twenty-three other medieval arms societies, the Toschi was a militia organization that required its members to maintain weapons and armor in case of public disturbances or war. Unlike most of its contemporaries, the Toschi was one of the city's three arms societies—along with the Lombardi and Stelle—set up specifically to accept residents of Bologna who claimed personal or ancestral descent outside the city and its *contado*. As a member of the Toschi, Giovanni was expected to meet with his associates—up to 557 others according to the 1256 matriculation lists—every month at the church of San Giovanni in Monte, a parish church near the central basilica of Santo Stefano.

During these meetings Giovanni and his associates would have discussed matters of common interest and settled any disputes that had emerged among them since their last gathering. Toward the meeting's conclusion, the members would have listened to a reading of their statutes and renewed their oaths to one another, the society, and the city of Bologna.¹ It is difficult to tell how many members regularly attended these gatherings or receive a fuller picture of what happened during them. But on particularly important days, such as the feast day of the Toschi patron John the Baptist, we can imagine San Giovanni in Monte crowded with members who claimed origins in different Tuscan towns and cities. While surveying the room, Giovanni would have been able to see Accursio, a prominent professor of Roman law at the *Studium* who came originally from Impruneta, near Florence. Elsewhere in the church

¹ Alma Poloni, "Disciplinare la società. Un esperimento di potere nei maggiori comuni di Popolo tra Due e Trecento." *Scienza e politica*, Vol. 19, No. 37 (2007), 52.

stood Useppo Toschi, a wealthy merchant and member of a prominent political family who had led a popular uprising in 1228 that helped initiate the city's communal transformation. Giovanni himself was neither a preeminent political figure nor a renowned scholar. Giovanni da Spoleto was a textile dyer, a relatively unskilled occupation in Bologna's burgeoning wool industry.

The people mentioned above capture several key aspects of Bologna's foreign arms societies. Rather than being exclusively for the wealthy or of a particular occupational group, the city's arms societies were constructed communities that drew in different kinds of people from several social and occupational groups. The basis for these organizations was their statute lists, which specified their matriculation practices, established rules for mobilization, and identified what members owed to one another and the society. The foreign arms societies provided an additional basis for inclusion that required potential members or their ancestors to be from outside of Bologna and its *contado*, the countryside under the city's direct control. In addition to the Toschi, the Lombardi arms society accepted individuals from a tightly defined geographic conception of Lombardy. The Stelle appear to have drawn their members from Tuscany, Lombardy, and other regions in Italy. Each of these societies afforded members from diverse backgrounds opportunities for social, financial, and spiritual support. Along with this came a range of economic and occupational conditions among members, with woolen cloth workers being particularly well-represented in some matriculation lists.

Even though the city of Bologna depended on these foreign workers' labor and expertise to serve its industries, the *popolo* regimes of the commune frequently excluded them and other groups from political and social participation. In time, even the Toschi and Lombardi became more difficult for recent arrivals to join. Yet, in the middle of the thirteenth century, it

was possible for new arrivals in Bologna to use the foreign arms societies to socially integrate into their new surroundings within communities constructed around shared regional origin and mutual aid, values that they communicated using their statutes and strengthened during meetings. The mutual aid the foreign arms societies provided would have been invaluable for foreign workers, especially those involved in textile manufacture who tended to experience debt and poverty more frequently than their Bolognese counterparts. This debt and poverty is evident in the records of the *estimo* of 1296–7, a fiscal survey that provides a wealth of information on economic conditions in Bologna at the time. By comparing information for workers of foreign origin and those from Bologna, it is clear that economic strain would have been a driving force behind the choice to matriculate into a foreign arms society. However, before a discussion of the foreign arms societies can be commenced it is important to contextualize them in a changing Bologna.

The Foreign Arms Societies in Context

Civic militias like Bologna’s arms societies were not without precedent. Many of the Italian city-states made use of similar organizations to defend themselves during the thirteenth century. These communal militias often had been the military wings of guilds but eventually became distinct organizations. They drew their members “from particular districts...and were naturally non-noble” but relied on local nobles for leadership because of their military backgrounds.² Bologna’s arms societies functioned as “neighborhood defense units” that, along with the guilds, “constituted the basic building blocks of the *popolo*.”³

² Edward Coleman, “Cities and communes,” in *Italy in the Central Middle Ages, 1000-1300*, ed. David Abulafia (Oxford: Oxford University Press, 2004), 53.

³ Sarah R. Blanshei, *Politics and Justice in Late Medieval Bologna* (Boston: Brill, 2010), 11.

There is little scholarship on the experience of foreigners in Bologna's arms societies. This is surprising because of the importance that recent historians of the city have ascribed to status. For example, in her study of late medieval Bologna Blanshei traces how the medieval commune used political status to privilege particular portions of the city's population. By 1282, "foreigner" had become a hereditary status that precluded participation in most of the city's governing councils and popular associations.⁴ Even though the commune enacted these restrictions, it remained a major center of migration throughout the medieval period. Medieval commentators often mentioned Bologna's diversity and acknowledged the importance of foreigners in the city's economy. While many commentators used this attribute in invectives against the city, it still helps to highlight the central role that migration played to fuel Bologna's medieval growth. One of the major engines of migration was the city's university that attracted wealthy students and their retinues of servants from across Europe and elsewhere. These students were not the only foreigners that arrived in the city. The presence of wealthy students in Bologna helped to spur artisanal migration, skilled workers associated with the production of luxury commodities. Luxury production was not the only driver of migration; many skilled and unskilled textile laborers also came to Bologna.⁵ The commune's relationship with this migration was complicated and connected to contemporary economic and demographic needs inside the city and its *contado*.

⁴ Ibid., 30.

⁵ Antonio Ivan Pini, "La presenza dello Studio nell'economia di Bologna medievale," in *L'Università a Bologna: Personaggi, momenti, e luoghi dalle origini al XVI secolo*, ed. Ovidio Capitani (Bologna: Cassa di Risparmio, 1987), 85.

Foreign Arms Societies as Social Networking Opportunities

It is difficult to uncover how “permanent marginals” like foreigners formed networks of support in Bologna. One answer is the foreign arms societies. Even though some historians have noted that arms societies were central expressions of political power, there is little discussion of them in recent scholarship on Bologna. This is surprising considering the importance that Augusto Gaudenzi attributed to them. According to Gaudenzi, the arms societies represented “in times of peace...the estate of the *plebs* prepared for the defense from—and much later offense against—the estate of the nobles and the rich.”⁶ More recent historians repeat many of these claims connecting the arms societies to the *popolo*. Giorgio Tamba has argued that the city’s *popolani* used the arms societies to maintain their political control,⁷ echoing Greci who viewed them as a “citizen political police.”⁸ Finally, Alma Poloni has characterized the entire popular movement in Bologna, and other Italian communes, as having originated as an “agreement, or rather by a real federation between the armed companies, and in the case of Bologna, indeed between the [armed] companies and the guilds.”⁹ Poloni’s comments are intriguing because, while others have seen arms societies as offshoots of guilds, she instead characterizes them as distinct organizations from their beginnings.

If these societies were indeed citizen police forces and integral pieces of Bologna’s popular movement, they are surprisingly difficult to find in contemporary records. While the Archivio di Stato di Bologna (ASB) maintains a collection of the statutes and matriculation

⁶ Augusto Gaudenzi, “Prefazione” in *Statuti delle società del popolo di Bologna*, vol. 1 *Società delle armi*, ed. Augusto Gaudenzi (Rome: Istituto storico italiano, 1889), VII.

⁷ Giorgio Tamba, “Civic Institutions (12th-15th Centuries)” in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah Rubin Blanshei (Leiden: Brill, 2018), 214.

⁸ Roberto Greci, “Immigrazioni artigiane a Bologna tra Due e Trecento” in *Demografia e società nell’Italia medievale: Secoli IX-XIV*, eds. Rinaldo Comba and Irma Naso (Cuneo: Società per gli studi storici, archeologici ed artistici della provincia di Cuneo, 1994), 382.

⁹ Poloni, 43.

lists for the arms societies, there is little mention of them in the city's chronicles or indications of how they functioned within the commune. Gregory Roberts and Roberto Greci have pointed out that communal statutes occasionally provide insight into their functional roles. Aside from their military activities, the arms societies aided the *podestà's familia*, an armed troop that accompanied him during his six-month term, in patrolling and surveilling the city.¹⁰ Gaudenzi also provides some detail on their basic duties:

“[I]n times of disturbance, [they were] to gather armed at the *podestà's* palace and then much later at the *capitano del popolo's*, associated with suppressing riots and stifling the wars with which the nobles were agitating the tranquility of the city every single day.”

The societies, however, were not only involved in martial affairs. Members were also obligated to go to Mass and contribute to the celebration of divine offices.¹¹ Gaudenzi's work on the arms societies is useful to understand some of their key features, namely their basic activities and shifts in who had authority over them. As the city's government came more firmly under the control of the *popolo*, authority over the arms societies was transferred from the *podestà* to the *capitano del popolo*. The societies shared some practices with confraternities, which were not prominent in Bologna until the late thirteenth century. However, it is not clear what Gaudenzi meant when he claimed that membership and leadership in the arms societies “became more monarchical.”¹² Overall, Gaudenzi's work provides a useful starting point for understanding the basic functions of Bologna's arms societies. However, his coverage indicates that he primarily saw the societies as important actors in a class struggle between

¹⁰ Gregory Roberts, *Police Power in the Italian Communes, 1228-1326* (Amsterdam: University Press, 2019), 135-136. Roberto Greci, “La compagnia dei Lombardi di Bologna (secoli XII-XIV)” in *La Compagnia dei Lombardi in Bologna: Contributi per una storia di otto secoli*, ed. Girolamo Arnaldi (Bologna: Ponte Nuovo, 1992), 28-29.

¹¹ Gaudenzi, IX.

¹² *Ibid.*, XII.

urban nobility and *popolani* while ignoring the roles of many magnates as members and leaders as well.

Some historians have sought to clarify when and why Bologna's arms societies came into being. Tamba attributed their development to the late 1220s following a successful popular uprising under the leadership of Useppo Toschi, one of the Toschi members mentioned at the start of this chapter. Tamba viewed Bologna's twenty-three arms societies as a necessary and "efficacious instrument of pressure" that could "maintain the conquered political space and possibly broaden it" more effectively than guilds. The arms societies were better equipped than the guilds to do this because they had lower entry barriers for potential members. According to Tamba, many individuals whose lower status work barred them from joining the guilds could join an arms society.¹³ This included Bologna's foreign residents. As noted above, many of the city's foreign working population would have been excluded from guild membership because of their foreign origins and low status work. However, the Lombardi and Toschi arms societies did have occupational barriers for entry, which will be explored in more detail below. It is not clear if the Stelle denied access to different occupational groups because no list of statutes survives for this arms society, only a single matriculation list. Even with these barriers in place, as Rosa Smurra pointed out, the foreign arms societies "accommodated people that were working in the most varied sectors of production, commerce, and services."¹⁴ What encouraged a person to join a specific arms society is less clear, though historians frequently return to residential patterns as an organizing principle. Tamba differed, claiming that membership in the arms societies did indeed depend on "place of habitation" for only twenty of Bologna's

¹³ Tamba in Blanshei, 214.

¹⁴ Rosa Smurra, "Studiare, lavorare a Bologna nel medioevo: Forestieri/stranieri," *Ricerche di pedagogia e didattica*, Vol. 7, No. 2 (2012), 90.

twenty-three arms societies. Residence was not a consideration for the Toschi, Lombardi, and Stelle because they were intended for foreigners who lived throughout the city.¹⁵

Much of the historiography on the arms societies concentrates on their attachment to the *popolo*, their roles in the commune, and their residential patterns. While this is helpful in understanding what the foreign arms societies might have done alongside their Bolognese contemporaries, it is less clear what incentives foreigners had to join them and how those incentives changed over time as matriculation practices shifted. Moreover, matriculation into any arms society appears to have been voluntary with no indication that there was a requirement for membership other than residence for some societies. These issues are of crucial importance in understanding not only membership in the Toschi, Stelle, and Lombardi but in all the arms societies. The presence of so many organizations in the city could have created areas of potential geographic overlap or ambiguity for people considering membership in any arms society. Foreigners themselves appear to have practiced some level of choice when joining the Toschi, Stelle, or Lombardi. Even though Toschi and Lombardi were specifically for people with roots in those regions, the Stelle—established sometime in the 1270s—counted members from Tuscany, Lombardy, Veneto, and several other regions besides. Giovanni da Spoleto, Accursio, and Useppo Toschi all made the decision to join the Toschi but it is not clear why.

Membership As a Choice

Membership in an arms society was ultimately a choice and Poloni's work does much to examine what might have encouraged someone to matriculate. Poloni has reassessed many

¹⁵ Tamba in Blanshei, 214.

of the scholarly assumptions about membership in an arms society beginning with the idea that each one was tied to specific areas in the city. This notion of organization by residence in a parish or connected parishes is particularly important to keep in mind when considering the foreign arms societies. According to Poloni, membership in the arms societies did not always follow administrative, parochial, or even residential patterns. Membership in an arms society was “not territorial but relational.” She clarified this further by claiming that residence formed only a part of the equation. The remaining variables involved a “relational field, that is a complex set of solidarity and cooperation bonds that were developed on the basis of attendance in the same parish, of the sharing of fiscal responsibilities, the tendency of doing military service in the same operating unit of foot soldiers.”¹⁶ Proximity to a specific parish or residence in a neighborhood was a factor but not the only one; a complex set of social, financial, and devotional tendencies also spurred people to seek membership in different arms societies. In the case of foreigners, Antonio Ivan Pini explains that they tended to live in peripheral areas of the city. However, the periphery shifted with successive generations as Bologna’s boundaries expanded and new walls were built. For example, Pini noted that several individuals and families of Lombard origin could be traced to the areas immediately outside of Bologna’s most inner ring of fortifications. These families tended to be wealthier than the Lombards who settled outside of the city’s second ring of walls a few generations later.¹⁷ Foreigners’ residential patterns often shifted, so geographic proximity was unlikely to be a significant determining factor for joining the Lombardi, Stelle, or Toschi societies.

¹⁶ Poloni, 33-38.

¹⁷ Pini, *Città medievali e demografia storica: Bologna, Romagna, Italia (secc. XIII-XV)* (Bologna: CLUEB, 1996), 151.

Poloni stresses that historians must view matriculation in an arms society as a calculation with many variables. An individual chose a society with which he already was familiar and had connections. These could be based on attendance at the same religious institutions or perhaps shared financial interests. Finally, a person joined a particular society to participate in military activity alongside specific people. Within this space, a member

ceased simply being someone's friend, someone else's relative, the neighbor of yet another and became—and felt himself—part of a broader group, a group endowed with its own identity well distinguished from those of the singular fragments of its relational fabrics that had merged there.¹⁸

Arms societies allowed individuals to acquire new identities that were distinct from their social, familial, and residential identities. These new identities were created and strengthened during meetings and other important gatherings associated with the arms societies. It is useful to think of these organizations as distinct communities formed out of the ones its members participated in outside the context of the arms societies.

Membership in these organizations provided its members a set of benefits. According to Poloni, in addition to forms of moral and material support, the arms societies could function as spaces for discipline, which she understands in Foucaultian terms as “knowing, keeping under check, using” members.¹⁹ For Poloni, this made arms societies organs of control at the command of the commune and tools of political dissemination. She bases this claim on the frequency of meetings that involved reading the society's statutes and renewing mutual oaths. These meetings were not only opportunities for disciplining rule breakers but also allowed all members to “interiorize” the political language of the commune.²⁰ Aside from the systems of support within a chosen community, interiorization of the commune's political language surely

¹⁸ Poloni, 39.

¹⁹ Foucault qtd. in Poloni, 47.

²⁰ *Ibid.*, 52.

was especially beneficial to foreign residents, enabling them to be conversant in the commune's languages of power. While this education may not have been intended to integrate them into political life, foreigners still benefited from it because it enabled them to understand the powers operating in the city.

Poloni's contributions to the historiography of the arms societies are considerable, though centering the lives of foreigners complicates some issues. Throughout her essay Poloni conflated membership with citizenship, and she did not take into account how particular arms societies changed over time. There is no indication in the statutes of the foreign arms societies that citizenship was an expectation for members. The Lombardi and the Toschi statutes did specify residential requirements for their members, but these were substantially lower than the commune's demands for citizenship. The 1256 redaction of the Lombardi statutes required their members to have lived in Bologna for at least two years and the Toschi required three before they could be recommended for inclusion. In the same period, the commune mandated that foreigners reside in Bologna for twenty years before being considered for citizenship.²¹ It is worth pointing out that these standards were not static. In the late 1280s, the Toschi and the Lombardi changed their residential requirements to ten and twenty years respectively. Even so, these requirements remained lower than the commune's demands for citizenship as those had been raised to thirty years in the same decade.²² Greci has argued that the extensions of residential requirements for the Toschi and Lombardi were likely an effort to marginalize recent arrivals in the city in favor of more established families of foreign descent. He emphasized this by pointing toward matriculation practices in both the Lombardi and Toschi, which came to privilege increasingly "Bolognized" individuals, many of whom had no

²¹ Blanshei, 22.

²² *Ibid.*, 23, 47-8.

indication of foreign ancestry. Instead, these members had managed to enter these societies through intermarriage, a pattern which allowed particular families to garner and maintain influence in them for long periods of time.²³ Poloni's analysis of the arms societies provides a useful way to understand how prospective members chose between arms societies, but it is not always clear from her coverage how individual organizations carried out the project of community construction. A thorough reading of the Toschi and Lombardi statutes can shed light on how these two organizations sought to create community among their members.²⁴ By examining these statutes in more detail, I will explore what each organization viewed as the foundations for inclusion and continued membership.

Community Construction Within Bologna's Arms Societies

The Toschi and Lombardi statutes make it clear that simply claiming personal or ancestral origin in Tuscany and Lombardy was not enough for someone to join their ranks. What determined eligibility for membership was a combination of personal or ancestral origin in those regions, residence in Bologna—the city or *contado*—for a prescribed amount of time, and the ability to provide evidence of Tuscan or Lombard origin. For the Lombardi, this evidence took the form of a referral for consideration; the Toschi preferred a combination of witness testimony and documentary confirmation. The statutes differed significantly in how they formulated these restrictions and requirements but both societies agreed that not everyone who satisfied these preconditions was assured a place. The Toschi and Lombardi both insisted that their prospective members should not come from certain social or occupational statuses, especially those related to agricultural production and vassalage.

²³ Greci, "Immigrazioni artigiane a Bologna tra Due e Trecento," 378-80.

²⁴ I limit my discussion to the Toschi and Lombardi because no statute list survives for the Stelle.

The Lombardi 1256 statutes required their members to come from the region of Lombardy, which meant the area north of the Panaro River—referred to by its Latin name *Scultenna*—perhaps extending as far as the Alps, though the statute mentions no precise limit. Any male could join so long as “he himself or his father or brother or paternal uncle...or any of his ancestors” was born in any of the cities or towns of the region. To avoid fraud, an individual was required to be recommended for consideration, most likely by an existing member, “so that in no way can [membership] be secured by some means or trick.”²⁵ Later, the statutes of the Lombardi specify that any prospective member must have lived in Bologna for at least two years before their consideration. Moreover, the statute specifies that “no one shall be received into the society who might not manage his own finances, and let him be for himself, and work for himself.” This prospective member also should not be a “servant or vassal nor should he work the fields of the city or his own or another’s lands.”²⁶ The statutes also prohibit pimps from matriculation: membership was closed to anyone “who publicly maintains prostitutes.” This prohibition also extended to members and required that anyone already in the society who was found to publicly keep or frequent prostitutes and “[did] not

²⁵ “Statuti della società dei Lombardi dell’anno MCCLVI” in *Statuti delle Società del Popolo di Bologna, Società delle armi*, vol. 1, “Statuti della società dei Lombardi dell’anno MCCLVI,” ed. Augusto Gaudenzi (Rome: Istituto storico italiano, 1889), 15: “Item statuimus et ordinamus quod nullus recipiatur in societate Lombardorum fraternitatis vel armorum nisi esset de Lombardia vel Marchia Trivixina: de Lombardia intelligimus, quod sit natus ipse vel eius pater vel frater vel patruus ultra Scultenam vel sui maiores. Et sit precisum, ita quod nullo modo vel ingenio possit absolvi, vel dictum statutum intelligi nisi ut littera dicti statuti sonat. Et valeat ab hodie in antea currente anno domini millesimo.CC. quinquagesimo sexto, indictione quartadecima, die quintodecimo intrante martio.”

²⁶ *Ibid.*, 17-8: “Item statuimus quod nullus recipiatur in societate qui non sit suus massarius per se, et stet per se, et faciat sua facta per se; et hoc non intelligimus de filiis vel patribus vel fratribus vel consortibus qui simul morantur; et qui sit actualis alicuius, et qui non steterit civis Bononie per duos annos et fecerit citadanciam per duos annos et faciat secundum formam statutorum communis Bononie; et non sit servus vel vasallus vel fecerit productionem de civitate sive terra sua vel aliena. Et hoc statutum non possit absolvi nisi placuerit.V. partibus societatis.”

wish to stop” risked having his arms revoked, expulsion from the Lombardi, and the reading out of his name and the circumstances surrounding his expulsion in public.²⁷

The 1256 Toschi statutes differ slightly from those of the Lombardi in that they do not provide a precise geographic definition of “Tuscany,” but they appear to have used the term to refer to a larger area than the modern region that included parts of Umbria and Lazio. This would explain the presence of members like Giovanni da Spoleto, in modern Umbria, and Çannes de Castro, a commune in Lazio. The Toschi also differed from the Lombardi in what kind of ancestry made someone eligible for membership. According to the Toschi statutes, someone could not be considered for inclusion in the society unless “he himself or his father or mother, grandfather or grandmother were from the Tuscan nation.”²⁸ This allowance for matrilineal descent distinguishes the arms society of the Toschi from the Lombardi. While it is difficult to tell from the matriculation lists themselves, this policy permitted those with no Tuscan paternal lineage to join the Toschi. Two witnesses were required to attest to one’s

²⁷ Ibid., 18: “Item statuimus quod nullus deinceps recipiatur in societate armorum nec etiam in fraternitate qui publice retineat meretrices. Et si quis in societate esset qui publice meretrices teneret in domo sua, et desistere nollet, arma et insigna societatis que habuerit ei auferre, et eum de societate expellere et nomen eius de numero sociorum abraderere, et abrasum in corpore societatis denunciare ministrales teneantur.”

²⁸ “Statuti della società dei Toschi dell’anno MCCLVI” in *Statuti delle Società del Popolo di Bologna, Società delle armi*, vol. 1, “Statuti della società dei Lombardi dell’anno MCCLVI,” ed. Augusto Gaudenzi (Rome: Istituto storico italiano, 1889), 114-15: “Statuimus et ordinamus quod nullus recipiatur in hac societate nisi ipse aut pater vel mater, avus vel avia fuerit de natione toscana, nisi habuerit extimum in civitate Bononie et fuerit firmus et stationabilis communis Bononie habitator pro se et eius familia per tres annos. Et de hiis omnibus et singulis fidem faciat ministrilibus hoc modo, quod ostendat se habere extimum per publicum instrumentum, et probet se cum eius familia fuisse in collam dicti communis per dictum tempus per duos testes. Et hoc facto, ministrales ipsum personaliter venire faciant in consilio societatis et ipsum in dicto consilio examinari. Et si placuerit consilio, denuntietur in missa; et si nullus non contradixerit, in alia missa recipiatur sub hac conditione et forma, scilicet quod promittat per librum et stolam in manu presbiteri, iurando ad sancta Dei evangelia, manutenere et conservare civitatem Bononic et communem et hanc societatem pro suo posse in bono statu, et obedire ministrilibus societatis, et statuta et reformationes societatis observare, et habere arma propria ad insigna societatis infra duos menses postquam receptus fuerit. Et de hiis omnibus et singulis observandis prestat societati bonam et ydoneam cautionem et solvat massario societatis .XX. sol. bon. pro intrata, et offerat presbitero .XII. bon.; verumtamen si pater fuerit de hac societate et steterit in ipsa per triennium, solvat solummodo massario pro intrata .X. sol. bon. Et predictae sollempnitates de extimo et habitatione per triennium tunc servantur arbitrio ministrorum et consilii societatis, si pater fuerit de societate. Item nullus recipiatur in hac societate qui sit servus vel homo alicuius vel apostata. Et sit precisum hoc statutum in omnibus et singulis supradictis capitulis et valeat ab hodie in antea et duret hinc ad quinque annos proximos. Et statuterii qui pro tempore fuerint hoc statutum approbent et affirmant, et ipsum in aliquo non infringant sub pena centum sol.”

foreign origin or descent along with verification of their residence in Bologna for at least three years. Like the Lombardi, the Toschi also denied access to those who were “the servant or anyone else’s man” and apostates, explicitly limiting membership to Christians.²⁹

Unlike the Lombardi, the Toschi statutes go into further detail on how members were to be inducted. After providing proof of their identities through witness testimony, prospective members were required to provide proof of their residence within Bologna’s district through a public instrument and the testimony of two witnesses. Having satisfied these requirements, the initiate was then obligated to present himself to the “council of the society” where he would be questioned,³⁰ presumably to verify the information they received from the witnesses and to review the initiate’s documentation. Afterwards, “if he might be pleasing to the council,” their decision would be announced during a Mass and at a later date, during which the initiate would swear on the Gospel to

represent and preserve the city of Bologna and the commune and this society as best as possible, and to obey the ministrali of the society, and to observe the statutes and the reformations of the society, and to have his own arms for the insignia of the society within two months from when he might be received.³¹

The process for initiation into the Toschi reveals a great deal about what this society considered proof of identity and what the members believed their main duties were to the city. The Toschi’s insistence on proof of identity through a public instrument may indicate that notaries had a greater impact on setting norms and drafting statutes than they had in the Lombardi. This influence is not necessarily reflected in their overall numbers in the society but probably is due to the growing prominence and insistence of using notarial records as proof in various contexts.

²⁹ Ibid., 114-15.

³⁰ Ibid., 114-15.

³¹ Ibid., 114-15.

Bologna was an important center of the notarial arts by the thirteenth century and, according to Shona Kelly Wray, notarial services were readily available to inhabitants who could afford a notary's fees.³²

While there was a great deal of occupational diversity among members of the foreign arms societies, it would be inaccurate to say that one's profession or status played no role in determining who could or could not be considered for membership. The Lombardi and Toschi both restricted access to lower status workers while requiring religious and moral orthodoxy of their members. Even though these prohibitions were present in both society's statutes, the Toschi matriculation lists appear to have provided more access to individuals in less prestigious occupational groups, especially textile workers who would not have satisfied the Lombardi restrictions against men who did not work for themselves. The prohibitions against agricultural workers, unfree individuals, and the unorthodox can all likely be attributed to a fear of being associated with foreigners that were considered less reputable and treated with scorn in Bologna. These primarily included itinerant poor laborers, foreign sex workers and procurers/procuresses, non-Christians, and heretics. While no statute list survives for the Stelle, they may have enacted similar restrictions to distance themselves from similar groups due to their social and occupational statuses. Aside from these considerations, profession does not appear to have been a major factor in excluding individuals from matriculation, opening the societies to individuals engaged in artisanal, mercantile, and university professions.

Though they diverged on member induction and forms of proof, the statutes of the Lombardi and Toschi both placed a great deal of emphasis on ownership of specific arms. Both allowed their members up to two months to acquire their own arms or face financial penalties.

³² Shona Kelly Wray, "Instruments of Concord: Making Peace and Settling Disputes through a Notary in the City and *Contado* of Late Medieval Bologna," *Journal of Social History*, Vol. 42, No. 3 (Spring, 2009), 744.

These arms were important not only because they were required to participate in military actions and exercises but also as a marker of identification. The Toschi and Lombardi statutes both insisted that members' equipment bear the society's insignia, though no description of the insignia appears in the statutes. Both required similar equipment that was more defensive in purpose than offensive. The Toschi specify that each member should have a "helm or Florentine cap, shield, heavy jacket, and a chestplate."³³ The Lombardi required a "shield or *scrimetum*, a helm or Florentine cap, and a heavy jacket, or emblem, or chestplate."³⁴

Once an individual was a member of the Lombardi and the Toschi, the societies provided several services and required duties from each associate. More so than other arms societies, the statutes of the Lombardi and Toschi placed a great importance on funerary services and what was owed to deceased members and their families. Both arms societies' statutes required observances to mark the deaths of not only members but their relatives. For example, the Toschi statutes from 1256 mandated that "if anyone of the society or his family should die, each and every member of the society must provide funeral services just as best as possible, and let them go back to the gathering at the home of the deceased when the burial is finished."³⁵ The Lombards likewise took an expansive approach to who qualified for burial in the society and specified that members were obligated to tend to the dead "not only if he was a special associate, but even if it was the father or mother or wife, son or daughter, brother,

³³ "Toschi" in Gaudenzi, 110: "Item statuimus et ordinamus quod quilibet de hac societate debeat habere et tenere propria arma ad insigna societatis, scilicet elum vel capellum florentinum, scutum, çubam vel guaiferiam, et banderiam si homines aliarum societatum habuerint, sub pena et banno .XX. sol. bon."

³⁴ "Lombardi" in Gaudenzi, 17: "Item statuimus et ordinamus quod quilibet de societate armorum debeat habere scutum seu scrimetum, elum vel caçetam, cubam vel guayferiam vel lameriam cum insigna societatis intus, et eam portare in dorso in omni exercitu et cavalcata et strenuta."

³⁵ "Toschi" in Gaudenzi, 104: "Statuimus et ordinamus quod si aliquis de societate vel eius familia decesserit, quod omnes et singuli de societate debeant esse iusta catalectum prout melius poterint, et revertant ad sedendum ad domum defuncti cum sepultus fuerit. Et qui contra fecerit, solvat societati nomine banni .XII. bon."

sister, grandson or granddaughter, a male or female blood relative of another associate, as if they died in their own home, and are from the family.”³⁶

Several arms societies in Bologna also offered burial support for their members, however, access to these services was often qualified. For example, in a redaction of their statutes from 1255 the arms society of the Traverse di San Procolo offered to attend the funerary services of members but only if they were requested.³⁷ The arms society of the Vari required their *ministrali* to pay for the funeral of deceased members who had fallen into poverty in their 1256 statutes.³⁸ Some societies were only willing to participate in funerary services if the family of the deceased permitted it. In their redaction from 1255 the Dell’Aquila required their *ministrali* and *massarii* to provide a “good and attractive standard” but only “if it will be pleasing to [the deceased’s] relatives.”³⁹ In 1256 the Leoni specified that a member’s funeral would be paid for by the society if they had been injured or killed while serving Bologna.⁴⁰ While other societies qualified their funerary services based on factors like the deceased’s

³⁶ “Lombardi” in Gaudenzi, 16: “Item statuimus et ordinamus quod quilibet de societate teneatur venire ad corpus, cum citatus fuerit a nuntiis vel aliquo de societate, in banno .XII. bon. et omnes de societate teneantur unus alterum admonere ut venire debeat. Et hoc dicimus non solum si fuerit socius specialis, sed etiam si fuerit pater vel mater vel uxor, filius vel filia, frater, soror, nepos vel neptis, consanguineus vel consanguinea alicuius de sociis nostris, si moriantur in domo sua, et sunt de familia.”

³⁷ “Statuti della società delle Traverse di porta S. Procolo degli anni MCCXXXI e MCCLV” in *Statuti Delle Società Del Popolo Di Bologna*, Società delle armi, vol. 1, “Statuti della società dei Lombardi dell’anno MCCLVI,” ed. Augusto Gaudenzi (Rome: Istituto Storico Italiano, 1889), 139: “Item statuimus et ordinamus quod sotii huius sotietatis teneantur ad corpus ire illius qui obierit de hac societate, si dictum fuerit ei et preceptum. Et ministrales teneantur ipsos facere congregari, si dictum fuerit eis.”

³⁸ “Statuti della società dei Vari dell’anno circa MCCLVI” in *Statuti Delle Società Del Popolo Di Bologna*, Società delle armi, vol. 1, “Statuti della società dei Lombardi dell’anno MCCLVI,” ed. Augusto Gaudenzi (Rome: Istituto Storico Italiano, 1889), 340: “Et si decederet, et non haberet facultatem unde sepelliretur, quod societas faciat eum sepellire de avere societatis.”

³⁹ “Statuti della società dell’Aquila dell’anno circa MCCLV” in *Statuti Delle Società Del Popolo Di Bologna*, Società delle armi, vol. 1, “Statuti della società dei Lombardi dell’anno MCCLVI,” ed. Augusto Gaudenzi (Rome: Istituto Storico Italiano, 1889), 253: “Item statuimus quod pro honore societatis ematur unum palium bonum et pulcrum cum quo fiat honor sociis qui obierint si placuerit suis.”

⁴⁰ “Statuti della società dei Leoni dell’anno MCCLVI” in *Statuti Delle Società Del Popolo Di Bologna*, Società delle armi, vol. 1, “Statuti della società dei Lombardi dell’anno MCCLVI,” ed. Augusto Gaudenzi (Rome: Istituto Storico Italiano, 1889), 285: “Item statuimus et ordinamus quod, si aliquis de societate fuerit vulneratus vel mortuus in exercitu vel cavalcatis, quod ministrales expensis societatis teneantur eum facere conducere Bononiam...”

poverty, the circumstances of the death, or the wishes of their relatives, the Toschi and the Lombardi did not place similar restrictions and even extended burial services beyond their immediate members.

The Lombardi and the Toschi's liberal and inclusive statutes on funerals and burials thus differed from the more restricted approach of their contemporaries. In addition to services, the 1256 statutes for the Lombardi and Toschi required their members to participate in a gathering at the home of the deceased until the wife of the deceased returned from the funeral service. It is likely that this gathering of associates took place outside of the home rather than inside. While both women and men took part in burial rituals, there appears to have been a gendered separation of grieving spaces. According to Carol Lansing, men typically gathered outside the deceased's home while women and relatives grieved inside.⁴¹ Both arms societies also stipulated that members who did not participate in this aspect of mourning for their companion should be fined; the Toschi charged twelve Bolognese pounds while the Lombardi charged twelve *denarii*.⁴²

It is difficult to get a sense of how the Toschi and Lombardi burial rituals appeared or how the officials from both arms societies ensured members were attending their deceased. A case from Bologna's guild of notaries can give an impression of how burial processions unfolded and how popular societies held associates responsible for their duties to the deceased. In a case from 1285, officials from the guild of notaries cited eighty-three members for non-

⁴¹ Carol Lansing, *Passion and Order: Restraint and Grief in the Medieval Italian Communes* (Ithaca: Cornell University Press, 2008), 50-2.

⁴² "Toschi" in Gaudenzi, 104: "Statuimus et ordinamus quod si aliquis de societate vel eius familia decesserit, quod omnes et singuli de societate debeant esse iusta catalectum prout melius poterint, et revertant ad sedendum ad domum defuncti cum sepultus fuerit. Et qui contra fecerit solvat societati nomine banni .XII. bon." "Lombardi" in Gaudenzi, 16: "Item statuimus quod omnes de societate, cum ibunt ad corpus socii vel personarum predictarum, sepulto corpore debeant reverti ad domum defuncti et ibi sedere donec mulieres reddeant ab ecclesia, in banno .XII. den."

attendance of an associate's burial procession. Presumably, members were required to participate in two separate events: a first procession from the deceased's home to the church of San Domenico followed by a second one to the burial site itself. The eighty-three members received a chance to explain their absence and sixteen were required to pay the two *soldi* fine.⁴³ This case involving the notaries' guild can be illustrative for the Toschi and Lombardi. From this example, officials of the city's popular associations were motivated to not only ensure that members attended burial rituals but were willing to hold them accountable for non-compliance. It further shows that burial rituals were multistep processes that involved more than one location. Non-attendance in any part of the ritual may have made an associate deficient in their duties to their fellows.

The fines for non-attendance discussed above can perhaps explain how these organizations were able to pay for the burial services of members and their relatives. With the members spread out to the city's four quarters, it is unlikely that all would have been able to attend all burials and consequently were required to pay fines to stay in good standing with the society. Although it is hard to know how strictly these statutes were enforced, collection of these fines surely functioned to continue providing the service. Those who could make use of these services often came from very different social and occupational groups, enabling dyers like Giovanni da Spoleto to be just as secure as the jurist Accursio in the promise that they and their relatives would be attended after death. These services were funded by the collection of fines and regular dues, which could be forgiven if members found their peers to be too poor to pay them. Those same impoverished members likely turned to their associates for loans and other social networking opportunities. Further research in different collections at the ASB is

⁴³ *Società dei notai*, 25 (1285), 70r-74r.

necessary to see how these networks and financial ties functioned outside of each arms society, but we can get an understanding of both the social and occupational diversity of the Toschi and Stelle through an examination of their matriculation lists.

The Matriculation Lists of the Toschi and Stelle

I will limit my discussion of occupational diversity to the Toschi and Stelle, both of which are available in Gaudenzi's edition of the arms societies' statutes.⁴⁴ Neither the Toschi nor the Stelle lists are exhaustive in their recording of members' occupations. Of the 391 Stelle members recorded in 1272, only 56 were recorded with their occupation. The Toschi list records the occupations of a greater proportion of its members and over a longer period of time. Of the 907 Toschi members who matriculated 1256-73, 193 were recorded with their profession.

Table 1: Toschi Occupations, 1256-73⁴⁵

Dyer	27
Notary	16
University master	14
Blacksmith	13
Tailor	11
Spice merchant	8

Table 2: Stelle Occupations, 1272⁴⁶

Wool beater	21
Weaver	7
Excavator	3
Armorer	3
Wool Comber	2
Swordmaker	2

⁴⁴ A complete redaction of the Lombardi matriculation list is in the collection of the ASB, which I have not been able to access because of the COVID-19 pandemic.

⁴⁵ "Matricola della società dei Toschi dell'anno MCCLIX con aggiunte degli anni successivi fino al MCCLXXIII" in *Statuti delle Società del Popolo di Bologna, Società delle armi*, vol. 1, "Statuti della società dei Lombardi dell'anno MCCLVI," ed. Augusto Gaudenzi (Rome: Istituto storico italiano, 1889), 411-46.

⁴⁶ "Matricola della società della Stella dell'anno MCCLXXII" in *Statuti delle Società del Popolo di Bologna, Società delle armi*, vol. 1, "Statuti della società dei Lombardi dell'anno MCCLVI," ed. Augusto Gaudenzi (Rome: Istituto Storico Italiano, 1889), 401-10.

Shoemaker	8
Cultivator	7
Leatherworker	5
Steward	5
Merchant	5
Draper	5
Miller	4
Doctor of Law	4
<i>Cunçator</i>	4
Cloth stretcher	3
Physician	3
Innkeeper	3
Fishmonger	3
<i>Beriterius</i>	3
Iron/arms seller	2
Shopkeeper	2
Master carpenter	2
Judge	2
<i>Capestrarius</i>	2
Buckle maker	2
Bookbinder	2
<i>Ameçator</i>	2
University Physician	1
Trumpeter	1
Town crier	1
Swordmaker	1
Stocking maker	1
Scribe	1
Salt merchant	1
Paper scraper	1

Baker	2
Dyer	2
Skinner	1
Judge	1
<i>Carçator</i>	1
<i>Aburatator</i>	1
Tailor	1
Porter	1
Clothseller	1
Linenworker	1
Cutter	1
<i>Paltronis</i>	1
<i>Parolarus</i>	1
Notary	1
Master carpenter	1

Painter	1
Rural Parish Official	1
Ironworker	1
Innkeeper	1
Horseshoer	1
Furrier	1
Armorer	1
Porter	1
Courier	1
Count	1
Clothmaker/seller	1
Cloth shearer	1
Church Prior	1
Cap maker	1
Bootmakers	1
Barber	1
Armorer	1
Abbot	1

Though the tables above are derived from incomplete occupational data, the Toschi better exemplify the occupational diversity possible in the foreign arms societies with 54 separate professions recorded in comparison to the Stelle's 22. However, this disparity can be explained by the size of the two arms societies and the period of time during which each one recorded member on their matriculation lists. The Toschi matriculation list recorded 907 individuals over a period of seventeen years while the Stelle listed 391 in a single year. In spite of these differences, both tables reveal an openness to lower status workers, especially those involved in different stages of textile manufacture, with dyers and weavers the best represented in the Toschi and Stelle respectively. Alongside these lower status workers were more prestigious

members of Bolognese society including independent artisans, university personnel, and—as mentioned above—prominent political figures including Useppo Toschi and others. This occupational diversity appears to run counter to the centralization of professions that would have been present in guilds and other popular associations under the control of the Bolognese *popolo*. The communities the foreign arms societies established allowed for individuals across professional and economic statuses to create networks even as Bolognese society targeted them more closely for exclusion.

Membership in an arms society could have been particularly valuable for lower categories of workers because it provided opportunities to find financial support among members of similar regional identity. Tax records from the 1296–7 *estimo* show a strong correlation between foreign origin, indebtedness, and poverty. While these records date from decades later than the matriculation lists examined above, they are an indication of the probable conditions of their descendants and of more recent foreigners who arrived in Bologna after the Toschi and Lombardi increased their residence requirements for new members.

The 1296–7 *Estimo*

In 1296 the Bolognese *balìa*, an eight-member war commission entrusted with emergency powers and the ability to levy taxes, chose to undertake a new fiscal survey of wealth known as an *estimo*. The survey made it possible to levy a tax termed the *colletta* as a percentage of an individual's wealth, raising funds which would offset the costs of a lengthening war with the nearby city of Ferrara. By 24 April 1296, the *balìa* appointed commissions in each quarter which consisted of ten officials and a notary to conduct the *estimo*. The *balìa* instructed these commissions to include all inhabitants living within the city's wall

circuits, those living immediately outside the walls, all men and women who had been registered in the 1277–79 *estimo*, and anyone who had not previously registered for an *estimo*.⁴⁷ The 1296–7 *estimo* is the most comprehensive source for the financial lives of medieval Bolognese residents available to historians. Inhabitants were required to present a self-declaration, recorded on a *cedola*, in person to their quarter’s commission that recorded the landed properties they owned or someone held in their name, land on lease from the commune, properties held on perpetual lease, dotal properties, livestock, revenue from contracts, foodstuffs exceeding a certain value, and finally credits and debts with the names and values associated with those agreements. Declarants more than 100 miles from Bologna or hindered from making a physical appearance for any other reason were permitted to send a relative or a procurator in their place. Sons that still lived with their families and engaged in commerce or enrolled in a guild were required to declare their landed and movable property unless those properties were under another’s authority. Married women who owned properties independent of their husbands were required to account for their properties. Widows were also required to provide a self-declaration if they maintained use of their deceased husband’s property along with anyone similarly attached to any goods. In addition to properties, debts, and credits the *cedole* record one’s parish of residence along with any previous ones they inhabited. If the commission of ten officials in each quarter doubted any of the self-declarations, they conducted on-site inspections and updated the *cedole* as needed.⁴⁸ As a result, the 1296–7 *estimo* provides a remarkable amount of information on the residents of

⁴⁷ Rosa Smurra, “Fiscal Sources: The *Estimi*,” in *A Companion to Medieval and Renaissance Bologna*, ed. Sarah Rubin Blanshei (Leiden: Brill, 2018), 45.

⁴⁸ *Ibid.*, 45–6.

Bologna and its *contado*. Using this resource, historians can gain a detailed snapshot understanding of the economic lives of several portions of the population.

The *cedole* can be separated into eight distinct wealth brackets depending upon what declarants reported to their quarter's commission:

Table 3: Bolognese Wealth Brackets

- Class 1: those claiming no taxable wealth.
- Class 2: 1–25 pounds.
- Class 3: 26–50 pounds.
- Class 4: 51–100 pounds.
- Class 5: 101–200 pounds.
- Class 6: 201–500 pounds.
- Class 7: 501–1,000 pounds.
- Class 8: over 1,000 pounds.

Roughly 10,000 legible *cedole* containing self-declarations survive. The wealth these *cedole* record was evenly distributed among Bologna's four quarters but indicate that more affluent families usually lived in the city center. People's accumulated wealth and property drastically diminished if they lived in more recent neighborhoods between the second and third rings of walls around the city. The third ring was built in the mid-thirteenth century, in part to protect relatively new settlements which clustered along the roads. According to Massimo Giansante, between fifty and sixty percent of the *cedole* in each quarter belong to Class 2 or 3, indicating that most declarants claimed between one and fifty pounds of accumulated wealth. Similarly, significant proportions of a quarter's entire wealth tended to be dominated by the top three classes, or those claiming property over 201 pounds. These three classes tend to account for greater proportions of the accumulated wealth in parishes as one moves away from the city center. For example, in Porta Procola's central parish of S. Maria della Baroncella these three classes accounted for barely 22.5% of all the property claimed in the parish's self-declarations.

However, in the more peripheral parish of S. Maria Guidoscalchi, they owned 58% of the claimed property. The disparity between central and peripheral parishes is especially apparent in Porta Stiera. In Porta Stiera's S. Colombano, 30% of the property claimed by residents of the parish belonged to the top three classes. In S. Maria di Portal Castello, their properties accounted for 70 percent of the wealth.⁴⁹ Porta Procola and Porta Stiera are significant locations to highlight not only for their apparent wealth disparities but because workers, including foreign ones, in woolen cloth manufacturing tended to live in those quarters. As a result, these quarters and their parishes can be used to show whether wealth disparities existed between textile workers who have foreign origins and those that did not.

I uncovered over one hundred cloth workers in a survey of Bologna's four quarters. The workers under consideration were described as wool beaters, weavers, combers, and dyers. There are important difficulties involved in studying these records. The chief stumbling blocks with the data are the small size of the sample populations due to the irregular recording of occupational status. Further, the source is a snapshot of one moment in a period that was very fluid socially and economically. It is difficult to make claims beyond the populations described above and to understand the longer chronology of their economic lives. Moreover, the information from the *estimo* itself is sometimes incomplete. Each *cedula* should include a person's claimed property value and their accumulated debts, but the records reveal several instances where someone's net worth was recorded but not their debts and vice versa. Further, as Massimo Vallerani has shown, although penalties for noncompliance were heavy, rates of noncompliance were high. For Porta San Piero in 1308-9, there were 3354 estimates and a list

⁴⁹ Massimo Giansante, *L'usuraio onorato: Credito e potere a Bologna in età comunale* (Bologna: Il Mulino, 2008), 149-58.

of people who did not comply numbered 1820.⁵⁰ While it is difficult to make larger claims based on these records, the *estimo* 1296–7 does show that textile workers recorded with toponymics were at a severe economic disadvantage when compared to those without.

Foreigners in the *Estimo*

To use this incomplete data as thoroughly as possible, I collected information from all the declarants recorded as weavers, combers, dyers, and beaters from all four of Bologna's quarters. The greatest concentration of textile workers can be found clustered around the hydraulic infrastructure needed for cloth production in Porta Stiera, Porta Piera, and Porta Procola with a significantly smaller population in Porta Ravennate.⁵¹ To determine whether a declarant was a foreigner, I used the presence of toponymics to identify workers who reported that they had either ancestral or personal origins outside Bologna. I treated those without toponymics as individuals with longer family histories in the city. It is highly unlikely that the individuals found in the survey account for the total number of people engaged in these occupations. Declarants did not always mention their profession on their *cedole* and in many cases did not state the value of their claimed property nor their debts. To calculate averages for declared property values and debts, I used all available data instead of counting only those with both values to arrive at a value that accounted for as large a population as possible. I calculated debt-to-property ratios based on the averages I found. As a result, my survey is based on incomplete data for a small portion of the city's population. Even so, my survey reveals several

⁵⁰ Massimo Vallerani, "Fiscalità e limiti dell'appartenenza alla città in età comunale," *Quaderni storici*, New Series 49: Vol. 47, No. 3 (Dec. 2014) p. 709-42. This material appears in Table 7, p. 734.

⁵¹ Porta Stiera: S. Benedetto del Borgo di Galliera, S. Cristina di Pietralatta, S. Fabiano, S. Felice, S. Giuseppe del Borgo di Galliera. Porta Piera: S. Alberto, S. Maria della Mascarella, S. Martino dell'Aposa. Porta Procola: S. Lucia, S. Procolo, S. Mamolo, S. Damiano.

important differences between these two groups of workers and their economic lives. A summary of my findings is in the following table. The table compares paired types of workers with toponymics and without across categories including percentage declaring no taxable wealth, average self-valuations and declared debts, and debt-to-property ratio. I also compare residential patterns at the quarter level to provide further details about where workers tended to live.

Table 4: 1296-7 *Estimo* data for cloth workers.

Occupational Category	Porta Procola	Porta Piera	Porta Stiera	Porta Ravennate	Total in Bologna	Percent Claiming No Taxable Property	Average Valuations in Pounds and Soldi	Average Debt in Pounds and Soldi	Debt-to-Property Ratio
Beaters with Toponymics	5	2	5	3	15	26%	11.4	15	76%
Beaters without Toponymics	34	14	21	17	86	10%	22	14.5	65%
Weavers with Toponymics	5	5	1	1	12	58%	9	14.5	62%
Weavers without Toponymics	9	14	3	2	28	39%	17	7.3	42%
Combers with Toponymics	0	0	6	0	6	83%	3.3	–	–
Combers without Toponymics	0	0	4	1	5	20%	21.6	–	–
Dyers with Toponymics	2	0	0	0	2	50%	22	15.5	70%
Dyers without Toponymics	10	2	0	0	12	10%	125.6	68	54%

The results of my survey indicate that although workers recorded with toponymics made up a minority of the population under consideration, they tended to be more impoverished and more indebted in almost every occupational category. In a survey of the entire city, I was able to find 166 individuals recorded as weavers, combers, dyers, and beaters. Of these 166, thirty-five (21%) were recorded with toponymics indicating either personal or ancestral origin outside of Bologna and its *contado*. In terms of this population's residential patterns, 40% of workers with and without toponymics lived in Porta Procola. The next largest populations lived in Porta Stiera and Porta Piera with 24% and 22% respectively. The remaining 14% of workers resided in Porta Ravennate. The greater clusters of textile workers in Porta Procola, Porta Stiera, and Porta Piera can likely be attributed to the presence of hydraulic power sources in those quarters which were crucial for the early stages of cloth production.

I was able to uncover fifteen beaters recorded with toponymics and eighty-six without throughout Bologna. Of these, only six of the beaters with toponymics and thirty-seven of those without had both their claimed property values and their debts recorded. On average the beaters with toponymics claimed to own 11.4 Bolognese pounds of accumulated wealth while those without claimed 22; their debts amounted to 15 and 14.5 pounds respectively. Their debts appear to have been similar, but it was likely a more pernicious problem for beaters with toponymics. My survey shows a debt-to-property ratio of 76% for wool beaters with toponymics and 65% for those without. Of those assessed, 26% of beaters with toponymics claimed to own no taxable property compared to 10% of those without them. These figures make it clear that wool beaters associated with foreign origins were more impoverished and more indebted than those recorded without them. Results from weavers reveal similar patterns of impoverishment and indebtedness.

Weavers are a more difficult population to draw meaningful conclusions about the connections between poverty, indebtedness, and foreign origin. Indeed, the results from this occupational category pose several challenges for analysis. On average, the weavers have the greatest parity in terms of their wealth. Weavers with toponymics claimed an average of nine Bolognese pounds while those without them recorded their property to be worth seventeen pounds. Their average self-estimations were not as divergent as other professional categories, but wealth among both groups of weavers tended to be concentrated in fewer hands. Most of those with toponymics claimed no taxable property while five individuals held between three and forty Bolognese pounds. Wealth was also concentrated among weavers without toponymics and distributed across more individuals but a smaller portion of their overall population. About 32% of weavers without toponymics held 391.07 Bolognese pounds out of the 474.13 claimed by this entire category of workers, therefore holding 82% of the wealth. Meanwhile, roughly 42% of weavers with toponymics held the entirety of their sample's wealth.

On first glance, this might make it appear that wealth was more evenly distributed among weavers with toponymics because a larger portion of them account for their property than workers without. While this may be the case, it hides the fact that poverty was far more common among weavers with toponymics. 58% of workers with toponymics claimed to own no property compared to 39% of those without. Indebtedness also appears to have been more prevalent among weavers with toponymics. On average, weavers with toponymics had 14.5 pounds of debt in comparison to their peers who claimed 7.3. When taken together with their claimed property valuations, weavers with toponymics had a debt-to-property ratio of 62% while their counterparts had 42%. It is not clear from the *estimi* themselves why this wealth concentration existed, but it is evident that

weavers with toponymics tended to be more likely to be impoverished and more indebted than those without.

The data for combers is the most incomplete of the occupational groups surveyed. Throughout the city, there were six combers recorded with toponymics and only five without. Not only are they smallest occupational category under consideration, but there are also no recorded debts for any of the six with toponymics and only one for the five without. As a result, it is difficult to make strong conclusions about their average debts and their debt-to-property ratios, both of which I have left blank in the table above. The records do reveal wealth concentration among combers with toponymics, however, it is unclear how widespread this truly was owing to the incomplete nature of the *estimi* collection. Of the six combers with toponymics, all were recorded as possessing nothing except for William the son of the late Lanfranchini of Genoa (Guilielmus q. Lanfranchini iaunuensis), who claimed twenty Bolognese pounds with no debts listed. The *estimi* for the six combers without toponymics reveal a wider distribution of wealth with Bonacosa son of the late Petri (Bonacosa q. Petri) being the only one to claim no property. The remaining four claimed property worth between ten and fifty-three pounds with no debts listed. Only one, Julian the son of the late Matthew (Iulianus q. Mathey), claimed three pounds of debt on property worth twenty pounds. While this data is more incomplete than other occupational groups, it is still evident that poverty was more common among combers with toponymics as the remaining five, accounting for 82% of the total, all claimed to own nothing in comparison to 20%, or one, of the combers without toponymics.

The *estimi* for the dyers present issues for analysis similar to those of the combers. I was only able to find two dyers with toponymics for this survey. Leonard the son of the late John from Brisighella (Leonardus q. Iohannis de Briçanella) claimed property amounting to forty Bolognese

pounds with thirty-one pounds of debt. The other, Thomas the son of the late John who was from Reggio (Thomaxinus q. Iohannis qui fuit de Regio), claimed to own nothing and had no debts listed. Taken together, their average property valuation was twenty-two pounds. If we use only Leonard's property and debts, we are left with a ratio of 70%. The records for dyers without toponymics are more numerous and complete. These *estimi* reveal a range of net worths. In the entire city, one claimed to own nothing while another's valuation did not appear. The remaining ten reported property valuations that can be split up into two separate ranges. Six claimed valuations that ranged between twenty-five and seventy-six pounds while a much wealthier group of four claimed between 127 and 445. Debts were also more commonly recorded for this portion of the survey with a range of between seventy and 188 pounds. Seven of the twelve dyers without toponymics were recorded with debts, some more heavily than Leonard mentioned above. For example, Giles the son of the late Guido (Hegidus q. Guidocti) claimed property at twenty-nine pounds of value and declared to have twenty-five in debt yielding a debt-to-property ratio of 86%; Blanco the son of the late Damimichele (Blancus q. Damimichaelis) was not far behind with his 127 pounds of property and 108 pounds of debt, giving him a ratio of 85%. Giles and Blanco, however, appear to have been outliers. The remaining dyers without toponymics had ratios between 9% and 66%. Unfortunately, the data for dyers cannot conclusively reveal whether those with or without toponymics were more likely to be indebted or impoverished because of the lack of data for the former. However, it is evident that important wealth disparities existed between the groups when we consider the highest self estimations for them.

Highest self estimation is another worthwhile indicator because it can reveal further disparities between what workers in each occupational category claimed to own. It can, in a sense, function as a wealth ceiling for the groups under consideration.

Table 5: Highest Self Valuations for Cloth Workers

Occupational Category	Highest Self Valuation in Pounds
Beaters with Toponymics	36
Beaters without Toponymics	129
Weavers with Toponymics	40
Weavers without Toponymics	72
Combers with Toponymics	20
Combers without Toponymics	53
Dyers with Toponymics	44
Dyers without Toponymics	445

In the case of dyers, the highest self estimation for those with toponymics was forty-four pounds while those without claimed as much as 445 pounds. Though the data for dyers with toponymics is admittedly limited, it is difficult to imagine a larger sample revealing higher figures among workers of personal or ancestral foreign origin especially when we consider the highest self estimations in all the other categories of workers. In every other occupational category, workers with toponymics lagged behind their counterparts. The highest self estimation for combers with toponymics was twenty pounds while the wealthiest one without a toponymic claimed fifty-three. Weavers with toponymics claimed a maximum of forty pounds while those without declared property worth seventy-two. Finally, beaters with toponymics claimed thirty-six pounds while those without declared 129. In every category, textile workers with toponymics had a wealth ceiling that was substantially lower than those without. Foreign workers in Bologna not only tended to face poverty and indebtedness more often than those from the city, the *estimi* further

indicate they were often much more limited in the amount of property and wealth they could acquire.

The tax data detailed above indicate that debt and poverty were common among workers in textile manufacture and particularly severe for those who identified themselves with toponymics. While this tax information is for a population that might not be represented in the matriculation lists for the Toschi or Stelle, they do point toward the economic conditions that the descendants of the members recorded between the 1250s–70s may have faced. People identified as foreigners lived in poverty and debt more frequently than their Bolognese peers. This poverty and indebtedness may have become more pronounced with successive generations, especially those arriving or inheriting foreigner status in Bologna after the closure of the popular associations in the 1280s. A tax survey of a sample of known members of the Toschi, Stelle, and Lombardi from a range of occupational groups would require further research in the ASB but could shed light on their specific economic circumstances. It would also be invaluable in showing how poorer members used the foreign arms societies as networking possibilities for support. With this information, it would be possible to see how membership in the Toschi impacted Giovanni da Spoleto's life.

Conclusion

Foreign status shaped people's lives even as the foreign arms societies, at least between the 1250s and 70s, were important tools foreign populations used to create a community around themselves centered on shared regional origin. This community was strengthened through a system of mutual trust that relied on the arms society's ability to both bring members together for regular meetings and to discipline them when they had transgressed the statutes and remedy interpersonal

conflicts. While the foreign arms societies were available to people of both lower and upper status professions, the Toschi and Lombardi did exclude groups including agricultural and sex workers, and heterodox Christians. Upon their admission to a foreign arms society, a foreigner could depend on their associates for material aid in the form of burial services for themselves and their immediate family. This characteristic distinguished the Toschi and Lombardi as much as the origins of their members. While other arms societies did provide burial services to their members, they often provided specific circumstances to receive them and excluded immediate family from the benefits. In addition to these services, members of the Toschi and Lombardi may have also been able to depend on their associates for lines of credit and different social networking opportunities.

All of these opportunities would have been invaluable for foreigners, especially those working in Bologna's textile industries. An examination of tax information from the 1296–7 *estimo* reveals that these workers struggled with poverty and debt to a much greater extent than their non-foreign peers. Information from the Toschi and Stelle matriculation lists also show that these workers were particularly drawn to membership. While the extant fiscal census was undertaken well after the matriculation lists referenced above, they point to the very real circumstances that many foreigners encountered in their new homes. This, combined with the increasingly closed off nature of Bologna's popular associations by the 1290s, indicates that these later arrivals were at an even more severe disadvantage than the foreigners who had migrated to the city earlier in the century.

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Conclusion

The communes of Bologna and Florence provide important opportunities to understand how the excluded statuses of magnate and foreigner developed during the thirteenth and fourteenth centuries. The autonomous communes were a dramatic innovation creating, as Chris Wickham put it, a new world that developed from the collapse of imperial authority in northern Italy. Forces in the communes jockeyed for power and shifted its power bases away from the *milites* who previously monopolized governing institutions to popular régimes, which meant merchants, bankers, notaries, and others organized into guilds and not workers and artisans. These régimes did broaden the classes that took part in governance and created for more participatory politics. Ironically, a main strategy to solidify their control was the restriction and exclusion of competitors and people deemed infamous by law and public opinion. In this study I have explored the nature of exclusion and its effects by looking at two very different groups: noble magnates and foreign workers. Exclusionary statuses could be used to accomplish two goals. In Bologna and Florence, régimes sought to keep magnates and foreigners out of power while still making use of them, like the labor of foreign clothworkers and the diplomatic and military skills of magnates.

In Florence and Bologna, *popolani* used exclusion to effectively ban elite magnates and non-elite foreigners from participation in a variety of institutions. In both cities, these exclusionary efforts and the rhetoric that informed them evolved over the twelfth and thirteenth centuries. While these exclusionary practices developed and were deployed simultaneously, there were important differences between what it meant to be a magnate and a foreigner. Being a foreigner in Bologna often marked an individual and several generations of a family for a more severe form of exclusion due to the hereditary nature of the status. Moving out of foreign status also appears to have been a lengthier and more onerous task than changing one's status from magnate to *popolano*. Magnate

status did often entail severe forms of exclusion, punishment, and efforts to escape it were never assured, but those labeled as such had recourse to reconcile themselves with the commune that do not appear to have been available to foreign people.

Not all magnate lineages sought reconciliation though. There is ample evidence to conclude that some lineages instead turned to militaristic traditions in response to antagonism from communal governments. I used a case study of a Florentine magnate lineage, then Gherardini, to discuss how marginalization and financial attacks led some magnates to challenge the commune itself and to return to the predatory practices of the twelfth century *milites*. Ultimately, most lineages gave up magnate status and culture to become urban oligarchs like the merchants and bankers who had excluded them. The Gherardini, a lineage with a long history of violence against the Florentine commune, began a series of seemingly random attacks against *popolani* and *contadini* passersby in areas associated with their family holdings. Records of these attacks reveal that a branch of the Gherardini were renowned for their hatred of the commune and their violence. The attacks the Gherardini carried out near their traditional holdings were not random, but instead a reflection of their cultural affiliations toward militarism and an indication of the financial duress the family's magnate status had imposed upon them. Repeated punishments over the years combined with their regular securities encouraged members of the lineage to turn their attention from a long conflict against the commune to passersby to reestablish their power in the *contado*. In this instance, magnate status imposed by the commune had greatly reduced Gherardini power over time, but it did not push them to seek reconciliation with the commune as many of their peers did. Moreover, aside from the financial punishment, the commune of Florence did little to respond to violent members of the lineage, exacerbating the issue of violence in the *contado*.

Financial duress could push the magnates to conduct violence and could also harshly affect lower status people, especially working people and foreigners. Although credit and debt touched everyone in communal Italy, it shaped the lives of lower status people to a much greater extent due to their already marginalized place in society. In cities like Florence, Lucca, and Bologna, debtors were often at the mercy of determined creditors empowered by communal courts to satisfy their loans in whatever fashion they saw fit. Methods of settling a debt fell into the broad categories of arbitration and litigation through communal or guild courts depending on the preexisting relationships between creditor and debtor. Debtors were not completely without forms of resistance. Depending on circumstances, they could take their creditors to court, hide valuable objects before creditors had the chance to seize them, or offer resistance through refusals to work if employer-creditors were not forthcoming with loans. Even with these opportunities for resistance, debtors were at a severe disadvantage especially those who were working foreigners.

Working foreigners faced ever-increasing exclusionary practices in Bologna during the thirteenth and fourteenth centuries. Foreigners were a vital part of Bologna's demographic and economic successes during the middle ages, and skilled workers were frequently offered generous incentives to settle in the city. However, as the thirteenth century progressed the *popolo* targeted them more frequently for exclusion from popular associations including guilds, many of which were initially accessible to newcomers. The ways that foreigners created networks of support among themselves and with lifelong inhabitants of Bologna are not entirely clear, but as my research shows, a series of fourteenth-century contracts stemming from the sale of a home provides a glimpse of important economic networks. Although the connection between Melchion's sale and the subsequent debt relinquishments are not clear, they reveal the existence of a complex network including individuals of different statuses that resided in very different parts of the city.

The presence of toponymics attached to common names and the use of foreign currencies reveal that Melchion was relinquishing his rights to the debts of foreigners. These relinquishments reveal that, in spite of efforts to exclude foreigners from several forms of social participation, newcomers in the city were able to create relationships with lifelong residents of Bologna.

Foreigners who migrated to the towns in search of economic opportunity and perhaps a chance to participate in governance found themselves squeezed out, denied membership in the popular societies, often as in the case of the foreign clothworkers identifiable in the 1296-97 tax survey faced with poverty and indebtedness. They struggled to build connections and support networks. One effective strategy was matriculation in one of the three arms societies. The arms societies of the Toschi, Lombardi, and the Stelle provided an environment for foreigners from several places and holding different occupations to create communities of support. These communities were brought together and formed by frequently updated statute lists that not only provided rules and determined membership eligibility but permitted them ways to express common identities in public spaces. Moreover, they provided financial support to an associate's family after their death, an aspect that would have been appealing to many prospective members. They may have also offered lower status working people, especially those involved in textile manufacturing, opportunities for further financial support. While this last possibility is rather speculative, it is apparent that foreigners experienced poverty and indebtedness at higher rates than their similarly employed Bolognese counterparts.

Status in the Italian communes was an important tool for political control that affected the lives of magnates at one end of the social spectrum and foreign workers at the other. Despite the differences between these parts of their populations, the *popolani* of Bologna and Florence sought to protect their political monopolies from magnates and foreign workers while benefiting from

their presence in the city. To combat the effects of exclusion, magnates either made peace with the commune or attempted to reassert their traditional power away from the communes' urban centers. Foreigners, however, often found support through networks whether they were economic or social in nature. These economic relationships often involved non-foreigners and put them in contact with networks spread across the city. Foreigners also turned to other foreigners, in some cases establishing and joining associations specifically for them. These opportunities for support were particularly valuable for working people, whose tax information indicates they tended to lag behind their non-foreigners. Further research is needed to understand how status affected successive generations, especially concerning foreign workers.

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