

Rural People and Public Justice in Fourteenth-Century Tuscany

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Accounts of public justice in the Italian communes emphasize mediation of urban conflicts, overlooking interactions between rural communities and civic tribunals. Foregrounding the countryside reveals how nonelites responded to public courts and procedures such as anonymous denunciation and ex officio inquisition. This article argues that a Florentine court's outcomes resulted from the intersection of institutional structures, local power relations, and rural inhabitants' in-court behavior. It uses procedural records in conjunction with notarial cartularies and public documentation to explicate the local dynamics shaping testimony. Claiming ignorance was rural peoples' tactical response to elite malefactors' enmeshment with the commune as rural proxies.

INTRODUCTION

IN SEPTEMBER 1348, a band of twenty outlaws serving four men of the elite Adimari lineage hunted a certain Domenico through the parish of San Giovanni in Petroio, in the Mugello, north of Florence. As they closed in on their quarry they shouted, "Let's kill this dog!"¹ Domenico attempted to summon aid, crying out, "Seize the bandits and every criminal!"² The noise drew a crowd. Bystanders rang the church bells and raised the hue and cry, summoning locals to the ruckus. The armed men now turned their attention to Domenico's would-be rescuers, "beating many and more people and thrashing them with many and more blows."³ The

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¹ Archivio di Stato di Firenze (ASF), EOG, 122, fol. 42^r: "uccidiamo questo cane." All translations are the author's.

² ASF, EOG, 122, fol. 42^r: "piegiate gli banditi e ogni malfattore."

³ ASF, EOG, 122, fol. 42^r: "loro . . . dieroro a piu e piu persone e a piu e piu colpi menarono."

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Adimari-led band then seized the parish priest, Piero de' Medici, sequestering him in a private home. The four Adimari kinsmen set upon him with weapons, shouting, "Kill him!" and declaring that "he who has the contempt of the Florentine people has full license to kill them."⁴ Piero received a vicious beating, and was only saved from death when his parishioners scaled the walls of the home and dragged him away.⁵

An anonymous author reported this disturbance in a written denunciation to the criminal court of Florence's Executor of the Ordinances of Justice, which opened an inquest against the Adimari in September 1349.⁶ The complaint cited as witnesses forty residents of the communities that composed the parish of San Giovanni in Petroio.⁷ Three deponents confirmed parts of the denunciation.⁸ Two men claimed they had heard it said that the Adimari men beat Domenico and put him to flight, while another said it was common knowledge that this was so. The majority, however, wanted nothing to do with the denunciation's story. One man was ill and did not testify. Thirteen were contumacious and simply ignored the summons to testify. Twenty-two witnesses appeared before the Executor's court and claimed that they knew nothing of the affair. The case was dismissed without further action.⁹

This dramatic story of public violence and collective silence introduces this article's central theme: how rural inhabitants such as Domenico and his co-parishioners behaved when confronting invasive yet ineffectual state institutions, and the elite bad behavior from which these institutions claimed to protect them. The article's guiding questions are as follows. How did the exigencies of urban control over rural territory condition outcomes in an explicitly politicized tribunal? When and why were rural subjects willing to cooperate with public justice in cases concerning elite criminality? Statistical study of a limited period, 1348–50, indicates the rarity of convictions or punishments for magnate malefactors. Given this, why did rural subjects bother to denounce and testify in anti-magnate inquests? More broadly, how did rural people respond to the structural tendencies of early Renaissance state institutions, such as the pronounced do-nothingism of the Executor's court?

This line of inquiry inserts rural communities and their problems into ongoing discussions on politics and justice in the Italian communes.¹⁰ The

⁴ ASF, EOG, 122, fol. 42^r–42^v: "dicendo 'uccidiallo!' . . . dicendogli 'ch'a dispetto del popolo di firenze aveno balia d'ucciderlo.'"

⁵ ASF, EOG, 122, fol. 42^v.

⁶ The inquest is ASF, EOG, 122, fols. 41^r–45^r; testimony is ASF, EOG, 124, fols. 29^r–31^v.

⁷ ASF, EOG, 122, fols. 43^r–44^r. On Tuscan parish organization, see Pirillo, 2005, 5–7.

⁸ ASF, EOG, 124, fols. 30^r, 30^v, 31^r.

⁹ ASF, EOG, 124, fols. 29^r, 30^r, 31^r–31^v. The notice of *non probatum* is in ASF, EOG, 122, fol. 41^r.

¹⁰ Vallerani, 1994; Vallerani, 2018, 27–29; Blanshei, 2010, 1–14; Blanshei, 2018, 80–82; G. Roberts; Diacciati, 358–87.

intersection between political conflict and judicial procedure has recently received significant attention from scholars of later medieval Italy's urban communes.¹¹ Their work has demonstrated the polycentricity of urban politics and how changes in the ruling elite's composition and strategies of legitimation informed the operation of procedures such as the *ex officio inquest* and summary judgment.¹² A concern with oligarchic closure, the parameters of the urban political community, and the (non)existence of revolutionary turnovers within it have been the dominant interpretive themes for understanding these developments.¹³ We know much less about how rural individuals and communities responded.

Analysis of rural subjects and their behavior *vis-à-vis* public justice in the mid-fourteenth century reveals the entwinement of social relations and institutional structures shaping the parameters and purposes of state power in Florentine Tuscany. For the ruling elites who devised them, expanded judicial institutions such as the Executor's criminal tribunal were intended to project public power. Mundane judicial acts such as denunciation sharpened the state's structural effect—that is, the appearance of a state structure separate from society.¹⁴ Yet from the perspective of the courts' rural users, these same procedures factored significantly in local disputes, particularly in struggles between nonelite rural inhabitants and local elites. The criminal courts' activity resulted from the intersection between Florentine institutions and their users' calculations.

This article uses judicial, notarial, and legislative material to analyze the factors shaping outcomes in a criminal court founded as a result of urban conflict. The Executor's tribunals prosecuted the crimes of that segment of the elite branded as magnates (*magnati*).¹⁵ Surviving notarial cartularies and legislative deliberations enable analysis of how rural social structures conditioned in-court outcomes, and how different state apparatuses pursued contradictory goals in the countryside. This methodology reveals how medieval people instrumentalized procedure when attempting to legitimize their views of reality.¹⁶ Understanding the local sociopolitical context for criminal inquests suggests a view of the later medieval state as an institutional archipelago, the constituent

¹¹ Zorzi, 2008, 77, 163–80; Wickham, 2003, 277–312; Blanshei, 2010, 313–77; Vallerani, 2012, 272–75; Poloni, 2012, 20–24; Poloni, 2013; Lantschner, 2015b, 95–130; Lantschner, 2015a.

¹² Lantschner, 2015b, 89–94, 131–68; Vallerani, 2012, 306–47; Blanshei, 2010, 43–54; Menzinger; Cucini.

¹³ Lantschner, 2009; Blanshei, 2010, 15–41; Diacciati, 47–99.

¹⁴ Mitchell, 94.

¹⁵ Klapisch-Zuber, 2006, 40–50; Caduff, 1993, 15–22.

¹⁶ Vallerani, 2018, 28.

nodes of which were capable of working at cross-purposes and responding to different social forces, even while theoretically pursuing the same goals.¹⁷

This configuration explains a central paradox in how Tuscans dealt with criminal tribunals: if it was more than likely that malefactors would go unpunished, why bother with denunciations and testimony at all? The Florentine commune claimed to protect its nonelite subjects from magnate oppression. This protection was extended to residents of Florence's subject territories, and justified demands for their cooperation in combating criminality. Yet these same magnates continued to serve the commune as ambassadors, castellans, and troubleshooters.¹⁸ Many magnate lineages originated in the countryside, owned rural lands and fortified sites, and often maintained patronage and kinship ties to their native regions.¹⁹ Officeholding combined with socioeconomic factors to allow magnate families such as the Agli to minimize the Florentine Signoria's ability and willingness to interpose criminal justice between magnates and their neighbors in rural communities such as Mucciano.

This paradox is the article's orienting principle. I argue that no single group determined the course of public justice in Florentine Tuscany. Rather, outcomes resulted from the clash between the maneuvers groups chose to pursue their aims.²⁰ Nonelite tactics, no less than ruling-group strategies, shaped criminal inquests. I thus emphasize rural subjects' behavior within institutional spaces, leaving aside the topic of resistance or its absence.²¹ I interpret this behavior via Michel de Certeau's conception of tactics as subject groups' maneuverings within spaces of hegemonic power.²² Tactics—the logic, manner, and timing of actions such as denunciation and testimony—allowed subjects of state power to operate within the strictures this power imposed without escaping or contesting it.²³

This approach acknowledges the constraints shaping in-court behavior, while emphasizing the perspective of rural subjects and their ability to set the terms under which they engaged with institutions. Witnesses' silence was a pragmatic response to local power networks and the criminal court's procedural regime. Typically, witnesses denied knowledge. Such (in)action, repeated over

¹⁷ Poulantzas, 136; Jessop, 123.

¹⁸ See Bertazzo, 79–86.

¹⁹ See Arrighi, 149–58, on the Fiorentino; Giorgi, 137–40, on the Senese.

²⁰ Vallerani, 2018, 28; Jessop, 128.

²¹ See Cohn, 1999, 2–8; Firnhaber-Baker; Freeman; Titone.

²² De Certeau, 37: "The space of a tactic is the space of the other. Thus it must play on and with a terrain imposed on it and organized by the law of a foreign power . . . a tactic is an art of the weak."

²³ De Certeau, 32; Bourdieu, 6.

time, shaped the structures within which they took place,²⁴ contributing to a low conviction rate for magnate malefactors. The question regarding the point of testimony given the rarity of conviction finds its answer in the actions and calculations of rural subjects.

Such an argument explains deponents' protestations of ignorance. It does not explain why the Executor's court accepted this stonewalling. This leads to the second part of this article's argument. Claiming ignorance in court was not simply an evasion. It was also a propitiatory act, a public performance of compliance that satisfied the judicial regime while maintaining social peace. This strengthened its tactical appeal.²⁵ Such performances were enacted in the artificial theater of the courtroom with each inquest into elite criminality. Witness testimony from the same community tended to be homogeneous, and so these acts of propitiatory drama functioned as public transcripts of unanimity, papering over communal fissures.²⁶

Witness testimony presented a narrative of how a given community remembered or forgot elite threats to the social order. It worked best when local communities could satisfy statutory demands while maintaining a facade of communal consensus regarding elite crimes. The willingness of the Executor's judges to terminate inquests in the face of collective claims of ignorance indicates the effectiveness of witnesses' tactics. The court's records are thus transcripts of the meeting between rural subjects' performative compliance and/or ignorance and the Florentine ruling group's pursuit of control over rural territory through a plurality of measures, including judicial activity. My analysis reveals how past objects of state power seized opportunities as they came within institutional spaces.²⁷

INSTITUTIONAL PARAMETERS: THE COURT AND ITS PROCEDURES

This section outlines the origins of the Executor's office, its standard procedural mechanisms, and the typical content of the anonymous denunciations that initiated most of the court's cases. The magistracy was a Florentine idiosyncrasy that emerged from a socioeconomic and political phenomenon common to thirteenth- and fourteenth-century north Central Italy, the *popolo*.²⁸ This was a coalition of wealthy merchants and artisans excluded from political power and

²⁴ Sewell, 133–36; Bourdieu, 6–9.

²⁵ Graeber, 158.

²⁶ Scott, 1990, 55–58.

²⁷ De Certeau, xiii–xix.

²⁸ See, recently, Poloni, 2010 and 2012; Milani, esp. 238–41.

organized along horizontal lines, such as neighborhood, parish, and profession.²⁹ In major popular communes such as Bologna, Perugia, Pisa, and Lucca, the *popolo* established itself as the hegemonic force in urban politics.³⁰ The Florentine *popolo* imitated and expanded upon its Bolognese peers' model in setting its legalistic, consensus-based culture against the magnates' familistic and clientelistic networks.³¹ Its most direct borrowing from the Bolognese was the Ordinances of Justice (1293–95), which take their name and much of their content from Bologna's earlier anti-magnate legislation. This legislation created a list of magnate families who were required to post sureties for good behavior, and were barred from the commune's chief magistracies.³² More broadly, anti-magnate legislation aimed to legitimize the guild-based oligarchy and solidify its hold on public power in the face of a dual challenge: from the magnates as well as from the lesser artisans, merchants, and wage laborers, known as the *popolo minuto*.³³

Intra- and inter-group competition for access to political power and its accompanying resources produced several new magistracies, including the Standardbearer of Justice and the Executor of the Ordinances of Justice. The priorate, Florence's chief council, established the office of the Executor in 1306.³⁴ Records survive from 1343.³⁵ The Executor applied the Ordinances and syndicated communal officials, acting as guardian of the *popolo* and guarantor of the popular commune's legitimacy.³⁶ The Executor and his entourage swore "to defend impoverished and powerless persons from the oppression of the magnates and the powerful."³⁷ The Executor was forbidden to receive gifts beyond his salary "from the Florentine commune or any individual person, ecclesiastical or secular."³⁸ Nor was he to associate in a familiar way with

²⁹ Blanshei, 2010, 15–33; Diacciati, 37–43; Bordone, 397–99.

³⁰ Bologna: Blanshei, 2010; Pisa: Poloni, 2004, 9–24, 241–63; Perugia: Grundman; Lucca: Poloni, 2009, 145–84. A lucid discussion of the Transpadana's popular lordships is in Rao.

³¹ Vigueur, 167–211; Diacciati, 309–36; Lansing, 1991, 168–76; De La Roncière, 1985.

³² Castelnuovo; Vigueur, 275–84, 379–400.

³³ Poloni, 2013.

³⁴ Fabii, 1. On the priorate, see Najemy, 76–80; Gualtieri, 2009, 267–98.

³⁵ I cite the ordinances on the Executor found in later addenda to the Latin version of the 1295 Ordinances: ASF, Statuti, 3, rubrics LXXXXVIII–CXI, fols. 31^r–35^r. See De Vincentiis on the Duke of Athens.

³⁶ Zorzi, 2000, 463.

³⁷ ASF, Statuti, 3, fol. 32^r: "Et iuret dictus Executor et dicta sua familia . . . personas miserabiles et impotentes ab oppressionibus magnatum et potentum defendere."

³⁸ ASF, Statuti, 3, fol. 32^r: "a comuni florentine vel aliqua singulari persona ecclesiastica vel seculari petere percipere . . . donum recipere."

other officials. He was also banned from dining anywhere except his lodgings.³⁹ These strictures, aimed at guaranteeing the office's neutrality in ongoing factional conflicts, hint at the social interactions shaping institutional activity.

The Executor's judges initiated investigations based on in-person accusations and written denunciations. The terms are used interchangeably in the court's registers: accusers such as the rector Giovanni "denounce and accuse" the impugned.⁴⁰ Accusations were used against communal officials suspected of corruption or dereliction of duty, while denunciations were the preferred procedural tool against the magnates. For example, of the eleven accusations preserved for 16 January–20 June 1348, one was against magnates, and the other ten were against messengers of the commune.⁴¹ Four of the eleven accusations resulted in condemnations, while the rest were dismissed because there was insufficient evidence, the perpetrator was absent, or the accused was dead by the time of the inquest.⁴² The one anti-magnate accusation for this term came from the margins of Florentine territory. Ser Giovanni di Vanno, rector of S. Clemente di Piscinaglia, in the diocese of Arezzo, denounced three members of the Ubertini lineage for occupying his church and confiscating unnamed ecclesiastical possessions.⁴³ The case was dismissed without testimony. Even if the court did hear testimony, a case against this powerful Aretine lineage probably would not have been proven, especially with only two witnesses.⁴⁴

Anonymous, written denunciations (*tamburagioni*) were the most common medium for initiating anti-magnate inquests. Any non-magnate Florentine, and those posing as such, could denounce to the Executor. Because these denunciations were anonymous it is impossible to determine their authors' identity, except in cases where the court prosecuted people for false denunciation. *Tamburagioni* were required to list the offending party, the victim, the crime, its date and location, and witnesses.⁴⁵ Many denunciations embellish this information with language lamenting the oppression of the poor and powerless, and implore the court to take action. A July 1350 complaint deplores Goro dei Ricasoli's despoliation of the "poor, widows, and children," in particular a widow from whom he stole grain. The anonymous author implored the

³⁹ ASF, Statuti, 3, fol. 32^r.

⁴⁰ ASF, EOG, 97, fol. 4^r: "Ser Johannes . . . denuntpiat et accusat." See Vallerani, 2012, 114–73, on the accusatory system.

⁴¹ ASF, EOG, 97, fols. 4^r–6^r.

⁴² ASF, EOG, 97. Condemnations: fols. 13^r–14^v, 19^r–22^r, 27^r–29^r, 31^r–33^r; dismissals: fols. 2^r–3^v, 4^r–6^r, 10^r–12^r, 23^r–25^v; absence: fols. 7^r–9^v, 16^r–18^r; dismissal due to death: fols. 34^r–36^r.

⁴³ ASF, EOG, 97, fols. 4^r–6^r.

⁴⁴ On the Uberti and Arezzo, see Berti, 54–57.

⁴⁵ Caduff, 1993, 26.

Executor, “for the love of God,” to defend the widow Verzilia and her possessions, including lands that she held as part of her dowry.⁴⁶

Some denunciations ground their narratives of magnate criminality in particular lineages’ inveterate hostility toward rural communities. The Gherardini, a powerful presence in Florence’s southern *contado*, were one such despised family.⁴⁷ The court opened an inquest against Boccaccio di Messer Rinaldo dei Gherardini on 21 February 1345 for an attack in the village of Belvedere, bordering Sienese territory.⁴⁸ Boccaccio, accompanied by his followers, assaulted one Nuccio di Giovanni d’Arrigo with a lance. The author believed Nuccio would die.⁴⁹

The denunciation’s opening lines hint at the frustrations of rural Florentine subjects. The author appeals to the court for justice based on economic grounds, attacking the Gherardini in language implicitly criticizing the urban tribunals for their inaction: “I come before you who are supported by the Florentine *popolo*. Mercy before God, give aid to the people so that there are not as many robberies as there are, all [done] by the Gherardini, who have committed more homicides and evil deeds than all the houses of Florence. For God, aid us in these matters.”⁵⁰ This invective fits the crime reported into a matrix of obligations, hatreds, and character sketches, with the *popolo* as its center. The Executor and his *famiglia* are not earning their keep, for Nuccio’s murder is one among many unpunished magnate crimes. The denunciation’s author casts this dereliction of duty in moral terms and begs the court for aid. The Executor is portrayed as a shield against elite bad behavior. In the denunciation against Boccaccio, fear and hatred of magnate brutality binds otherwise disparate rural Tuscans and Florentines to form an imagined community, the *popolo*.⁵¹

Given the anonymity of the denunciations’ authors, it is difficult to assess the relationship between their representations of rural conditions and reality. They would have been aware, however, of what was credible to the intended audience, the tribunal’s personnel. The Belvedere author’s angry screed at the

⁴⁶ ASF, EOG, 143, fol. 5^r: “pover’ e vedue e pupilli.”

⁴⁷ The term *contado* denotes that portion of Florence’s subject rural territory corresponding to the dual dioceses of Florence and Fiesole; it is used, in documentation and secondary scholarship, in contradistinction to territories the Florentines acquired beyond these boundaries during the later Middle Ages.

⁴⁸ ASF, EOG, 21, fols. 82^r–83^v.

⁴⁹ ASF, EOG, 21, fol. 82^r.

⁵⁰ ASF, EOG, 21, fol. 82^r: “Dinanzi atte che si sostengno del popolo di Fiorenze misericordia per dio soccorrete i popolani che non siano quanti robari chome sono tucto di per li Gherardini che ’anno facti piu’ micidi e malifici che tucte le case di Fiorenze, per dio, soccorrete a queste cose.”

⁵¹ Ahmed, 118: “together we hate, and this hatred makes us together.”

Gherardini fits with Claudia Caduff's finding that the family was one of the most frequently denounced magnate lineages during 1344–46, with its activities concentrated in the southern *contado*.⁵² The vivid description of magnate wrongdoing contrasts with the implicit rectitude of the *popolo*: the Gherardini are simultaneously intimate enemies of the people of Belvedere and a malignant force external to the social order. This magnate-*popolo* opposition simplified reality, ignoring the ways in which lineages and individual magnates could regain *popolano* status.⁵³ The relationship between court, *popolani*, and *magnati* is underlined in the denunciation's conclusion: "May it please you, for God, to punish those who have always been enemies of the Florentine *popolo*, the Gherardini."⁵⁴ The Executor is entreated to avenge the *popolo*, beyond the administrative function envisioned in the statutes.

Reports to the criminal court frequently appealed to the commune's normative lexicon. Often denunciations note that the crime in question was "against the form of law, of the statutes, [and] the ordinances of the commune."⁵⁵ In his 1348 accusation of three Ubertini, Giovanni, rector of the rural parish of S. Clemente di Piscignana, noted that their occupation of his church violated the June 1344 statutory revisions.⁵⁶ The timing of crimes also mattered. Whoever denounced Talano and Bindo degli Adimari for their June 1347 attack on one Andrea noted that they did so at nighttime, after the sounding of the evening and before the daytime bell, "for which the penalty must be doubled."⁵⁷ This denunciation ended by asking the court to condemn the brothers "according to the form of the laws and reformations of the Florentine commune."⁵⁸

Denouncers noted the legal condition of well-known rural criminals. This information established a pattern to their wrongdoing, and framed magnate crime as brigandage.⁵⁹ One such case opens this article: the 1349 inquest concerning the Adimari attack on San Giovanni. The author noted that all of the perpetrators were infamous: the commune had already outlawed one of them, Gino. The twenty henchmen they assembled for their assault were also known criminals.⁶⁰ Such behavior placed the band in the same category as the "thieves,

⁵² Caduff, 1993, 34.

⁵³ Klapisch-Zuber, 2006, 285–306.

⁵⁴ ASF, EOG, 21, fol. 82^v: "Piaciavi per dio, per dio, punire i nimici stati sempre del popolo di Fiorenze che sono i Gerardini."

⁵⁵ ASF, EOG, 397, fol. 24^r: "contra formam iuris statutorum et ordinamentum communis Florentie."

⁵⁶ ASF, EOG, 97, fol. 4^r.

⁵⁷ ASF, EOG, 96, fol. 34^f: "pro penis duplicandis et ante sonum campane qua die."

⁵⁸ ASF, EOG, 96, fol. 34^v: "secundum formam iurium reformationum comunis Florentie."

⁵⁹ On brigandage, see Caduff, 1988; on crime and punishment in later medieval Italy, see Gazzini.

⁶⁰ ASF, EOG, 122, fols. 41^v–42^r.

criminals, killers, highwaymen, and assassins of evil condition and ill repute” frequently denounced to Florentine officials in the countryside, such as the vicar of the Val di Nievole.⁶¹ Denunciation authors likely included such information in an effort to shape the public image of the men denounced and emphasize their threat to public order.

THE FLORENTINE STATE

Criminal Justice and Reasons of State: Mucciano and the Agli

Overlapping social networks and their conflicts converged in anti-magnate inquests. The denunciations’ lexicon of popular solidarity before elite violence veiled the fissures of local society, but these fissures are recoverable in cases of prosecution for false denunciation. When such cases can be paired with notarial and official documents concerning the same locality, it is possible to trace the power relations that the denunciations’ conventions obscure. A look at the intersection of criminal justice, magnate families’ rural activities, and state policy in the countryside demonstrates the contradictions at the heart of Florence’s claims to protect the weak and powerless from the oppression of the *grandi*.

A dispute between the Agli lineage and two sharecroppers from S. Agata di Mucciano reveals the attempts of those at the bottom of rural society to utilize the denunciation system for tactical advantage. Mucciano is a small hamlet in the Mugello, situated between Borgo San Lorenzo and an entrance to the Futa Pass, one of the main routes across the Appenines to Faenza. On 27 April 1345, the Executor’s court opened an inquest for false denunciation against two men, Tone and Baldesino.⁶² Baldesino, who had arranged for the priest Giovanni to write a denunciation against the brothers Lapo and Bonifacio Agli, had Tone deliver the denunciation.⁶³ Baldesino and Tone did this “in the spirit and with the intention of vexing and disturbing” Lapo and Bonifacio “on the pretext of the said denunciation’s enforcement.”⁶⁴ The court’s notary transcribed the false denunciation, which became material evidence against Tone and Baldesino. Giovanni’s report opened by stating that the denunciation was made in honor of God, the Virgin Mary, the Divine Office, and Holy Mother Church.

This tale placed local affairs within the popular commune’s ideological and judicial framework, a framework in which the Florentine courts were

⁶¹ ASF, Atti del Giudice degli Appelli e Nullità, 89, fol. 28^r: “homines latrones malandrines homicide [*sic*] et derobatores stratarum et assessines et male condicione et vite et fame.”

⁶² ASF, EOG, 21, fols. 153^r–156^r.

⁶³ ASF, EOG, 21, fol. 153^r–153^v.

⁶⁴ ASF, EOG, 21, fol. 154^v: “fecerunt . . . animo et intentione ipsos Lapum et Bonifatium molestandi et inquitandi occasione immixionis dicte cedulae false et non vere.”

envisioned as guardians of ecclesiastical property, persons, and dignity.⁶⁵ The Agli had insulted this honor through a bibulous bit of mischief. In June 1344, they had set up a bar in the piazza of S. Agata di Mucciano, on land belonging to the eponymous church. They began selling small quantities of wine to dishonest people, carrying on their trade day and night.⁶⁶ Seeking to disturb the parish priest and disrupt the church's possessions and rights, on multiple occasions they carried on their trade while Mass was being celebrated, shouting, drinking, and carousing. This was to the great harm and injury of S. Agata's rights and possessions, churchgoers, and priest.⁶⁷

The sharecroppers' choice of author indicates the importance of rural clergy as intermediaries between rural parishes and the urban courts. The inquest notes that the denunciation had been written in the church of S. Jacopo da Pianezzo, Giovanni's native parish, which had since been annexed to S. Agata.⁶⁸ Baldesino and Tone were listed as witnesses, along with six other Muccianesi. No testimony survives; the court seems to have declared the denunciation false before hearing witnesses. Possibly Giovanni learned more about the matter and then reported Baldesino and Tone to the Executor.

The denunciation's description of Agli actions can be understood in two registers: ideology and proof. The central duty of the Executor's tribunal was preservation of the good, peaceful, tranquil condition of the commune and people of Florence and its rural territories.⁶⁹ The Agli wine bar disrupted Mass, usurped ecclesiastical property, and fostered drinking and carousing. This situation continued through the summer of 1344, implying the Florentine commune's inability to stop the Agli and ensure that the parish priest could celebrate the Divine Office. The tale Giovanni told portrayed S. Agata and its problems in terms of the commune's failure to do its self-appointed duty. The denunciation's scripting of Agli actions should also be understood in relation to how disputes worked in medieval Tuscany.⁷⁰ Village churches were flashpoints in these disputes, being both resources worth fighting over and sites where disputing parties staged claims.⁷¹ All parties would have understood

⁶⁵ On ecclesiastical rights and the magnates, see Diacciati and Zorzi, 162; Pinto, Salvestrini, and Zorzi, 1:89, 2:242–43; Dameron, 1992, 177–78.

⁶⁶ ASF, EOG, 21, fol. 154^v.

⁶⁷ ASF, EOG, 21, fol. 155^r. See Tagliabue on wine consumption in medieval Italy.

⁶⁸ Pirillo, 2005, 161.

⁶⁹ See Diacciati and Zorzi, 128, for the programmatic statement of the Ordinances of Justice, and Zorzi, 2008, 185–86, on efforts to preserve the *bonum pacificum statum comunis* in Tuscan cities.

⁷⁰ Wickham, 2003, 210–13.

⁷¹ Wickham, 2003, 227–29, 238–66.

the stakes in the wine bar's continued disruption of Mass. The tale failed to convince the court, but it was behavior expected of magnates.

The sharecroppers were using the denunciation system for leverage in a dispute with the Agli over land tenure. Tone and Baldesino hoped that the Agli brothers "would, through alarm and fear of the denunciation's enforcement, abrogate, end, and annul certain rights and notarial acts."⁷² These obligations bound the men to the Agli: the locution *iura et instrumenta* (legal rights and instruments) refers to agreements with legal standing. One of these agreements is a land lease dated 10 October 1328 that the notary Guido da Villanuova transcribed for Bindo and Aglio, uncle and father, respectively, of the brothers Lapo and Bonifacio.⁷³ This act recorded that the brothers leased lands located in S. Agata di Mucciano to Baldesino.⁷⁴ It is possible that Baldesino had continued leasing lands from the Agli and was seeking a renegotiation or annulment of the lease through initiating action with the Executor's court. Because denunciations did not necessarily lead to conviction, it was an incremental increase of pressure. Baldesino was using the tools at hand to pursue a material improvement in his conditions.⁷⁵

The disagreement over tenurial rights happened in a specific geographic and political context. The Via Bolognese and the Via Faentina, two of the main routes from Tuscany to Emilia and the Romagna, run through the Mugello. The area thus attracted considerable Florentine attention during the fourteenth century.⁷⁶ In 1342, Florence's priorate authorized the Agli to fortify and hold a farm located in Mucciano "for the honor and status of the commune and people of Florence, and the security of the men and people of the area."⁷⁷ The lineage was explicitly forbidden to include the church of S. Agata or any other properties in this fortification, unless they secured the approval of the church's rector and parishioners.⁷⁸ This stricture may have been intended to prevent the Agli from setting themselves up as *de facto* patrons of the community. Given the power differential between local parishioners and the Agli, a magnate lineage wealthy enough to be tasked with building these new fortifications at its own

⁷² ASF, EOG, 21, fol. 153^v: "timore et terrore ipsius immixionis dicte cedulae et contentis in ea devastarent cessarent et annullarent certa iura et instrumenta quod predictus Lopus et Bonifatius . . . habebant."

⁷³ ASF, NA, 10899, fols. 36^v–37^r (10 October 1328). This branch of the Agli also appears in ASF, NA, 10899, fols. 26^v–27^r (20 September 1328).

⁷⁴ ASF, NA, 10899, fol. 36^v (10 October 1328).

⁷⁵ Scott, 1985, 296.

⁷⁶ On the Mugello, see Dameron, 2003; Pirillo, 2006; Hewlett, 107–19.

⁷⁷ ASF, Missive, 7, fol. 7^v (10 March 1342): "ad honorem et statum Communis et populi Florentie et securitatem hominum et personarum contrate."

⁷⁸ ASF, Missive, 7, fol. 7^v.

expense, it is difficult to see why Aglio and Bindo Agli would bother consulting the priest and parishioners before expanding the defenses. In such a situation, the parishioners' ability to ensure that the Agli did not unlawfully expand their hold over Mucciano depended on courts such as that of the Executor. These same courts were ready to prosecute the most vulnerable members of local society, people such as Tone and Baldesino, for fraudulent denunciation.

The priorate's sanction of Agli power in the area of Mucciano did not end locals' appeals to the civic courts. Leonino Agli was denounced to the Executor's court in November 1344.⁷⁹ Leonino, "against the force of reason and the Ordinances of Justice and knowingly and with full knowledge of the consequences," attacked a local woman, Diana, in a field abutting the parish church.⁸⁰ As Leonino beat her and scattered her chestnuts, Diana raised the hue and cry. The author entreated the court to punish Leonino, "as you ought to do and are required to do, since the *popolani* and have-nots are being beaten and insulted by the great and powerful."⁸¹ Seven of the nine witnesses appeared to testify. Three cited personal knowledge and affirmed that the assault happened as reported. Another, Chella, said that she had heard the assault spoken of as reported. Three other witnesses knew nothing. The inquest was forwarded to the podesta, but records of the trial do not survive. Because the Executor's notaries usually made a marginal note of "proven" (*probatum*) or "condemned" (*condempnatus*) when an inquest resulted in a conviction, and because no such notes were made on the denunciation, it is likely that Leonino went unpunished.

Another act of Agli violence from Mucciano indicates the importance of direct action in asserting claims of lordship over rural people.⁸² Someone denounced Lotto and Bernardo Agli for an assault dating to January–February 1349.⁸³ The Agli attacked a certain Vieri in Corsolla, the same site of Diana's 1344 beating. As they pummeled Vieri with their swords, the Agli cousins demanded that he "admit your life is ours, or we'll kill you!"⁸⁴ The Agli were demanding that Vieri admit his status as their tenant, or agree to become so. Perhaps they were short on laborers in the wake of the Black Death's first

⁷⁹ ASF, EOG, 21, fol. 57^r–57^v.

⁸⁰ ASF, EOG, 21, fol. 57^r–57^v: "E le predicte cose fece il decto Leonino grande appensatamente e scientosamente e contra la forza della ragione e degli ordinamenti della giustitia."

⁸¹ ASF, EOG, 21, fol. 57^r–57^v: "E ciò piacciavi alla singnoria vostra . . . lui punire secondo che devete e site tenuto accio che i popolani e menopossenti siano bactuti e altragiati da' grandi e da potenti."

⁸² See Wickham, 2003, 216–22, 278–81.

⁸³ ASF, EOG, 122, fol. 105^r.

⁸⁴ ASF, EOG, 122, fol. 105^r: "et eidem dixerunt 'O tu confessa la vita per noi o noi t'uccideremo[!]"

visitation (1348). Seven witnesses were cited for evidence concerning the assault: five from S. Agata, and two from neighboring hamlets. One witness was contumacious; the rest claimed that they knew nothing.⁸⁵ The case was dismissed. This is the sort of public violence and humiliation that often accompanied assertions of lordship in medieval Tuscany.⁸⁶ The inquest's outcome underscored the Florentine commune's collusion in Agli exactions on Mucciano's hapless residents.⁸⁷ The witnesses' collective claim of ignorance minimized their exposure to retaliation from their lords, but also to further entanglement with the judiciary.

This pattern underlines a contradiction in how the Florentines managed rural society and its problems. During the 1340s, desultory prosecution of Agli abuses combined with a willingness to sanction, for the sake of military security, the family's physical entrenchment within the community of Mucciano. The Signoria reaffirmed its approval of this branch of the Agli as Florence's local proxy a few years later. In 1351, the commune deputed Tegghia Agli to garrison Mucciano's fortifications during Florence's war with Milan (1351–53).⁸⁸ Nearby Pulicciano withstood a Milanese siege in the same year, and the area saw repeated fighting and raids during the wars of the mid-fourteenth century.⁸⁹ Given this context, it is unsurprising that Tone and Baldesino failed to turn the denunciation system against their landlords. Perhaps they gambled that in the atmosphere of heightened social conflict characterizing Florence's third popular regime (1343–48), the court would more readily act against magnate depredations. As it turned out, the sharecroppers' neighbors turned the inquest against them. Ideological claims and a favorable political situation in the city did not guarantee favorable outcomes for rural subjects.

The case of Mucciano indicates that in practice, denunciation and testimony were indissociable from local networks of power and dependence. Denouncers needed ongoing cooperation from friends, kinfolk, and neighbors in order to convince courts of their reports' accuracy.⁹⁰ In cases where nonliterate had employed third parties to craft complaints, the author's collusion was also necessary. Intended to cut through social solidarities, the denunciation system could be circumvented through a consensus decision to remain silent when facing the Executor's judges. Such behavior is unsurprising when locals were

⁸⁵ ASF, EOG, 124, fol. 68^v.

⁸⁶ Lansing, 2010.

⁸⁷ I paraphrase here Wickham, 2003, 216–17.

⁸⁸ ASF, Missive, 10, fol. 106^f.

⁸⁹ Villani, 50–53 (*Nuova Cronica* 2.17).

⁹⁰ See Smail, 230–31.

dealing with locally influential families. The magnates' continued utility to the commune as a local military presence undercut halting efforts to discipline their behavior. The residents of Mucciano preferred silence and the status quo to the dangers of full cooperation with public justice. Even when they confirmed a denunciation, as in the inquest regarding the assault on Diana, condemnation was not assured.

This case suggests the utility of interpreting the state as a web of social relationships, rather than as a unitary entity autonomous from society, or as an apparatus of social control. The state consisted of a plurality of forces operating on terrain favorable to the maneuvering of hegemonic interests. These consisted of the hegemonic group in Florentine politics, the city's mercantile-banking oligarchy, along with the magnates and those rural elites who chose cooperation with the city-state.⁹¹ Intersecting networks constituted this terrain: the commune's highest councils, its criminal courts, and regional elites.⁹² Lacking the space for withdrawal or evasion, this was the "enemy territory" upon which rural people found themselves when dealing with the commune and the magnates.⁹³

Florentine State Expansion: Logic and Forms

I consider here Florence's material interests and how it defended them: what did the commune want from its subject rural territories, and how did the Florentines try to implement these goals? Territorial security, communications, and economic interests shaped Florentine rural policy. By the mid-fourteenth century the Florentines were incorporating previously independent neighbors, such as Prato, Pistoia, and Arezzo, into their dominion.⁹⁴ These cities and their rural territories were significant regional centers in themselves and established a buffer between Florence and other expanding city-states. The city had been unable to feed itself from local surpluses since the mid-thirteenth century, and it depended on grain imports passing through Tuscany.⁹⁵

Elite families, particularly those of rural magnates, threatened the movement of goods and people through the Florentine lands, particularly in the mountainous northern periphery. If the Agli were magnates prone to abusing their neighbors, they at least acknowledged Florentine authority. Rural clans such as the

⁹¹ See Pirillo, 2006, esp. 192–95, on Florence's allies among the *contado's* elite lineages.

⁹² Poulantzas, 136.

⁹³ De Certeau, 37: "[A tactic] does not have the means to *keep to itself*, at a distance, in a position of withdrawal . . . it is a maneuver 'within the enemy's field of vision' . . . and within enemy territory" (italics in original).

⁹⁴ Zorzi, 2008, 257–60.

⁹⁵ See Dameron, 2017, 989–1004.

Ubalдини, however, defied Florence well into the Trecento, using their mountain strongholds as bases to waylay travelers.⁹⁶ They aligned themselves with Florentine enemies, such as the emperor John of Bohemia in 1332, when these foes entered Florentine territory.⁹⁷ Their May 1349 attack on Petrarch's friends was only the most celebrated instance of their predation on travelers crossing the Tuscan-Romagnole Alps. At the poet's behest, Florence embarked on a war against the clan that reduced some of its mountain strongholds.⁹⁸ Despite the chronicler Matteo Villani's assurances that the Florentines triumphed in 1349–50, the Ubalдини still harassed Florentine expansion. In 1352, their troops briefly occupied Scarperia.⁹⁹ The Executor's registers indicate that they were able to assault Florentine subjects with impunity during the 1360s.¹⁰⁰ A 1375 denunciation claimed that Florentine officials were willing to hand over fortifications to the Ubalдини.¹⁰¹ Military campaigns asserted Florentine power without necessarily shielding rural inhabitants from elite violence, particularly since it was magnate families like the Agli to whom the commune entrusted rural defense.

The countryside's numerous market towns were also worth protecting, from external foes and local magnates. By the mid-Trecento, Florence had made itself the central hub of northeastern Tuscany's road network.¹⁰² The city's emergence as a major economic hub fostered markets in subregional centers such as Barberino di Mugello and Figline Valdarno.¹⁰³ Hamlets like Latera hosted a Saturday market, in this case catering to travelers on the Via Bolognese.¹⁰⁴ Merchants active in these subregional markets were enrolled in the Mercanzia, Florence's chief mercantile court, providing them with a conduit for knowledge of political conditions in the city, as well as for economic information.¹⁰⁵ Their goods made them tempting targets for magnates. For example, the Executor's court opened a denunciation-based inquest against Domenico dei Tornaquinci on 24 July 1349.¹⁰⁶ In April, Domenico and two of his armed followers from the nearby parish of S. Giovanni in Petroio

⁹⁶ Pirillo, 2005, 31–32. On the Ubalдини, see Magna, 13–63.

⁹⁷ See Pirillo, 2005, 131–32, for Ubalдини submission to John and alliance with Milan; Caferro, 148–51, for the 1349–50 war.

⁹⁸ Villani, 50–53 (*Nuova Cronica* 1.27).

⁹⁹ Villani, 287–90 (*Nuova Cronica* 2.55).

¹⁰⁰ ASF, EOG, 404, fols. 10^r–12^v.

¹⁰¹ ASF, EOG, 705, fols. 16^v–18^v.

¹⁰² De La Roncière, 2005, 27–31, 96–100.

¹⁰³ De La Roncière, 2005, 137–41.

¹⁰⁴ De La Roncière, 2005, 138–39.

¹⁰⁵ See De La Roncière, 2005, 344–51, for rural merchants in the Mercanzia.

¹⁰⁶ ASF, EOG, 122, fol. 8^r–8^v.

stole a pig from the merchant Mozzone, in Latera's meat market. Mozzone began crying for aid. Domenico continued beating him, however, promising, "If you keep shouting, I'll kill you." The case was dismissed when witnesses denied all knowledge.¹⁰⁷ Peasants and chestnut cultivators were not the only victims of magnate crime in the countryside.

The presence of Florentine administrators in rural towns did not guarantee control. Centrally appointed officials, such as the notaries in the retinue of the territory's castellans, could use their positions against other officials. On 16 January 1348, the Executor's court opened an inquest against Roma, a notary serving Florence in Castro S. Maria Terranuova.¹⁰⁸ In December 1347, he had directed a servant to abduct Michele di Domenico, a messenger of the commune, as he was passing through S. Maria. The servant seized Michele, and Roma imprisoned him overnight. The case was dismissed without testimony because as a *popolano*, Roma was exempt from the Executor's jurisdiction.¹⁰⁹ As a notary and official, he was likely aware of this fact and counted on it when he ordered Michele's abduction.

Rural Officials and Rural Communities

Village officials were important intermediaries between public institutions and rural society. The urban tribunals relied upon them in matters of local administration, and they represented public justice in the first instance to residents of their area. Florentine administration was based on the diocese's constituent *pivieri*, the baptismal churches with attached, subordinate churches (*cappellae*) that dotted the countryside.¹¹⁰ During the 1340s, these units remained the main geographic points of reference in the criminal courts, although this changed in the post-Plague period.¹¹¹ Florence's lowest-ranking officials linked communal institutions to rural communities: *cappellani* (chaplains), *sindici* (syndics), and *rectores* (rectors).¹¹² Every adult male of a parish elected *cappellani*. They maintained piazzas and thoroughfares, keeping them free of stones and dung.¹¹³ They were also responsible for reporting local crimes. Failure to do so carried a fine of 100 *forini piccioli*, at the podesta's discretion.¹¹⁴ Minor

¹⁰⁷ ASF, EOG, 122, fol. 8^r: "dicendo 'se tu gridi io tu 'cidero.'"

¹⁰⁸ ASF, EOG, 96, fols. 14^r–15^r.

¹⁰⁹ ASF, EOG, 96, fol. 15^r.

¹¹⁰ Wickham, 2003, 228; Pirillo, 2005, 6–7.

¹¹¹ Manikowska, 525; Zorzi, 1988, 428.

¹¹² Pinto, Salvestrini, and Zorzi, 2:47–48; Pinto, Salvestrini, and Zorzi, 2:61–62, for *sindici* and *rectores*.

¹¹³ Pinto, Salvestrini, and Zorzi, 2:48.

¹¹⁴ Pinto, Salvestrini, and Zorzi, 1:48.

guildsmen and wage laborers staffed the office.¹¹⁵ Combining street sweeping with denouncing neighbors, it is easy to understand why members of Florence's major guilds, the core of the commune's ruling group, were absolved from serving as *cappellani*.¹¹⁶ The duty of denunciation and accusation required them to inform on their neighbors. Since neighbors often doubled as business partners, patrons, or clients, serving as a *cappellano* may have threatened the personal reputations and networks of those discharging their duty.¹¹⁷

Rectores and *sindici* were rural analogues to the *cappellani*.¹¹⁸ They, too, were required to denounce crimes in their bailiwicks.¹¹⁹ A 1343–44 register from the podesta's court for the urban district of S. Giovanni contains 63 inquests, with 34 initiated by *cappellani*, mostly from S. Lorenzo. Twenty-two cases concerning crimes in the rural extension of the *quartiere*, one of the city's fourfold administrative divisions adopted following the reform of 1343, originated with *rectores* or *syndici*. Six came from ex officio inquests.¹²⁰ On 22 October 1343, the podesta opened an inquest based on the denunciation of Azzolino di Lotto, rector of S. Maria di Latera. Azzolino reported what "he himself had heard said"—namely, that Jacopo, a resident of a nearby parish, had recently stolen grain from a neighbor.¹²¹ Such crimes are typical of these officials' stock-in-trade.

The position of the *rectores* indicates some of the tensions inherent in the city-state's use of locals to police rural territory. They were peer-elected officials, and how they reacted to crime probably varied based on preexisting connections between them and the parties involved in local crimes. A denunciation transcribed on 4 February 1363 complains that the official Cenzo di Salvi failed to report an assault in the Chianti parish of S. Silvestro Montaio. The four witnesses claimed they knew nothing.¹²² These officials were not above colluding with magnates, as when Gino Buondelmonti murdered Giovaninno, a resident of S. Paolo d'Enza, in August 1351.¹²³ The denunciation claimed Gino had corrupted Bartolo di Lugo, rector of S. Paolo d'Enza at the time of the murder. Gino bought his silence with a bribe of 12 gold florins—a substantial sum. The

¹¹⁵ Cohn, 1980, 223.

¹¹⁶ Cohn, 1980, 223.

¹¹⁷ See Weissman on Florentine social interconnectedness.

¹¹⁸ Pinto, Salvestrini, and Zorzi, 2:62–63.

¹¹⁹ Pinto, Salvestrini, and Zorzi, 2:62–63.

¹²⁰ ASF, AdP, 33.

¹²¹ ASF, AdP, 16, fol. 24^r: "Aczolinus Locti rector popolorum S Marie et S Nicholaii de Latere ex officio sue rectorie denupiat vobis se audivisse dici."

¹²² ASF, EOG, 404, fol. 1^r.

¹²³ ASF, EOG, 157, fol. 35^r. The denunciation is undated, but the inquest ran from August 31 to September 3. For the location of S. Paolo, see Pirillo, 2005, 562.

author claimed that the village's current priest, Balduino, could verify the tale—he had buried the dead man.¹²⁴ The case went unproven when everyone who appeared to testify, including Balduino, said they knew nothing.¹²⁵

Rectores would have served as sources of knowledge of communal law, and of ways to circumvent it. As the murder in S. Paolo d'Enza shows, rural officials cooperating with magnates formed an effective barrier to criminal prosecution. City-based officials were capable of the same sort of behavior. One of the Executor's earliest surviving inquests (2 March 1344) prosecuted the *magister* Manno di Bacchino, an official deputed to travel to the countryside. Manno was supposed to collect the commune's share of goods confiscated from the magnate Pierozzo dei Giandonati, who had been banned for an unspecified crime. Instead, he accepted 3 gold florins from the men of the league of San Casciano in order to misappropriate the fisc's share of the take.¹²⁶ Manno was later fined 100 lire and banned when he did not appear for prosecution.¹²⁷

The Ordinances of Justice stipulated that each parish in town and country nominate *sindici*. Urban parishes were to do so within fifteen days of the Ordinances' publication, rural parishes within one month.¹²⁸ *Sindici* acted for the honor and protection of the city and *contado* of Florence.¹²⁹ They were required to report crimes and to aid anyone injured by a magnate. Failure to give *popolani* due aid carried a penalty of 25 lire for urban *sindici*, and 100 soldi for those in the *contado*.¹³⁰ Rubric 60 of the Ordinances of Justice stipulates that *sindici* are to be elected from the parish's more esteemed and powerful *popolani*, and that they receive their office from the Capitano del Popolo. The rubric, though, does not define this local elite. Presumably *publica fama*, in its dual role as common knowledge and personal status, played a role here, as in determining magnate status.¹³¹ The reception of office from the Capitano symbolically tied the smallest units of Florentine justice to the apex of the *popolo*'s institutional apparatus. The *sindici* are absent from Florence's 1345–46 judicial acts, and they do not appear in the Executor's later registers.¹³² As described in the Ordinances, however, their duties were

¹²⁴ ASF, EOG, 157, fol. 35^v.

¹²⁵ ASF, EOG, 157, fols. 36^v–37^r.

¹²⁶ ASF, EOG, 1, fol. 35^r.

¹²⁷ ASF, EOG, 1, fol. 36^r.

¹²⁸ Diacciati and Zorzi, 321.

¹²⁹ Diacciati and Zorzi, 321.

¹³⁰ Diacciati and Zorzi, 323.

¹³¹ Diacciati and Zorzi, 324; on *publica fama* as reputation, see Wickham, 2005; as legal status, see Kuehn; Telechea.

¹³² Caduff, 1993, 27n38.

indistinguishable from those of the *rectores*; the terms may have been cognates for the same officials.¹³³

Locally appointed officials were a more permanent presence than the commune's messengers, its tax officials, and the occasional military expedition. That these officials had both local standing and familiarity with Florentine political language makes them likely candidates as authors of anonymous denunciations. The system's anonymity made it more attractive than lodging in-person accusations. The denunciations' authors had to live in the same parishes as the magnates they denounced. Their local roots may have made them more reliable guardians of their communities than centrally appointed Florentines. In August 1351, the archbishop of Milan captured Monte Vivagni, a *castello* near Barberino di Mugello.¹³⁴ A denunciation to the Executor claimed that it was common knowledge in Monte Vivagni that the castellan Cambino had opened the gates to the Milanese. Cambino, a native of the urban parish of S. Proculo, had been deputed to hold the castle in the name of the commune.¹³⁵ The castle, along with nearby Monte Carelli, became a base for Visconti raids into the Mugello.¹³⁶ Rural offices mattered, despite their low status in the hierarchy of Florentine officialdom, particularly in strategically important areas such as the Mugello.

The principle of collective responsibility was central to communal public justice. It explains the statutory demand that non-officeholding subjects also make denunciations. As early as 1285, Florence's Ordinances of the podesta had required *popolani* to denounce local crimes to the commune.¹³⁷ The city's 1322–25 and 1355 statutes required residents of a parish in which a homicide or assault occurred to raise the *grida*, the hue and cry. Residents were also obliged to sound the bells of the local church and to pursue and capture the malefactors.¹³⁸ These activities are amply documented in the Executor's records—for example, in the 1349 inquest against the Adimari. Denunciations frequently mention the *grida*, particularly in cases of attempted rape and abduction, in which it denoted the victim's lack of consent.¹³⁹ When Guido dei Frescobaldi assaulted one Tura in January 1349 and attempted to rape her, she shouted “many, many times ‘acurr'uomo! Acurr'uomo!’” the

¹³³ Salvemini, 206.

¹³⁴ Villani, 215 (*Nuova Cronica* 2.13).

¹³⁵ ASF, EOG, 157, fols. 19^r–20^v.

¹³⁶ Villani, 286 (*Nuova Cronica* 2.54).

¹³⁷ Salvemini, 206.

¹³⁸ Manikowska, 526, citing the 1355 statutes.

¹³⁹ I am currently working on a study of rape and abduction in the Florentine countryside.

standard cry.¹⁴⁰ In the public drama of magnate violence, victims and bystanders alike had statutorily scripted roles to play.

Collective responsibility also dictated that communities share the blame when crime went unpunished. When a malefactor escaped, parishioners were fined on a sliding scale determined by age. Those over fifteen were fined 20 soldi.¹⁴¹ Surviving victims were required to make a denunciation or be fined 50 lire.¹⁴² If the victim perished, sons older than fourteen were required to make a denunciation. Legal guardians were to do so if the victim's sons were minors.¹⁴³ The report was to be made within three days of an urban crime, and within ten days in rural cases.¹⁴⁴ At least in Florentine legislators' minds, the city and countryside were subject to the same judicial regime, albeit at a different pace.

Denunciation was one act in a sequence of events that are usually documentarily invisible. Lodging a complaint with the popular courts was itself a hostile act. It drew state institutions into local affairs and involved those unfortunate enough to have witnessed a crime. The system itself was a standing insult to the magnates' preference for conducting their affairs outside the commune's institutions.¹⁴⁵ Anonymous denunciations created a pipeline between afflicted *popolani* and the commune, ideally suited to the public airing of grievances against social superiors: the *tamburagione* system functioned as a sort of customer-service box for Florence's subjects.¹⁴⁶ Denunciations were material manifestations of the threat that urban expansion posed to magnate interests in the countryside, even if the resulting inquests usually went nowhere.¹⁴⁷

The annoyance value of denunciations illustrates the entwinement of social relationships and institutional structures in criminal inquests. Male members of magnate families committed most crimes.¹⁴⁸ Successive denunciations, even when dismissed, may have eroded individual magnates' standing at law.¹⁴⁹ The principle of collective responsibility lay at the core of magnate status, as it undergirded statutory requirements that communities report crime or face

¹⁴⁰ ASF, EOG, 122, fol. 22^r-22^v: "E [Tura] gridanno piu e piu volte 'acur'omo! Accurr'omo!"

¹⁴¹ Manikowska, 526-27.

¹⁴² Diacciati and Zorzi, 79.

¹⁴³ Diacciati and Zorzi, 79.

¹⁴⁴ Diacciati and Zorzi, 79.

¹⁴⁵ Giansante, 556.

¹⁴⁶ L. Roberts, 432, finds a similar motivation in eighteenth-century Japan. I thank Travis Seifman for notifying me of this study.

¹⁴⁷ Caduff, 1993, 47.

¹⁴⁸ Caduff, 1993, 53.

¹⁴⁹ Migliorino, 139-70; Lansing, 2003.

collective fines.¹⁵⁰ Security payments for bad behavior drained resources, even if malefactors typically avoided physical punishment. Thus, persistent reportage of magnates' bad behavior had deleterious effects on the entire lineage.¹⁵¹ As Christiane Klapisch-Zuber has demonstrated, this prompted individuals and families to adopt new lineage names and petition the Signoria for *popolano* status over the course of the fourteenth century.¹⁵² Financial penalties related to magnate status were among the many woes that families such as the Frescobaldi and Agli faced. Economic crisis accompanied these lineages' diminishing numbers over the fourteenth century.¹⁵³ Rural people likely knew this, and the denunciation system could function as a resource for harassing magnates.

RURAL SUBJECTS IN A CRIMINAL COURTROOM: BEHAVIORAL PATTERNS AND THEIR LOGIC

This section outlines patterns in denunciation-based inquests and testimony in the Executor's court across five sessions of activity, between 1348 and 1350. A statistical breakdown of this material is presented in the appendix. The criminal court's registers are more complete for these years than for subsequent periods, and they contain more contextual information regarding localities and witnesses than records from the 1360s onward. In the following, I outline the procedural details of a representative case before discussing patterns in witness behavior. These indicate a strong link between rural residency and claims of ignorance when testifying in anti-magnate inquests. Because these claims of ignorance often correlated with residency in the same parish, a credible interpretation is that denying knowledge of a crime was a common tactic that involved some amount of collective coordination.

The in-court behavior discussed below happened in the midst of major socioeconomic restructuring in Tuscany.¹⁵⁴ The countryside's communities faced numerous pressures during the middle decades of the fourteenth century. These included food shortages, such as the major famine that Giovanni Villani reports for 1338; heightened magnate-*popolo* conflict; and growing fiscal exactions, as Florentine finances reeled under the burden of military costs and a spiraling public debt.¹⁵⁵ These challenges likely exacerbated local conflicts. The Florentine countryside was more densely populated on the eve of the Black

¹⁵⁰ Manikowska, 527–29.

¹⁵¹ Lansing, 1991, 46–63, 164–91.

¹⁵² Klapisch-Zuber, 1988.

¹⁵³ Klapisch-Zuber, 2006, 453–64.

¹⁵⁴ See Cherubini, 219–39; Caduff, 1993, 22–24; Caferro; Cohn, 2007; Carocci.

¹⁵⁵ Caduff, 1993, 22–23; Becker.

Death than it would be for quite some time to come.¹⁵⁶ Over the 1350s–1360s, this would change, as repeated plague cycles decimated town and country.¹⁵⁷ Mangona, in the Florentine Alps, contained 250 households in 1356, falling to about 200 following the 1363 plague visitation.¹⁵⁸ The Arno valley contained numerous parishes, such as S. Giusto, which contained 75 households (1356).¹⁵⁹ Cecilia Hewlett has identified similar trends in tracing the demographic erosion of parishes in the Pistoiese Mountains in the two centuries after 1348.¹⁶⁰ The competition for resources, labor, and loyalty underlying the crimes rural people dealt with played out in a context of demographic and social crisis.

A 1350 case illustrates the procedural sequence of anti-magnate inquests. The Executor's court opened an inquest against two Gianfigliuzzi men on 27 September 1350.¹⁶¹ The brothers had occupied lands belonging to Corrado Strozzi in S. Lorenzo di Castelvechio and stole quantities of grain, beans, spelt, and wine.¹⁶² The Executor's judge directed a public messenger to cite witnesses the same day. The tribunal heard testimony on October 7. Of the ten witnesses cited in the denunciation, six appeared and denied any knowledge of the events reported.¹⁶³ On October 13, the judge ordered the messenger to publicly announce that three contumacious witnesses—Forte, Domenico, and Picardo—would be banned if they did not testify. Forte appeared two days later and claimed he knew nothing. Picardo did not testify. Domenico did not testify until November 4; he also knew nothing, and the case was dismissed.¹⁶⁴ Witnesses in this case either appeared and claimed ignorance or did so after attempting to evade testifying altogether. The intervals provided by the court's procedural sequence gave witnesses time to plan their testimony, or to make themselves scarce until the inquest's likely outcome became clear.

The Executor's criminal court personnel carried out a roughly equivalent number of inquests during the terms under consideration. The aftershocks of the Plague likely explain why the court heard only 16 during 30 August–8 December 1348. Of the 211 inquests under consideration, 164 went unproven, and were thrown out following testimony. Most of the criminal inquests, 194,

¹⁵⁶ The *contado's* overall population was about 300,000 people ca. 1325–38: Day, 125–26, 129.

¹⁵⁷ See Cohn, 1999, 86–89, for 1356–1487.

¹⁵⁸ Cohn, 1999, 86.

¹⁵⁹ Cohn, 1999, 88.

¹⁶⁰ Hewlett, 55.

¹⁶¹ ASF, EOG, 143, fols. 67^r–69^r.

¹⁶² ASF, EOG, 143, fol. 67^r.

¹⁶³ ASF, EOG, 143, fols. 68^r–69^v.

¹⁶⁴ ASF, EOG, 143, fols. 68^r–69^v.

concerned anti-magnate denunciations. In the second half of 1349, 47 cases (77 percent), failed to move beyond witness testimony.¹⁶⁵ Another seven cases from this period lack the “unproven” notice but were likely also dismissed, as they were not forwarded to the podesta.¹⁶⁶ In one 1349 case, the magnate defendant, Simone di Gottifredo dei Tosinghi, petitioned the Executor to prove that he was a *popolano* and was exempt from the office’s jurisdiction.¹⁶⁷

An inclination to claims of ignorance is a strong feature of witness testimony for the 1340s–1350s. Initial inquests rarely produced further action by the podesta. Eighteen of the 211 cases in question made it past the Executor’s initial investigation, and it could be one or two months before a final decision was rendered on cases forwarded by the Executor to the podesta.¹⁶⁸ Eleven inquests, or 21 percent, moved beyond testimony during January–May 1348.¹⁶⁹ In the second term of 1349, five inquests, 8 percent, were deemed actionable after testimony, while in the second session of 1350, only one case made it beyond the testimony stage.¹⁷⁰ Four of the five cases forwarded to the podesta in 1349 concerned crimes committed within Florence’s last circuit of walls (1284–1334). Another 42 of the year’s criminal inquests concerned activity in Florence’s *contado* or *distretto*, the latter referring to territory beyond the Florence-Fiesole diocese.¹⁷¹ Eighteen concerned urban crimes. One denunciation failed to note the crime’s location and was dismissed.¹⁷² Protestations of ignorance were not an exception, but the rule for witnesses in the Executor’s criminal courts.

How frequently did witnesses profess total ignorance? In 113 of 211 cases from 1348 to 1350, all witnesses claimed that they knew nothing. This correlated with rural residency. Fifteen of the 25 cases from 1350 where all witnesses

¹⁶⁵ ASF, EOG, 122, fols. 2^r, 5^r, 8^r, 14^r, 17^r, 19^r, 22^r, 25^r, 28^r, 31^r, 35^r, 37^r, 39^r, 41^r, 47^r, 51^r, 56^r, 58^r, 60^r, 62^r, 64^r, 66^r, 68^r, 70^r, 74^r, 78^r, 80^r, 84^r, 86^r, 35^r, 99^r, 101^r, 103^r, 105^r, 109^r, 111^r, 113^r, 114^r, 116^r, 117^r, 118^r, 123^r, 125^r, 127^r, 128^r, 138^r, 139^r.

¹⁶⁶ ASF, EOG, 122, fols. 11^r, 95^r, 107^r, 129^r, 131^r, 133^r, 136^r.

¹⁶⁷ The inquest is ASF, EOG, 122, fol. 33^r; testimony is ASF, EOG, 122, fol. 92^r. The Executor’s ruling in favor of Simone is ASF, EOG, 122, fol. 94^r–94^v.

¹⁶⁸ Caduff, 1993, 28.

¹⁶⁹ These inquests are found in ASF, EOG, 96, fols. 4^r, 10^r, 24^r, 34^r, 43^r, 52^r, 65^r, 68^r, 83^r, 85^r, 109^r.

¹⁷⁰ ASF, EOG, 122, fols. 76^r, 82^r, 90^r, 97^r, 120^r.

¹⁷¹ ASF, EOG, 122, fols. 2^r, 8^r, 11^r, 14^r, 17^r, 19^r, 22^r, 25^r, 28^r, 31^r, 41^r, 47^r, 56^r, 62^r, 64^r, 66^r, 68^r, 70^r, 74^r, 76^r, 80^r, 84^r, 86^r, 88^r, 90^r, 95^r, 99^r, 103^r, 105^r, 109^r, 111^r, 113^r, 114^r, 118^r, 125^r, 127^r, 128^r, 129^r, 131^r, 133^r, 136^r, 138^r.

¹⁷² ASF, EOG, 122, fols. 5^r, 33^r, 35^r, 37^r, 39^r, 51^r, 53^r, 58^r, 60^r, 78^r, 82^r, 97^r, 101^r, 116^r, 117^r, 120^r, 123^r, 139^r. The unclear case is ASF, EOG, 122, fols. 107^r–108^r. Since the case concerned a Cerchi male beating a member of his *famiglia*, it probably occurred in a house belonging to the lineage.

knew nothing were rural. In 22 of the 52 inquests from January to May 1348 (42 percent), all the witnesses said they knew nothing. Seventeen of these 22 cases were rural. In 33 of the 63 cases from the second court term of 1349, all witnesses cited denied all knowledge of the crime in question.¹⁷³ Of the 33 cases in which all cited knew nothing, 25 concerned rural crimes.¹⁷⁴

Testimony posed particular challenges to women. Like magnates, they were excluded from public buildings.¹⁷⁵ The court's notaries would have interrogated female deponents in front of the Palazzo della Signoria, in Florence's bustling center. This was hardly the best place for speaking freely about the crimes of the great families, and the setting likely conditioned what female witnesses told the court. In some cases, female witnesses spoke at greater length than male witnesses did, particularly in cases of sexual assault.¹⁷⁶

To understand these patterns, it is necessary to consider the constraints shaping witness testimony. In the following I look at the dangers that criminal tribunals' probative mechanisms presented to their users, using a prosecution for false testimony as an example. It indicates how witnesses could turn on each other to produce perjury inquests. I then turn to nonjudicial factors that shaped the decisions underlying the statistics under discussion—in particular, the importance of geographic distance and local lordships for witnesses.

Testifying carried dangers for those who talked too much, and for those whose talk contradicted that of the majority of other witnesses. Two intertwined cases—one an anti-magnate inquest, the other against three witnesses in that inquest—demonstrate how this worked. In January 1345, the Executor opened an inquest against the magnate Giovanni de' Pulci. The denunciation claimed that Giovanni had assaulted a certain Grasso in Latera, located along the Via Bolognese in the western Mugello.¹⁷⁷ The attack happened in 1343, outside the village church of S. Maria.¹⁷⁸ As Giovanni beat him, Grasso raised the *grida*, shouting, "Acurr'uomo! Acurr'uomo e viva el popolo!" ("Come quickly, men! Come quickly, men, and long live the people!").¹⁷⁹ Latera's residents rang the bells of S. Maria *a stormo*, the tone used

¹⁷³ ASF, EOG, 122, fols. 17^r, 19^r, 22^r, 28^r, 37^r, 39^r, 51^r, 58^r, 60^r, 64^r, 68^r, 70^r, 74^r, 78^r, 80^r, 86^r, 88^r, 95^r, 105^r, 109^r, 111^r, 113^r, 114^r, 116^r, 117^r, 125^r, 127^r, 128^r, 129^r, 131^r, 138^r, 139^r; ASF, EOG, 124, fol. 22^r.

¹⁷⁴ Urban cases: ASF, EOG, 122, fols. 37^r, 39^r, 51^r, 58^r, 60^r, 78^r, 116^r, 139^r.

¹⁷⁵ Lansing, 2010, 40.

¹⁷⁶ Lansing, 2010, 41.

¹⁷⁷ ASF, EOG, 21, fol. 37^r.

¹⁷⁸ ASF, EOG, 21, fol. 37^r–37^v.

¹⁷⁹ ASF, EOG, 21, fol. 37^r: "el dicto Grasso gridando 'acurri huomo viva el popolo.'"

for emergencies. Despite the cries for help, the denouncer claimed that Grasso did not wish to denounce the crime.¹⁸⁰

The denunciation listed 22 witnesses. Eighteen appeared before the Executor's judge. Three confirmed the assault.¹⁸¹ Two claimed they had witnessed the attack, and another said he had seen Grasso's face smeared with blood. He claimed that the matter was public knowledge.¹⁸² The other 15 witnesses disagreed. They had heard no disturbance, they had not heard church bells ringing *a stormo*, and it was not said in Latera that any of this had happened. The denouncer had acted from a malevolent desire to harm Giovanni de' Pulci and the witnesses.¹⁸³ The victim, Grasso, also appeared to deny the denunciation.¹⁸⁴ Evidently, Tico, Nisto, and Ciato, the men who confirmed the denunciation, had not consulted their neighbors before speaking.

This was a foolish mistake, for the court now turned on them. Two days after their initial appearance, they were prosecuted for false testimony. The men confessed that they had knowingly perjured themselves.¹⁸⁵ They were fined 100 lire each, about 1.5 florins, and imprisoned until payment.¹⁸⁶ It is unclear why the three men acted as they did, but their decision to confirm the denunciation's narrative aligned them against not only Giovanni de' Pulci but the consensus opinion of the witness group and the victim himself. Either the attack had not happened, or the people of Latera had decided to nullify the inquest through collective claims of ignorance. If they failed to consult with the neighbors and acquaintances who comprised a witness group, deponents were at risk of being prosecuted themselves.

Geography and local social structure also factored into rural inhabitants' handling of the tribunals. Simply appearing in the courts could be inconvenient and time-consuming. Much of the Florentine *contado* is difficult to traverse, consisting of swampy bottomland, broken up by small river valleys and forested hills. Witnesses cited in a 1349 inquest against two Cavalcanti men for ordering the assassination of a man in S. Lorenzo di Castelvetere traveled 27 kilometers, from the Valdipesa to Florence and back, incurring food and lodging costs as well.¹⁸⁷ The inquest was dismissed when the majority of these witnesses claimed ignorance regarding the assassination.

¹⁸⁰ ASF, EOG, 21, fol. 37^r.

¹⁸¹ ASF, EOG, 21, fol. 38^r–38^v.

¹⁸² ASF, EOG, 21, fol. 38^r.

¹⁸³ ASF, EOG, 21, fol. 38^v.

¹⁸⁴ See ASF, EOG, 21, fols. 38^v–39^r, for Grasso di Guccio's denial.

¹⁸⁵ ASF, EOG, 21, fols. 40^r–43^v.

¹⁸⁶ ASF, EOG, 27, fol. 15^r. The conversion is based on Caferro, 155.

¹⁸⁷ ASF, EOG, 122, fols. 2^r–4^v.

The distance was greater for those living in the Fiorentino's mountainous peripheries. Ten of 32 witnesses cited in a December 1347 inquest against Geri dei Rossi were from Monte Castelli, in the Florentine Chianti.¹⁸⁸ These people faced a 34.5-kilometer walk over broken terrain, to Florence and back, as well as two or more days of lost labor. Reckoning by kilometer does not account for variations in terrain and the corresponding variations in the ease with which people moved across this terrain. Those traveling to Florence from Monte Castelli required more time to make the journey than residents of the Valdarno did.¹⁸⁹ Such considerations would have factored into rural inhabitants' calculations regarding cooperation with the civic courts.

Geographic distance was also a factor in the location of magnate attacks on rural people. In denunciations that report magnates' direct speech when manhandling their victims, the perpetrators boast of their own immunity to public justice. As the cousins Geri and Niccolo Frescobaldi beat the notary Francesco Guiducci outside Prato during a festival in 1349, they taunted him: "We're not at Florence, we're at Prato, we're acting here for that reason, and we're not scared of the Executor and his court." The Frescobaldi then reminded Francesco that he should "know never to do anything against us, [or] we'll kill you by the sword."¹⁹⁰ Repeated over time in denunciations and local talk, tales of such violence may have incentivized nonengagement with the public tribunals in matters concerning magnates.

Relationships with local feudal families were another factor influencing how rural communities handled Florentine justice. A March 1348 denunciation reported an assault on a native of S. Martino di Monte Rinaldi, in the rural parish of S. Maria Novella in Chianti.¹⁹¹ The author claimed that Jacopo and Neri Da Monterinaldi attacked Michele with lances, inflicting potentially fatal wounds. The attack happened in the piazza of the *castello* of Monte Rinaldi, which was bounded by properties of the eponymous lineage.¹⁹² The 14 witnesses who appeared to testify, mostly natives of the parish themselves, denied any knowledge and the case was dismissed.¹⁹³ Fear of retribution and loyalty to their traditional lords, or a mixture of both, apparently created an effective barrier to prosecution. If the Da Monterinaldi avoided open warfare and alliance

¹⁸⁸ ASF, EOG, 122, fol. 131^r. See Pirillo, 2005, 594, for Monte Castelli.

¹⁸⁹ Scott, 2009, 47–48.

¹⁹⁰ ASF, EOG, 122, fol. 60^r–60^v: "Noi non siamo a Firenze, anzi siamo a Prato, che faremo la nostra ragione qua, e non abbiamo paura del'executor e la corta . . . sai fare mai nulla contra noi, noi te occideremo a gladio."

¹⁹¹ ASF, EOG, 96, fols. 118^r–119^r.

¹⁹² ASF, EOG, 96, fol. 118^v.

¹⁹³ ASF, EOG, 95, fol. 63^r.

with external enemies, the commune was unlikely to look too closely into the family's treatment of rural people. The *tamburo* system did not hinder, so much as publicize, this sort of public violence. Denunciation-based inquests that went unproven reinforced elite immunity to public justice. This immunity simply worked within, rather than beyond or in defiance of, the commune's ambit. The residents of Monte Rinaldi understood this, and they behaved accordingly.

Given such constraints, why did rural people not simply avoid testimony altogether? Contumacy carried its own risks. The tribunal's messengers announced witness summons publicly, at their homes, outside local churches, and on the streets of their localities. Those who ignored the initial summons were usually given a three-day grace period to appear, after which point they would be placed under the ban. Failure to appear incurred a penalty of 25 lire as well.¹⁹⁴ Public criers periodically broadcast the names of those who had been fined for noncompliance in their visits to rural communities. These rounds are occasionally mentioned in the Executor's *libri bannimentorum*, registers containing material that the tribunal's messengers announced in public.¹⁹⁵ I have not found evidence in the commune's treasury records demonstrating that absentee witnesses paid the stipulated fines, but the threat of being placed under the ban may have encouraged witnesses to appear in court. If one's kinfolk and neighbors had decided to do so, there may have been increased pressure to conform. Persistent contumacy may have hurt a person's social standing. These factors are difficult to reconstruct, but they would have influenced the decisions of those summoned to testify.

Preexisting allegiances or hostilities between families, members of extended networks, and neighboring communities would have shaped in-court behavior. Urban institutions such as the Executor's court served as forums for disputes that could sprawl beyond attempts at mediating them.¹⁹⁶ Witness lists occasionally indicate the dense interconnectivity among victims, witnesses, and assailants. Some witnesses were hired hands (*lavoratori*) of magnates or other witnesses, and family members appear together in lists.¹⁹⁷ It is probable that collective consultation regarding testimony took place among family members, as well as in a wider community of neighbors.

¹⁹⁴ The lira was a unit of account payable in *fiorini piccioli* and subdivided into 20 soldi, 240 denari each. One soldo equaled 12 denari. The gold florin was equivalent to 64 soldi: Dameron, 2004, 249–50. See Spufford, Wilkinson and Tolley, 5, for conversion rates in the 1340s.

¹⁹⁵ ASF, EOG, 82, fols. 2^v–5^v, lists the material these *bannitori* were to announce.

¹⁹⁶ Vallerani, 2012, 204–05.

¹⁹⁷ ASF, EOG, 122, fols. 80^r, 95^r–95^v, 97^r–98^v.

Such consultation is usually documentarily invisible, but it would have been an effective tactic for dealing with invasive institutions. It is also one reason why rural people appeared to speak and then claimed to know nothing. Avoiding substantive testimony through prearranged claims of ignorance insulated individuals and collectivities from institutional vagaries. This was burdensome, but it was less hazardous than the alternatives. Florence's 1325 Statute of the Capitano del Popolo exempted the priors from public judgment, but members of the *popolo* were subject to public judgment and torture. This distinguished Florence from Bologna, where *popolani* were exempt from torture.¹⁹⁸ Rural subjects cooperating too eagerly with public justice exposed themselves to official sanctions as well as to out-of-court vengeance, yet completely avoiding the courts carried its own risks. Using the denunciation system against powerful enemies assumed that the witnesses cited would confirm the denunciation's account of their tale. This meant incurring the enmity of magnate families with lands and status in the communities affected, with a strong likelihood that the Florentine courts would do nothing to hinder retaliation.

CONCLUSION

This study has examined the logic underlying subject peoples' engagement with the legal apparatus of the state in Florentine Tuscany during the early Renaissance. Rural subjects' behavior combined with that of magnates and the Florentine commune's ruling group to shape institutional outcomes. The patterns in the Executor's inquests, and the court's position relative to the Signoria, indicates the plurality of forces that converged in institutional activity. Florentine criminal justice, like its Bolognese counterpart, was always political.¹⁹⁹ Anti-magnate legislation retained its ideological charge in Florentine political culture and social conflicts for much of the Trecento. Political expediency dictated this legislation's selective enforcement, as when the anonymous-denunciation system was suspended, in 1355–60 and 1393–98.²⁰⁰ It was also political in a less formal sense. The denunciation system was open to manipulation from below, as well as to suspension from above. Rural people faced major obstacles when attempting to use the court's mechanisms for their own ends. Nevertheless, that people like Tone and Baldesino, the sharecroppers of Mucciano, bothered trying indicates the relevance of urban tribunals of public justice to mundane rural problems. Florence's public courts offered a forum, however unsatisfactory, for airing grievances and harming enemies.

¹⁹⁸ Vallerani, 2012, 62–63, for Bologna.

¹⁹⁹ Vallerani, 2012, 272–305; Blanshei, 2018; Cucini.

²⁰⁰ Klapisch-Zuber, 1988, 1234.

This study may offer broader insights regarding the relationship between social behavior and public power in the premodern past. I have argued for the utility of viewing the early Renaissance state as a web of social relationships, rather than as an apparatus of social control. Technologies of power, such as denunciation-based inquests, did not operate in a social vacuum. To be effective, such technologies depended on the ability and willingness of Tuscans to cooperate.²⁰¹ Depending on one's position relative to neighbors and the state, the system was easily circumvented, especially when witnesses' disinclination to testify combined with court personnel's lack of interest in moving beyond perfunctory attention to rural complaints. Tuscans balanced compliance with some of the commune's statutory demands with a tendency toward silence and claims of ignorance on the witness stand. This tendency was a tactical choice, a logical reaction to a bad status quo.

Florentine subjects' navigation of the inquisitorial system indicates how individuals and witness communities blunted and redirected conduits of state power. The court had to continue carrying out inquests based on denunciations received, despite witnesses' habitual claimed ignorance. Those cited to testify saw the safest course of action as appearing in court, then claiming ignorance or appealing to common knowledge in order to evade personal responsibility for confirming a denunciation's narrative. Those who knew nothing acted in compliance with the requirements of the court's personnel. This situational drama was enacted in microcosm with each inquest, and both sides would probably have understood the realities surrounding the performance.²⁰² Analyzing these performances as resulting from the intersection of ruling-group strategy, nonelite tactics, and institutional spaces reveals the logic behind the paradox identified at the beginning of this article: why bother with denunciation and testimony when malefactors would almost certainly escape punishment?

The rural communities producing much of the Executor's criminal casework were caught between the Florentine commune and magnate lineages, formally antagonistic powers that tended to blur in communities such as Mucciano. When geopolitical exigencies inclined the Florentines toward sanctioning these lineages' power in rural communities, appeasing the powerful was better than open conflict, with one's neighbors or with local magnates.²⁰³ I would hypothesize that the goal of most court personnel—getting through the daily workload—complemented the disposition of many deponents toward perfunctory testimony. It is difficult to imagine what value these men saw in prosecuting magnate crime. The Executor's *famiglia* were time-serving functionaries,

²⁰¹ See Rocke, 47–53, 80–86.

²⁰² Scott, 1990, 45–50.

²⁰³ Nader, 109.

not ideologues. If rural people made a show of proper compliance with state representatives and their demands, why question it? Discretion and propitiation diminished one danger among many in a world tempest-tossed by unpredictable, malevolent forces, from the state to resentful neighbors. If peasants could not stay out of the archive, they could at least shape the terms under which they appeared in its records.²⁰⁴

APPENDIX

Statistical Breakdown of Patterns for Criminal Inquests in the Executor's Court, 1348–50

These tables reconstruct some patterns in anti-magnate inquests. No registers of denunciation-based criminal cases survive for 13 May–29 August 1348, 28 June–23 July 1349, and 15 January–16 July 1350. The first gap is likely due to the Black Death's impact: during summer 1348, Florence's government came to a halt.¹ The 1349 and 1350 gaps are more difficult to explain, but a thorough search of the Executor's surviving criminal registers has not identified denunciation-based inquests into magnate crimes for these periods. This does not mean that the tribunal received no anti-magnate denunciations during these periods, only that the notaries did not copy them into the court registers until later. The priorate suspended the *tamburagione* system in crimes involving magnates in 1355–60 and 1393–98, but not the months in question.² The tables below exclude the court's civic proceedings, which primarily concern sumptuary complaints and the routine syndication of communal officials.³

²⁰⁴ Scott, 2009, 34: "The job of peasants, you might say, is to stay out of the archives."

¹ Gualtieri, 2016, 2.

² Klapisch-Zuber, 2006, 168–70; Klapisch-Zuber, 1988, 1234.

³ On sumptuary law and the difficulties of enforcement, see Kovesi, 133–64.

Table 1: January–May and August–December 1348

	16 January 1348–12 May 1348 ⁴	30 August 1348–08 December 1348 ⁵
Total criminal inquests:	52	16
Anti-magnate inquests:	48 (92.3 percent of total)	7 (43.8 percent of total)
Non-magnate inquests:	4 (7.7 percent of total)	6 (37.5 percent of total)
Rural (<i>contado</i> and <i>distretto</i>): ⁶	35 (67.3 percent of total)	7 (43.8 percent of total)
Denunciations of magnate crimes in the countryside:	31 (59.6 percent of total) ⁷	7 (43.8 percent of total)
Urban (within the last wall circuit):	17 (32.7 percent of total)	8 (50 percent of total)
Cases without testimony: ⁸	—	4 (25 percent of total)
Cases dismissed as unproven (<i>Non processum / non probatum</i>):	36 (69.2 percent of total)	9 (75 percent of cases with testimony)
Cases resulting in further action (<i>Probatum / remissum potestati</i>):	11 (21.2 percent of total) ⁹	2 (12.5 percent of total)
Cases where all witnesses knew nothing (<i>se nichil scire dixerunt</i>):	22 (42.3 percent of total)	4 (25 percent of total)

⁴ ASF, EOG, 96. Testimony is in ASF, EOG, 95.

⁵ ASF, EOG, 111.

⁶ This includes cases of official wrongdoing as well as anti-magnate denunciations.

⁷ Four other inquests were cases of wrongdoing in the countryside by communal officials.

⁸ Inquests into crimes committed by magnates for this session of the court's activity are included among inquests that consist of summary proceedings in which the impugned confesses, following a recitation of the charges against him or her.

⁹ Case 46 (ASF, EOG, 96, fols. 125^r–127^r, against Ottaviano di Testo dei Tornaquinci) contains neither information on the outcome of the case in the register of inquests (ASF, EOG, 96) nor witness testimony (ASF, EOG, 95).

Table 2: January 1349–January 1350

	16 January 1349–27 June 1349 ¹⁰	24 July 1349–14 January 1350 ¹¹
Total criminal inquests:	38	63
Anti-magnate denunciations:	38 (100 percent of total)	61 (96.8 percent of total)
Ex officio corruption cases:	—	2 (3.2 percent of total)
Rural (<i>contado</i> and <i>distretto</i>):	22 (57.9 percent of total)	42 (66.7 percent of total)
Denunciations of magnate crimes committed in the countryside:	22 (57.9 percent of total)	42 (66.7 percent of total)
Urban (within the last wall circuit):	14 (36.8 percent of total)	18 (28.6 percent of total)
Cases dismissed as unproven (<i>Non processum/non probatum</i>):	26 (68.4 percent of total) ¹²	47 (74.6 percent of total) ¹³
Cases resulting in further action (<i>Probatum/remissum potestati</i>):	4 (10.5 percent of total)	5 (7.9 percent of total) ¹⁴
Cases where all witnesses knew nothing (<i>se nichil scire dixerunt</i>):	29 (76.3 percent of total) ¹⁵	33 (52.4 percent of total)

¹⁰ Figures taken from ASF, EOG, 119, 119bis, and 114.

¹¹ Denunciations and initial inquests: ASF, EOG, 122; testimony: ASF, EOG, 124.

¹² This category refers to inquests containing marginal notes indicating they were unproven.

¹³ Forty-seven cases contained explicit notes that they were “non probatum” or “non processum.” This number is probably closer to 54 (88.5 percent of 61 total anti-magnate denunciations) if one includes cases with no specific “Non probatum” / “non processum” notice that also do not mention that the case was forwarded to the other foreign rectors. The Executor’s notaries for the 1340s always noted this act of the process when cases moved beyond witness testimony.

¹⁴ See above for the seven ambiguous cases during this term.

¹⁵ Witness testimony for the majority of this session’s inquests is recorded in ASF, EOG, 114, and ASF, EOG, 119bis. The numbers provided were calculated by matching testimony from ASF, EOG, 114, and ASF, EOG, 119bis, with the anti-magnate inquests in ASF, EOG, 119. The percentage is a percentage of the total number of magnate inquests conducted by the court for the time period in question. It discounts those inquests from ASF, EOG, 114, where witnesses knew nothing in cases concerning official syndications and sumptuary law violations. With these cases included, the number of inquests launched by the court where all witnesses knew nothing rises to 36.

Table 3: July–December 1350

	17 July 1350–22 December 1350¹⁶
Total criminal inquests:	42
Anti-magnate denunciations:	40 (95.2 percent of total)
Ex officio corruption cases:	1 (2.4 percent of total)
Cases dismissed as <i>non pertinentem</i> :	1 (2.4 percent of total)
Rural (<i>contado</i> and <i>distretto</i>): ¹⁷	21 (50 percent of total)
Denunciations of magnate crimes in the countryside:	20 (47.6 percent of total)
Urban (within the last wall circuit):	11 (26.2 percent of total)
Inquests lacking testimony: ¹⁸	4 (9.5 percent of total)
Cases dismissed as unproven (<i>non processum / non probatum</i>):	26 (61.9 percent of total)
Cases resulting in further action (<i>Probatum / remissum potestati</i>):	1 (2.4 percent of total)
Cases where all witnesses knew nothing (<i>se nichil scire dixerunt</i>):	25 (59.5 percent of total) ¹⁹

¹⁶ ASF, EOG, 143, contains anti-magnate denunciations and inquests, with witness testimony.

¹⁷ This includes cases of official wrongdoing as well as anti-magnate denunciations.

¹⁸ Interspersed with anti-magnate inquests for this session are four truncated inquests where the accused confesses following a recitation of the charges against him or her.

¹⁹ Fifteen of these 25 cases, or 60 percent of those in which witnesses knew nothing, were rural.

Table 4: Aggregate numbers for the court sessions 16 January–12 May 1348, 30 August–08 December 1348, 16 January–27 June 1349, 24 July 1349–14 January 1350, and 17 July–22 December 1350

Total criminal inquests:	211 ²⁰
Anti-magnate denunciations:	194 (91.9 percent of total)
Ex officio corruption cases:	13 (6.2 percent of total)
Rural (<i>contado</i> and <i>distretto</i>):	127 (60.2 percent of total)
Inquests concerning magnate crimes in the countryside:	126 (59.7 percent of total)
Urban (i.e., within the last wall circuit):	84 (39.8 percent of total)
Cases dismissed as unproven (<i>non processum / non probatum</i>):	164 (77.7 percent of total)
Cases resulting in further action (<i>probatum / remissum potestati</i>):	18 (8.5 percent of total)
Cases where all witnesses knew nothing (<i>se nichil scire dixerunt</i>):	113 (53.6 percent of total)

²⁰ These figures were calculated by combining the session totals for each category from tables 1–3.

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