

## Book Reviews

---

Massimo Vallerani, (trans. Sarah Rubin Blanshei), *Medieval Public Justice*, Washington, DC: The Catholic University of America Press, 2012. Pp. xx + 380. \$69.95 (ISBN 978-0-8132-1971-4).  
doi:10.1017/S0738248013000308

This volume comprises seven essays that have previously appeared in Italian, first as individual articles, and later (excluding the final chapter) as *La giustizia pubblica medievale* (Bologna: Il Mulino, 2005). Chapter Seven was originally published in 2009, and wisely added in order to round out the chronological and thematic range of the book, which was re-edited and translated by Sarah Rubin Blanshei, an accomplished specialist in medieval Italian legal and political history. It is no accident that Massimo Vallerani's essays drew Blanshei's attention, as they have that of virtually anyone tilling this field, because, in the best possible sense, Vallerani is atypical among his Italian colleagues. First, as a true comparativist, he takes what to many is the unfathomable step of working successfully with primary sources in different city-state archives. As such, he is able to communicate the relevance and significance of his findings to specialists and generalists alike. Second, and relatedly, he is well versed in the analytical approaches of foreign colleagues working on similar topics both within and beyond the Italian peninsula. Finally, Vallerani engages the full range of legal sources from this period, from theoretical tractates and ad-hoc *opinioniones*, through canon and Roman law and urban statutes, to court protocols, city-council minutes, and numerous other documents of legal practice.

Thus engaged, Vallerani articulates some of the key insights of his generation vis-à-vis the statist bias of earlier scholars, who sought to identify a particular connection between state building and the legal process. The reigning paradigm, often based on a tendentious reading of Alberto Gandino's *Tractatus de maleficiis* (late thirteenth century), posited a transition from the private accusatorial trial to the ex officio inquisitorial trial and framed it, in Weberian terms, as a triumph of political centralization and bureaucratic rationalization. Vallerani, adopting a legal-anthropological approach to procedure, argues that this process was neither as smooth and unidirectional as previously thought (Chapters Two and Three), nor is the development of inquisitorial procedures (including the proliferation of judicial torture) a reliable litmus test for the independence of the judiciary. In fact, as Chapters Five and Six demonstrate, the needs of judges in their pursuit

of the truth of a case only intermittently constitute a paramount concern for legislators. Moreover, the fact that the courts of the *podesta* and the *capitano del popolo* in numerous cities had to be manned by foreigners only seemingly facilitated institutional detachment, whereas in practice, they impeded judges' ability to conduct their investigations effectively. And on the off-chance that judges could succeed, local legislators created enough loopholes as well as barriers to prevent officials from exercising their authority to its fullest theoretical extent, for example, by drafting lists of new political elites to be spared judicial torture, or old ones who could be subject to summary justice.

Chapters Four and Seven complete Vallerani's revision in distinct ways. The former treats another procedure traditionally thought to "interfere" with state building, namely pacification between conflicting private parties (*pax privata*). Here, too, it becomes clear that the conflict between public and private justice is more apparent than real, for such peace accords were encouraged and continued to serve as "part of a variegated totality of alternative solutions to the penalty" (219) during and beyond the fourteenth century. (As such, pacification offers a perfect parallel to vendetta, which, as Andrea Zorzi has shown, remained integral rather than inimical to public justice, *pace* Weber) On the other hand, also in this period, elected or imposed *signori* began exercising their authority increasingly through responding to petitions, the focus of Chapter Seven. Petitioners, who often portrayed themselves as poor and unfortunate, approached the ruler on a growing number of criminal and civil matters, thereby effecting a crisis of procedural justice. Appropriating both papal and royal concepts, signorial propaganda underscored the lord as being "freed" from the law rather than consolidating his power through it. None of this is to deny that, between the twelfth and the fourteenth centuries, a process of centralization had unfolded, often accompanied by territorial expansion, and long known to specialists as the transition from commune to *signoria*. Rather, Vallerani illuminates on the one hand the contingencies involved in adapting, rejecting, and developing legal procedures to suit a shifting political agenda, and on the other, the eventual antagonism developing in some cases between legal norms and public justice.

Without detracting from Vallerani's achievement, the absence of a conclusion is emblematic of the volume's incomplete transition from a collection of fine articles into a cohesive book. One would also expect some discussion of a Habermasian and post-Habermasian public sphere, not merely because of the use of the term "public" in both the Italian and the English title, but also, and especially, because these essays offer much food for thought about how to approach the concept from an authentic medieval perspective.

**G. Geltner**

University of Amsterdam