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Gold, Grain, and Grace: Piety and Community in Late Medieval Rome

by

James A. Palmer

A dissertation presented to the  
Graduate School of Arts & Sciences  
of Washington University in  
partial fulfillment of the  
requirements for the degree  
of Doctor of Philosophy

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# **List of Abbreviations**

ACSP – Archivio del Capitolo di S. Pietro

ASC – Archivio Storico Capitolino

ASR – Archivio di Stato di Roma

ASRSP – Archivio della Società romana di storia patria

BAV – Biblioteca Apostolica Vaticana

CNC – Collegio dei Notai Capitolini

OSS – Ospedale S. Spirito

SAP – Sant’Angelo in Pescheria

SMM – Santa Maria Maggiore

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James A. Palmer

*Washington University in St. Louis*

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## ABSTRACT OF THE DISSERTATION

Gold, Grain, and Grace: Piety and Community in Late Medieval Rome

by

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Doctor of Philosophy in History

Washington University in St. Louis, 2015

Daniel Bornstein, Chair

This dissertation argues that as the composition of Rome's ruling group shifted over the fourteenth century its members sought reliable, autonomous mechanisms for strengthening the cohesion of their elite community. For these they turned to various kinds of pious giving, ways of generating kin-like ties by means of circulating wealth within the sphere of economic action made available by the logic of purgatory. Their efforts succeeded in creating a ruling group marked by strong ties of social solidarity. Over time, these strategies also had the cumulative effect of shifting the attitudes of the political elite toward the commune itself. Rather than seeing the commune as the primary example of a rightly ordered Christian society, in the way common in communal ideology, they increasingly saw that right order embodied in their own autonomous social networks. As the commune ceased to be an object of contention among Rome's political elite, it ceased to be the primary locus of that elite's political identity and legitimacy and its preservation ceased to be a priority in way it had been before. The result was that when Boniface IX took control of the city in 1398 the local elite was no longer inclined to fight for communal autonomy, as they had as recently as the late 1340s. Thus, understanding the ways religion and the social order were entwined with one another in fourteenth-century Rome enables us to better understand its political history.

# **Chapter 1: Introduction – Roman History and Roman Time**

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*“From the greatest oppositions into which high culture could have split, a complete organic unity has grown...The fusion of different things into a unity that characterizes the spatial image of Rome’s cityscape achieves an effect that is no less real in its temporal form. In a truly peculiar way that is difficult to describe, one can perceive here how the separateness of time-periods converges into a presentness and togetherness...Certainly the idea of the historical course of things never falls silent in Rome.”*

Georg Simmel, “Rome”

*“Time is precious in this realm.”*

Dante, *Purgatory*, XXIV, 91-92

On the night of May 19, 1347, a Roman notary named Cola di Rienzo passed a kind of vigil in the church of Sant’Angelo in Pescheria.<sup>1</sup> Upon the walls of this church, Cola had earlier commissioned (as he would again) allegorical images depicting Rome’s wrongly ordered state in explicitly religious terms.<sup>2</sup> A reformer and visionary whose aspirations for Rome embraced both its ancient origins and its identity as the conceptual center of Christendom, Cola sought to bring order and justice to a city long wracked by violent political turmoil. On May 20, with papal support and with much of his baronial opposition’s military might absent, Cola seized the city in

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<sup>1</sup> Ronald G. Musto, *Apocalypse in Rome: Cola di Rienzo and the Politics of the New Age* (Berkeley: University of California Press, 2003; Amanda Collins, *Greater than Emperor: Cola di Rienzo (ca. 1313-54) and the World of Fourteenth-Century Rome* (Ann Arbor: University of Michigan Press, 2002).

<sup>2</sup> On Cola’s propagandistic artworks, see Amy Schwarz, “Images and Illusions of Power in Trecento Art: Cola di Rienzo and the Ancient Roman Republic,” (PhD diss., State University of New York at Binghamton, 1994); and her “Eternal Rome and Cola di Rienzo’s Show of Power,” in *Acts and Texts: Performance and Ritual in the Middle Ages and the Renaissance* (Amsterdam: Rodopi, 2007).

a dramatic coup, laying the groundwork for his new *buono stato*, a just and holy society that would remake Rome and return it to its rightful place at the center of world affairs. He endeavored to restore the glory of ancient Rome, albeit in a medieval guise. His early successes included the expulsion of the powerful Colonna family and their defeat in battle just outside the city. Yet this success was fleeting. By autumn, Cola's support from the pope in Avignon, as well as that of his local collaborators, had withered away and Rome's self-styled Tribune soon found it necessary to flee.

Cola's self-imposed exile, which included time spent among religious radicals in a mountain enclave, a period as a guest and then a prisoner of Emperor Charles IV, conviction as a heretic by Pope Clement VI, and his improbable reprieve upon the death of Clement himself, ended when he reentered Rome in 1354 and enjoyed a brief return to power. This fleeting return to glory ended when he awoke one day to find himself cornered by an angry mob of Romans in his palace on the Campidoglio. Finding it impossible to dissuade them from their attempt to overthrow him, Cola attempted to escape in disguise and was caught. With their prey at hand, the crowd hesitated. Cola glared at them, his face smeared with soot from his attempt at disguise. One account states that in that moment "no man wanted to touch him." His stockings, fine "in the manner of a baron," peeked infuriatingly from beneath the shabby clothes with which he had concealed himself. "In the silence he gazed about," seeming simultaneously to challenge the crowd and to seek some escape. "Finally, Cecco dello Viecchio seized his rapier and thrust it into his stomach. He was the first."<sup>3</sup> Cola's end came quickly. After killing him, the Roman crowd

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<sup>3</sup> Anonimo Romano, *Cronica*, ed. Giuseppe Porta, 3rd edition (Milan: Adelphi, 2007) [henceforth, AR, *Cronica*], p. 197; "Nullo omo era ardito toccarelo. Là stette per meno de ora, la varva tonnita, lo voito nero commo fornaro, in iuppariello de seta verde, scento, colli musacchini inaorati, colle caize de biada a muodo de barone. Le vraccia teneva piecate. In esso silenzio

dragged Cola's corpse through those streets until his head disintegrated. Then they strung him up by his feet and left him to hang. "He had so many wounds he resembled a sieve. There was nowhere without wounds. His fat guts hung out. He was horribly fat, white as blood tainted milk. Such was his obesity that he seemed like an immense buffalo, or a cow, hung up for slaughter."<sup>4</sup>

In the years that followed, the lesson of Cola di Rienzo was not forgotten. His old supporters in Rome, a mixed group of increasingly powerful guildsmen and notaries, as well as members of the urban nobility and the baronage, were forced to consider how the city should be governed with Cola's charismatic presence brutally removed from the political scene.<sup>5</sup> Rome had long been conceived as a commune, like others throughout north and central Italy and, in the wake of Albornoz's mission, three Conservators officially ruled the city as such. But the executive power of these officials frequently overlapped with the power of another group, the *Felix Societas Balestrariorum et Pavesatorum*, whose *Bandaresi*, or banner men, often played a prominent role, one perhaps at times verging on total control, in the affairs of the commune.<sup>6</sup> For a time, this composite regime controlled the city without major incident, but all that would

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mosse la faccia, guardao de llà e de cà. Allora Cecco dello Viecchio impuinao mano a uno stuocco e deoli nello ventre. Questo fu lo primo."

<sup>4</sup> Ibid. pp. 197; "Capo non aveva. Erano remase le cocce per la via donne era strascinato. Tante ferute aveva, pareva criviello. Non era luoco senza feruta. Le mazza de fòra grasse. Grasso era orribilmente, bianco como latte insanguinato. Tanta era la soa grassezza, che pareva uno esmesurato bufalo overo vacca a maciello."

<sup>5</sup> Collins, *Greater than Emperor*, pp. 170-203; Massimo Miglio, "Gruppi sociali e azione politica nella Roma di Cola di Rienzo," *Studi Romani* 23.4 (1975): 442-461.

<sup>6</sup> On the *Felix Societas*, see the classic work of Arcangelo Natale, "La Felice Società dei Balestrieri e dei Pavesati a Roma e il Governo dei Banderesi dal 1358 al 1408," *ASRSP* 62 (1939): 1-176. See too the important update to this work, which critiques it on several fronts (including its implicit apology for Fascism), Jean-Claude Maire Vigueur, "La Felice Società dei Balestrieri e dei Pavesati a Roma: Una Società Popolare e i suoi Ufficiali," in *Scritti per Isa*, ed. Antonella Mazzon (Rome: Istituto Storico Italiano, 2008), pp. 579-605.

change with the return of the papacy from its long residence Avignon. Urban V first returned to Rome in 1367 but did not linger there long and was back in Avignon by 1370. Seven years later his successor, Gregory XI, returned to Rome but did not long survive the move; and the election of his successor, Urban VI, is notable for having sparked the Great Schism, a struggle for supremacy between popes of the Roman and the Avignon obediences that lasted until 1417. For a time, this Schism allowed affairs in Rome to continue more or less as before; but a greater challenge would soon arise in the figure of pope Boniface IX (1389-1404), a pope whose political aspirations the Roman ruling group was unable, and perhaps unwilling, to withstand.

Boniface spent the early years of his pontificate outside of Rome, due in part to his shaky control of the city. But he returned in 1393, and, after jousting with the Romans for a few years over issues of jurisdictional rights, relations with subject communities, and control of various offices, he formally took control of the commune in 1398. The transition of Rome into the hands of a papal lord met with scant resistance, what little there was easily crushed and impossible to rekindle. Despite the fall of the commune, the relationship of the popes to their urban seat would remain tumultuous throughout the early fifteenth century, and the Romans would from time to time seize and vigorously exercise their freedom.<sup>7</sup> Ultimately, though, these moments of resistance were episodic and fleeting. There was no real appetite for revolt in service to the old idea of the commune, no sustained desire to return control of its institutions of governance to Roman hands.<sup>8</sup> One might easily assume that the fall of the commune, the delayed and

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<sup>7</sup> Leonardo Bruni described such an event to Coluccio Salutati in his letter of 5 August 1405. See James Hankins, *The Humanism of Leonardo Bruni: Selected Texts*, (Binghamton: Medieval and Renaissance Texts and Studies, 1987), p. 28.

<sup>8</sup> There, were, of course, moments of political revolt and even prolonged resistance to the papacy that drove popes like Eugenius IV to live for extended periods in Florence and elsewhere. But these revolts were not driven by the same communal ideology that had characterized Cola di

insufficient efforts to prevent that fall, and the punishment of the ringleaders of that effort had broken the old ruling group, dissolving the political alliances that had held Rome together since the time of Cola. But despite their failure to resist papal power, the families of the old ruling group remained a powerfully coherent community both in that moment and in generations to come. If their political alliances, at least as embodied in their hold on the city's governing institutions, had disintegrated, their society had not.

This fact is starkly revealed in 1440, when the Church undertook a *processus* investigating the possibility of canonizing Rome's only homegrown medieval saint, the recently deceased Francesca Romana. The group that came forward to testify on behalf of her saintly status reflected the community in which she had lived; but it also reflected the ruling group of Rome's commune in its final days.<sup>9</sup> Francesca's birth name was Ceccolella Bussa, daughter of Paolo Bussa who held high communal office, and joined by marriage to the Ponziani, a lineage of fish-sellers and large-scale agriculturalists who had numbered among Rome's ruling elite. She was born in 1384 and lived her holy life during Rome's tumultuous transition from communal to papal governance. Famous as a healer, she had founded a community of women that was

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Rienzo's revolt. For the most famous of these, see Anna Modigliani, *I Porcari: storie di una famiglia romana tra Medioevo e Rinascimento* (Rome: Roma nel Rinascimento, 1994).

<sup>9</sup> On this process, see Placido T. Lugano, *I processi inediti per Francesca Bussa dei Ponziani, santa Francesca Romana: 1440-1453* (Vatican City: Biblioteca Apostolica Vaticana, 1965). For much of what follows, see Arnold Esch, "Tre sante ed il loro ambiente sociale a Roma: S. Francesca Romana, S. Brigida di Svevia e S. Caterina da Siena," in *Atti del Simposio internazionale cateriniano-bernardiniano, Siena, 17-20 Aprile 1980*, ed. Domenico Maffei and Paolo Nardi (Siena: Accademia Senese degli Intronati, 1982), pp. 89-120. See too, Guy Boanas and Lyndal Roper, "Feminine Piety in Fifteenth-Century Rome: Santa Francesca Romana," in *Disciplines of Faith: Studies in Religion, Politics, and Patriarchy*, ed. Jim Obelkevich, Lyndal Roper, and Raphael Samuel (London: Routledge & Kegan Paul, 1987), pp. 177-193 and Anna Esposito, "St. Francesca and the Female Religious Communities of Fifteenth-Century Rome," in *Women and Religion in Medieval and Renaissance Italy*, ed. Daniel Bornstein and Roberto Rusconi (Chicago: The University of Chicago Press, 1996), pp. 197-218.

primarily populated by females of her own social stratum. Francesca's saintly life was deeply interwoven with the community of late fourteenth-century Rome's ruling group and, when the first *processus* for her canonization began, no fewer than 181 representatives of that group came forward to testify to her holiness and her miracles. These neighbors give us a picture of Rome's political and social groupings, especially in *rione* Campitelli, the quarter of the city where the Campidoglio, the seat of communal government was located. Both the noble and the popular party are present, suggesting that factional affiliation was not the primary associative logic among Rome's elite community. The widow of Pietro di Sabba Giuliani, a noble leader condemned and hung in 1398, lived right next to the Tor de' Specchi where Francesca's community dwelt. Alongside his home was the widow of Pierpaolo Canetti, a noble condemned and then absolved. Nearby the once great Caetani are found, baronial relations of Boniface VIII and supporters of the failed attempt to throw off the newly imposed papal hand in 1398. No fewer than 27 of the witnesses were part of one large family: the sons, grandsons, and great-grandsons of Lello Petrucci of Campitelli, one of the *nobiles*. This collection of notables, far larger than the official list of those involved in the brief 1398 rebellion against the pope, involved everyone at the decisive level of power in the commune from 1395 on. Though their political fortunes had irrevocably changed, they were still together, neighbors and collaborators in a common purpose, generations after the collapse of their commune. The coherence and solidarity of the community from which Francesca Romana emerged, despite its loss of control over the political institutions with which it had once been associated, remained unbroken more than four decades after Boniface IX's victory.

The resilience of this composite community of Roman elites is remarkable for what it tells us about the nature of social life in a late medieval Italian commune like Rome. Considered

in the context of the history of the communes, such elites are often presented as deeply agonistic, striving constantly against one another for supremacy until either a clear oligarchy emerged or one family or faction managed to rise to the top and establish seigniorial rule.<sup>10</sup> Rome, we are led to believe, was the worst example of such a place, a city so riven by conflict that its regime was deemed a monstrous aberration from the natural political order.<sup>11</sup> In all such cases, the key to sustaining any kind of stable elite society, and thereby any kind of stable political regime and social world, was often the careful control and manipulation of the institutions of communal governance. By controlling the selection process of office holders, executive positions, elite councils, and crucial committees, elites in the Italian cities managed to create and maintain stable societies.<sup>12</sup> Their identity as the governing elite and even their own coherence as a group were due, we are led to understand, to their monopolization of the institutions of communal governance.<sup>13</sup> Thanks to both the eloquence of contemporary rhetoricians and the significant archival record left by both wealthy citizens and communal institutions of governance, it is all

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<sup>10</sup> See Philip Jones, "Communes and Despots: The City State in Late-Medieval Italy," *Transactions of the Royal Historical Society* 15 (1965): 71-96 and his magisterial *The Italian City-State: From Commune to Signoria* (Oxford: Clarendon Press, 1997). The Florentine case is particularly well studied: see Marvin Becker, *Florence in Transition* (Baltimore: Johns Hopkins University Press, 1967), and Carol Lansing, *The Florentine Magnates: Lineage and Faction in a Medieval Commune* (Princeton: Princeton University Press, 1997). For a recent overview, Jean-Claude Maire Vigueur, *Cavaliers et citoyens: guerre, conflits et société dans l'Italie communale, XIIIe-XIIIe siècles* (Paris: École des Hautes Études en Sciences Sociales, 2003).

<sup>11</sup> Bartolo da Sassoferrato, "De regimine civitatis," in *Politica e diritto nel Trecento italiano*, ed. Diego Quaglione (Florence: Olschki, 1983), p. 152.

<sup>12</sup> John Najemy, *Corporatism and Consensus in Florentine Electoral Politics, 1280-1400* (Chapel Hill: University of North Carolina Press, 1982).

<sup>13</sup> Office holding was a very significant marker of status, if not the only one. See Lauro Martines, *The Social World of the Florentine Humanists, 1390-1460* (Princeton: Princeton University Press, 1963).

too easy to see Italian ruling elites as synonymous with the cities themselves, and to understand their communities as coherent societies bound to nascent states.<sup>14</sup> In stark contrast to this, the Roman case reminds us that the many communities of the Italian communes, even those of their ruling classes, had the potential to function as coherent societies regardless of their relationship to communal governing institutions, even if they often saw those institutions as important and sought to control them. Put another way, the existence of institutions of centralized governance, whether we consider them states or not, was not a prerequisite of community. This study suggests that the nature of such communities becomes clearer through examination of the Roman case, and a city long considered anomalous for its debility and instability can be a potential model for rethinking those long considered archetypal.

It is the claim of this study that the crucial phenomenon driving Rome's late fourteenth-century transition from a medieval commune to a city dominated by the renaissance papacy was the transformation of the community of Rome's late medieval ruling elite from a society whose identity and legitimacy as a ruling group was rooted in the commune to one remarkable for its autonomy from it. From the early fourteenth century the ruling group of Rome was steadily changing, as a world marked by conflict between the city's feudal barons and its rising guildsmen and nonbaronial nobility gave way to one dominated by a composite ruling group made up of them all. As the composition of the ruling group shifted, the families that comprised

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<sup>14</sup> Some scholars do refer to the Italian communes, or city-states, as states, a usage I reject. See, for example, Giovanni Tabacco, *The Struggle for Power in Medieval Italy: Structures of Political Rule* (Cambridge: Cambridge University Press, 1989) and John Najemy, "Governments and Governance," in *Italy in the Age of the Renaissance, 1300-1550*, ed. John Najemy (Oxford: Oxford University Press, 2004), pp. 184-207, . Cf. Nicholai Rubenstein, "Notes on the word stato in Florence before Machiavelli," in *Florilegium Historiale: Essays Presented to Wallace K. Ferguson*, ed. J.G. Rowe and W.H. Stockdale (Toronto: University of Toronto Press, 1971), pp. 313-325; many of the interventions in Julius Kirshner (ed.), *The Origins of the State in Italy, 1300-1600* (Chicago: University of Chicago Press, 1996).

the political elite sought ways to evoke and sustain a coherent identity and strong social solidarity among themselves. To do so they embraced potent artifacts of late medieval Christianity, ideas and practices, based on lay reception of the doctrine of purgatory and a reformulation of classic communal ideology, that enabled them to operate with a free hand while also providing them with desirable social distinction. The Roman political elite's efforts to evoke strong solidarity among themselves ultimately succeeded, but they also had important unanticipated effects. The piously charged social strategies the ruling elite deployed operated in areas not hemmed in by statute, areas in which the communal government took little active interest. As these Romans increasingly evoked their community through strategies marked by such autonomy from the commune, the Roman commune began to lose its centrality as a locus of shared elite identity and legitimacy for the wielders of earthly power. So pronounced was this effect that by the end of the fourteenth century Rome's ruling group had little interest in preventing the fall of the commune to the papacy.

### *Roman History and Roman Time*

In his essay on the aesthetics of the Roman landscape, Georg Simmel noted that the beauty of things lies in the relationship of their component parts, rather than being inherent to each part independently. Such beauty, he observed, is commonly found in the seemingly accidental assemblages of nature, but it sometimes emerges as well in the equally accidental assemblages of human artifice as they accumulate over time. In this way, things separated in their making by vast gulfs of time, and intended to serve any number of unrelated purposes, somehow coalesce into a beautiful whole. Rome was, for him, an example of such aesthetic

serendipity.<sup>15</sup> In its ruins, he said, “the work of man appears to us entirely as a product of nature.”<sup>16</sup> In his interest in the artifacts of high culture that litter Rome’s physical and literary landscape, Simmel reflects the longstanding priorities of scholars interested in Rome. Yet the accumulated remnants of past grandeur and high culture are not the only assemblage of autonomous elements to have come together in an organic whole that was Rome. In the life of any Roman, the quotidian structures of the Roman world in which they lived, each with its own distinct origin, also coalesced, as “the separateness of time-periods” did for Simmel, into a whole. In this sense, there have been as many Romes as there have been human communities for whom Rome was a thing that mattered. We know some of these Romes well; others we know hardly at all. This study examines one such Rome as it came into being in the fourteenth century and as it both reflected and shaped the lives of those Romans who constituted and lived it. This Rome appeared upon the landscape in the combination of new and old, just like all the Romes before and since, and it was also a Rome for which “its temporal form” was, in fact, of decisive importance. In it, the many currents of time that made up a late medieval human life flowed together, making possible a new kind of Rome and profoundly influencing the history of the city.

Time, strategy, and community are the keys to this story, which offers an alternative to a historiography dominated by priorities that render medieval Rome peripheral to its own history. Rome has always been a city whose character as historical, as an object considered in relation to time, has been particularly emphasized by scholars. The seat of empire for many centuries and of

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<sup>15</sup> Originally published as “Rom: Eine ästhetische Analyse,” *Die Zeit* 191 (1898): 137-139, this essay has been reprinted in English as “Rome,” trans. Ulrich Teucher and Thomas M. Kemple, *Theory, Culture, and Society* 24 (2007): 30-37.

<sup>16</sup> Georg Simmel, “Two Essays: The Handle, and The Ruin,” *The Hudson Review* 11.3 (1958): 371-385; originally published as “Der Henkel” and “Die Ruine,” *Philosophische Kultur* (1911): pp. 116-124 and 125-133 respectively.

aspirations to empire for longer still, enjoying unique status as the Eternal City and the center of Christendom for just as long, Rome is an exquisitely temporal place. It has been considered as such for as long as study of it has been undertaken, beginning with the earliest humanist musings on the city's ruins, extending to the classic works of Gibbon, Burckhardt, and Gregorovius, and including subsequent twentieth- and early twenty-first-century scholarship.<sup>17</sup> The tension of empire and papacy has long defined the study of the high medieval city, so that the medieval commune often appears caught between these two claimants to universal authority rooted in ancient tradition.<sup>18</sup> As a commune, however, Rome's relationship to this conflict was ultimately similar to that of its peer polities throughout Italy; engagement with it primarily reflected local interests and disputes given expression in the terms of the larger dispute. As in other communes, one constellation or another of the local political elite – the barons, the urban nobility, and the non-noble urban elite associated with the city's guilds – remained prominent throughout the commune's various political transformations, even if the identity of that elite, as well as its source of legitimacy and self-definition, changed over time.<sup>19</sup>

Rome's history as a medieval commune has not always been visible in treatments of the city. Anglophone study of Rome in the late medieval period, and especially in that era still sometimes called the Renaissance, has been focused on the Rome of the humanists, still a

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<sup>17</sup> Edward Gibbon, *The Decline and Fall of the Roman Empire* (New York: Modern Library, 1954); Jacob Burckhardt, *The Civilization of the Renaissance in Italy*, trans. S.C.G. Middlemore (London: Penguin, 1990); Ferdinand Gregorovius, *A History of the City of Rome in the Middle Ages*, trans. Anne Hamilton, 8 vols. in 13 (London: G. Bell and Sons, 1903-12).

<sup>18</sup> See, for example, Eugenio Duprè Theseider, *Roma dal comune di popolo alla signoria pontificia, 1252-1377* (Bologna: Cappelli, 1952).

<sup>19</sup> Jones, *The Italian City-State*.

powerfully temporal thing but characterized by a temporality of retroflection and rebirth.<sup>20</sup> A perspective born of fifteenth-century humanist caricatures of the city, and reinforced by the nineteenth-century father of Renaissance studies, Jacob Burckhardt, this approach to Rome is characterized by marginalization or even denigration of the medieval city in comparison to the splendor of renaissance papal city.<sup>21</sup> For all the scholarly bounty these past framings of the Roman question have produced, none of them gives us real insight into Rome as it was imagined, constituted, and experienced by its own people. Relatively few alternatives to the neo-humanist narrative of medieval Roman history have appeared, despite the ongoing work of continental social historians who have demonstrated in detail the vitality of Rome's medieval commune.<sup>22</sup> The few studies that have attempted to understand the relationship between Rome as it was

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<sup>20</sup> Elizabeth M. McCahill, *Reviving the Eternal City: Rome and the Papal Court, 1420-1447* (Cambridge: Harvard University Press, 2013); Christopher S. Celenza, *Renaissance Humanism and the Papal Curia: Lapo da Castiglionchio the Younger's De curiae commodis* (Ann Arbor: University of Michigan Press, 1999); John D'Amico, *Renaissance Humanism in Papal Rome: Humanists and Churchmen on the Eve of the Reformation* (Baltimore: Johns Hopkins Press, 1983); John W. O'Malley, *Praise and Blame in Renaissance Rome: Rhetoric, Doctrine, and Reform in the Sacred Orators of the Papal Court, c. 1450-1521* (Durham: Duke University Press, 1979).

<sup>21</sup> On Burckhardt's conception of Rome, see Jennifer Summit, "Topography as Historiography: Petrarch, Chaucer, and the Making of Medieval Rome," *Journal of Medieval and Early Modern Studies* 30 (2000): 211-247, esp. p. 211. For an example of dismissive denigration of Rome's medieval condition, see Charles Stinger, *The Renaissance in Rome* (Bloomington: Indiana University Press, 1985), pp. xi-13. At various points Stinger describes medieval Rome as "decayed", "abandoned," and "a cultural backwater."

<sup>22</sup> Representative are Jean-Claude Maire Vigueur, *L'altra Roma: una storia dei romani all'epoca dei comuni (secoli XII-XIV)* (Turin: Einaudi, 2011); Sandro Carocci, "Storia di Roma, storia dei comuni," in *I comuni di Jean-Claude Maire Vigueur: percorsi storiografici*, ed. Maria Teresa Cacioregna, Sandro Carocci, and Andrea Zorzi (Rome: Viella, 2014), pp. 51-68; Isa Lori Sanfilippo, *La Roma dei Romani: Arti, mestieri e professioni nella Roma del Trecento* (Roma: Istituto Storico per il Medio Evo, 2001); *Roma Medievale*, ed. André Vauchez and Giulia Barone (Rome: Laterza, 2001); Clara Gennaro, "Mercanti e bovattieri nella Roma della seconda metà del Trecento (da una ricerca sui registri notarili)," *BISI* 78 (1967): 155-203.

conceived and as it was lived serve to light the path this study will take.<sup>23</sup> Put simply, we understand Rome well as idea, symbol, and inspiration, but we do not yet know it as well as a community. This study will examine the fourteenth-century evolution of Rome's dominant political community and use that transformation to better understand the city's political history. This is a story to which this particular medieval Rome's relationship to time will prove crucial.

To make time the crux of a political and social history of fourteenth-century Rome is to evoke questions of the fundamental order of things, of the sacred order as it relates to the political.<sup>24</sup> This does not mean privileging clerical voices or ecclesiastical authority in our analysis; Italy's history is replete with examples of those termed lay theologians and lay saints, people whose values, no matter how seemingly mundane, how rooted in social and political concerns, were nonetheless sincerely and powerfully religious, representative of a lay piety that did not always map perfectly onto the language and values of learned theological discourse.<sup>25</sup> The rich historiography of civic religion has made clear the extent to which the political and the

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<sup>23</sup> Robert Brentano, *Rome before Avignon: A Social History of Thirteenth-Century Rome* (New York: Basic Books, 1974); Musto, *Apocalypse in Rome*; Collins, *Greater than Emperor*.

<sup>24</sup> In this way, the political history of a locality like Rome can be taken as analogous with that of the struggle of papacy and empire over the right order of the world during the Investiture Controversy, for which see Gerd Tellenbach, *The Church in Western Europe from the Tenth to the Early Twelfth Century* (Cambridge: Cambridge University Press, 1993).

<sup>25</sup> See, for example, the thought of Albertanus of Brescia, commonly associated with early humanism, as in Ronald G. Witt, *In the Footsteps of the Ancients: The Origins of Humanism from Lovato to Bruni* (Leiden: Brill, 2000), p. 58, and considered a social theorist, as in James M. Powell, *Albertanus of Brescia: The Pursuit of Happiness in the Early Thirteenth-Century* (Philadelphia: University of Pennsylvania Press, 1992); recently he has been characterized as a "lay theologian" by Augustine Thompson, *Cities of God: The Religion of the Italian Communes, 1125-1325* (University Park: The Pennsylvania State University Press, 2005).

religious could overlap.<sup>26</sup> Here lay confraternities and associated institutions are representative. Once taken as religiously inflected alternative social spaces that offered escape from the agonistic political life of the Italian towns, these institutions of civic religion are now understood to have been articulations of the lay political and social world in explicitly pious terms.<sup>27</sup> The clergy, reflecting longstanding reform concerns, wished to clearly identify religious authority as ecclesiastical; but the laity, itself increasingly engaged with questions of the right order of a Christian society, did not conform itself to such clerical concerns. Contrary to the claims of ecclesiastical critics, lay mingling of the political, social, economic, and religious facets of life thus indicated not the dilution of pure religious sentiment, or the reduction of religion to political or economic concerns, but rather the astounding capaciousness, plasticity, and vitality of late medieval lay piety.<sup>28</sup> As Augustine Thompson has put it so well, the Italian communes were not only cities; they were cities of God.<sup>29</sup> These cities, as Thompson noted, were powerfully shaped by the liturgical rhythm of Christian life, but they were shaped as well by the theological and

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<sup>26</sup> The term was coined by David Herlihy, *Medieval and Renaissance Pistoia: The Social History of an Italian Town, 1200-1430* (New Haven, Conn: Yale University Press, 1967). See also, Robert N. Bellah, "Civil Religion in America," *Daedalus, The Journal of the American Academy of Arts and Sciences* 96 (1) 1967: 1-21.

<sup>27</sup> Ronald F. E. Weissman, *Ritual Brotherhood in Renaissance Florence* (New York: Academic Press, 1982); John Henderson, *Piety and Charity in Late Medieval Florence* (Chicago: University of Chicago Press, 1994).

<sup>28</sup> For an excellent treatment of clerical criticism, see Henderson, *Piety and Charity*, p. 4; on medieval religiosity, see John Van Engen, "The Christian Middle Ages as an Historiographical Problem," *AHR* 91.3 (1986): 519-552. On the deep engagement of the laity with religion during the fourteenth and fifteenth centuries, see David S. Peterson, "Out of the Margins: Religion and the Church in Renaissance Italy," *RQ* 53.3 (2000): 835-879.

<sup>29</sup> Thompson, *Cities of God*.

cosmological assumptions of their own lay societies, assumptions articulated rarely in written treatises but manifested daily through action.

It is a classic argument that in the Middle Ages time pertained to God and that theologians looked with horror on the practice of selling time, or usury, even if clerical thought about the practice of merchants was not simply condemnatory.<sup>30</sup> As with civic religion, however, to approach questions of moral economy in the Middle Ages solely from the perspective of theologians is misleading, even if theologians could be quite flexible on this topic.<sup>31</sup> Both God and the laity may have had certain claims on time, but this did not necessarily imply a tension between the exigencies of mortal life and the requirements of divine justice. For Romans as for other medieval people, the passage of time defined both the course of a life and, in most cases, the course of the afterlife in purgatory as well. The notion of the rightly ordered society, of the just society long associated with good communal governance, was aspirational, but it was one that fit into this temporal order and one in which there was not only a proper place for laypeople both as pious and as social beings but where the proper execution of their social roles could itself be understood as pious. Simply put, medieval lay people, and especially the inhabitants of cities, lived lives powerfully defined by economic and political relations. A fundamental assumption at

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<sup>30</sup> Jacques Le Goff, "Merchant's Time and Church's Time in the Middle Ages," in *Time, Work, and Culture in the Middle Ages* (Chicago: University of Chicago Press, 1980), pp. 29-42; for a recent discussion that continues to turn to Le Goff's work, see Marcel Hénaff, *The Price of Truth: Gift, Money, and Philosophy*, trans. Jean-Louis Morhange (Stanford: Stanford University Press, 2010).

<sup>31</sup> Giacomo Todeschini, *Franciscan Wealth: From Voluntary Poverty to Market Society* (Saint Bonaventure: Franciscan Institute, Saint Bonaventure University, 2009), and his *I mercanti e il tempo: la società cristiana e il circolo virtuoso della ricchezza fra Medioevo ed età moderna* (Bologna: Il Mulino, 2002).

work in this study is that their religious sense of themselves and their society reflected this.<sup>32</sup> Romans thought of themselves in religious terms and conceived of their community as a Christian society, and so we must view their choice of social strategies as, at least in part, an effort to enact and sustain a moral order cast in religious terms. Of course, any effort to understand the city as such is complicated by the fact that Rome, like any city, was not a single community; it was home to a mixed population of barons and nobles, guildsmen and laborers, natives and immigrants, a complex assemblage of people that constituted a variety of distinct but overlapping social groupings. For each group, Rome must have been something different, even if only subtly so. Many of these Romes are now lost to us, but not all. The obvious question, then, is why even those Romes for which record remains have continued to be so peripheral to the history of the city.

*Virtues Past and Present: Rome as Humanist Inspiration and Medieval Commune*

The perspectives from which Rome has long been considered, and the narratives into which it has long been placed, differ considerably from and have long occluded those of the medieval Romans themselves. As Simmel reminds us, in Rome, the remains of each age are not layered in tidy strata; the bones of one burst abruptly through the skin of another with astonishing frequency, confronting the eye with a riotous, almost cubist perspective of time, in which the whole stretch of history is visible simultaneously.<sup>33</sup> This temporal chaos of inhabited

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<sup>32</sup> Max Weber, "The Social Psychology of the World Religions," in *From Max Weber: Essays on Sociology*, ed. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1958), pp. 267-301.

<sup>33</sup> On Rome's physical spaces and built edifices, see Étienne Hubert, *Espace urbain et habitat à Rome du Xe siècle à la fin du XIIIe siècle* (Rome: École française de Rome, 1990); Richard Krautheimer, *Rome: Profile of a City, 312-1308* (Princeton: Princeton University Press, 1980).

structures and ruins speaks to the many Romes that have existed there, each embedded in and moving through time differently.<sup>34</sup> In the fourteenth and fifteenth centuries, Rome's ruins served as a muse for humanists as they developed a new sense of time, even as its people swam in the currents of a more established and widely shared temporality. The humanist notion of their "modern" Rome defined by its relationship to distant antiquity has all too often deflected attention from the immediate experience of late medieval Rome, that sense of Rome as a living thing that predated the retrospective gaze of the humanists. In order to make clear the way this humanist perspective obfuscates the local Roman experience of the same landscape and its place in time, it is necessary here to juxtapose the two.

Writing to Giovanni Colonna in 1377, Petrarch, one of the central figures in emergent Renaissance humanism and an eloquent supporter of Cola di Rienzo, recalled walks in Rome's broken ruins and suggested that to move among the city's crumbling stones was to quicken the sluggish pulse of Roman time. "For who can doubt," he remarked, "that Rome would rise again instantly if she began to know herself?"<sup>35</sup> His meditations on Rome's historical identity mark an important and enduring trend. Generations of humanists would do as Petrarch did, seeking out and meditating on the traces of the ancients. "I would encourage you," Poggio Bracciolini wrote to fellow humanist Bartolomeo Facio in 1455, "to explore the remnants of that city which was

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<sup>34</sup> My emphasis on considering Rome as a city in time is born of the conviction that the way communities understand themselves temporally has important repercussions for their historical development. This line of inquiry was inspired by William H. Sewell, *Logics of History: Social Theory and Social Transformation* (Chicago: University of Chicago Press, 2005). Sewell's suggestion that historians think in more explicitly theoretical terms about temporality, events, and other fundamental categories of historical analysis is particularly salient for the late medieval period, when ideas about time were changing, for which see below.

<sup>35</sup> In Francesco Petrarca, *Rerum familiarum Libri I-VIII*, trans. Aldo S. Bernardo (Albany: State University of New York Press, 1975), pp. 190ff.

once the light that shone most brilliantly in all the world.”<sup>36</sup> For Poggio, who worked for many years in the papal curia, the city’s allure was both its distant past and its papal present. For him, as for Leonardo Bruni and many others, Rome was a papal city that had a place for them as employees of the papal curia. Their reflections on its ancient past and their periodic denigration of its contemporary political environment were part and parcel of their identity as humanists whose professional trajectory depended on association with potent political powers and their ability to differentiate themselves from others with their fluid Latinity and knowledge of the ancient world.<sup>37</sup> The founder of modern Renaissance studies, Jacob Burckhardt, shared this proclivity for emphasis on the emergence of Renaissance splendor from a ruined Rome. As his argument about the culture of the Renaissance took shape in his mind, Burckhardt imagined the ruins of Rome frozen in time, until its flow was stirred there again by the culture of the Renaissance.<sup>38</sup>

Unlike the fifteenth-century Rome of curial humanists like Bruni and Bracciolini, the fourteenth-century city was estranged from a papacy still based in Avignon. But Rome during the Avignon papacy was hardly a slumbering Burckhardtian ruin.<sup>39</sup> During Petrarch’s lifetime it had been energized by the simultaneously classicizing and eschatological communal ideology promulgated by Cola di Rienzo. Cola declared himself to have been “inflamed” by Jesus Christ

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<sup>36</sup> William Shepard, *The Life of Poggio Bracciolini* (Liverpool: M’Creery, 1802), p. 292.

<sup>37</sup> McCahill, *Reviving the Eternal City*; Celenza, *Renaissance Humanism in the Papal Curia*.

<sup>38</sup> Jennifer Summit, “Topography as Historiography,” p. 211.

<sup>39</sup> Over-emphasis of Roman crisis, even Roman morbidity, is particularly common in studies that consider the history of Rome primarily in terms of the history of the church. For a compelling argument against this narrative, see Andreas Rehberg, “I Papi, l’ospedale e l’ordine di S. Spirito nell’età avignonese,” *ASRSP* 124 (2001): 35-140.

“with a desire for peace, liberty and justice” and, in a marriage of classical and medieval categories, even named himself Tribune of Peace, Liberty, and Justice.<sup>40</sup> We see his enthusiasm for this project reciprocated by Petrarch in a letter written shortly after Cola’s ascent to power. “Liberty stands in your midst,” Petrarch declared. “There is nothing dearer, nothing more earnestly to be desired...Enjoy this great boon, this realization of your dreams of many years.” In the poet’s eyes, Cola had done nothing less than restore meaning to Roman lives. For, he said, “without liberty, life is mockery.”<sup>41</sup> Cola’s evocations of Rome’s ancient grandeur, his dreams of its resurrection, carry the drama of that moment and the charisma of the man, drawing the eyes of historians just as they drew those of Petrarch.<sup>42</sup> The once common project of considering Cola as a kind of proto-humanist in his own right explains, at least in part, his attraction for modern historians, despite the differences between him and later humanist thinkers.

Rather than foreshadowing humanist political ideas to come, however, Cola’s political and social vision emerged from the common currency of his fourteenth-century world, a union of political and religious ideas that reflected his cultural and social formation. Cola shared with contemporary theorists an abhorrence of the disorder that had long marked Roman political life. Cola declared that prior to his revolution Rome had been a godless city without justice, plagued by internecine violence that took the lives of its citizens, including his own brother. It was in fact his brother’s death, we are told, which had first provoked Cola to contemplate “how to return

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<sup>40</sup> Konrad Burdoch and Paul Piur, *Briefweschel des Cola di Rienzo*, vol. 2 of 5 (Berlin: Weidmann, 1928), p. 38; “Igitur prefatus pater et dominus noster...ad desiderum liberatis pacis et iustitie inflammavit.”

<sup>41</sup> Mario Emilio Cosenza, *Francesco Petrarca and the Revolution of Cola di Rienzo* (Chicago: University of Chicago Press, 1913), pp. 14-64.

<sup>42</sup> For discussion of the enduring fascination of Cola, see Collins, *Greater than Emperor*, pp. 1-11.

misguided Rome to the straight path.”<sup>43</sup> That path was the road that led to the *buono stato*, a social and political order rooted in the idea of the commune as a rightly ordered Christian society, one productive of justice and peace, and as the social and political model for a Joachimite new age.<sup>44</sup> His success in articulating these shared ideals won Cola the support of a composite group of Rome’s political elites who sustained his revolution in its early days, but their backing faded in the face of papal machinations aimed at destabilizing his regime. Writing in retrospect, the Anonimo Romano, our best witness to these events, albeit one highly skeptical of Cola, noted his apparent instability and the disquietude provoked by his unpredictable strategies for coping with his baronial enemies. Even in the early days, when his popular support was at its peak, this chronicler recalled that Romans who gazed at the religiously charged paintings Cola produced in Rome’s public spaces were said to mutter, “It will take more than pictures to set Rome straight.”<sup>45</sup> In his retrospective account, the Anonimo indicates that Cola’s contemporaries either did not fully understand him or did not entirely share his vision. As a result, in this telling, he gradually lost the support of the powerful artisans, urban nobles, and notaries who constituted Rome’s ruling elite.<sup>46</sup> Although the account of the Anonimo fails to

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<sup>43</sup> AR, *Cronica*, p. 105; “Accadde che un sio frate fu occiso e non fu fatta vennetta de sia morte. Non lo potéo aiutare. Penzao longamano vennicare lo sangue de sio frate. Penzao longamano derizzare la citate de Roma male guidata.”

<sup>44</sup> Musto, *Apocalypse in Rome*.

<sup>45</sup> AR, *Cronica*, p. 110; “Con airo se vòlzerà rettificare lo stato de Roma, che con figure.”

<sup>46</sup> On the elements of Roman society that were Cola’s most important local supporters, and who are also key for this study, see Collins, *Greater than Emperor*, especially pp. 195-6. She notes several key groups in the account of the Anonimo Romano: “*Romani popolari discreti e buoni uomini*, a lower class of *popolani*; his *descreti e ricchi mercatanti*, presumably the *popolo grasso* guildsmen rising toward the noble social ranks of the *bovattieri*; and a third, specifically less numerous and clearly more established aristocratic element...*cavalerotti e di buono legnaggio*.” Collins believes that the Anonimo was speaking about specific segments of Roman society and

appreciate the intricacies of Cola's political relationship to the papacy, and the extent of its role in his downfall, it also forces us to take seriously the possibility that at least some of Rome's elites were not fully invested in the Tribune's ideas about the nature of their city's religious and political significance. In fact, the Anonimo indicates that their understanding of Rome's place in the Christian cosmos was, in practice, less wedded to Cola's invocations of Rome's unique destiny, and more deeply indebted to ideas about the right order of a Christian society and the claim of the laity to power and authority within that society that were emerging throughout Italy.

Romans certainly profited from their city's prominence as one of the foremost Christian centers of the Middle Ages, but the Anonimo reminds us that at times they also evinced skepticism when presented with evocations of that identity, preferring instead a humbler model, common to many Italian communes and dependent on new ideas about charity, wealth, and morality. Two stories are illustrative. The first pertains to the coming of Fra Venturino da Bergamo to Rome, in March of 1335, at the head of a great procession of penitents. After preaching at several locations in the city and building up interest among the locals, Venturino gave a sermon "on the Campidoglio, in the council hall" itself. A huge crowd of Romans attended and "focused on him intently." They silently observed the friar, watching "carefully to see whether he erred in using false Latin." When he began to insist "Rome was a land of great sanctity due to the dead that lay within it but that the Romans were an evil people...the Romans

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that Cola's failure stemmed, in part, from his betrayal of a broad *popolani* base in favor of the wealthier *popolo grasso*. This model is overly neat. Massimo Miglio and others have long sustained that the Roman situation was not so cleanly demarcated. See Miglio, "Gli ideali di pace e di giustizia in Roma a metà del Trecento: gruppi sociali e azione politica," in *Scrittori, Scritture, e Storia*, (Rome: Vecchiarelli, 1991), pp. 55-87.

began to laugh among themselves.”<sup>47</sup> Venturino was eventually run out of town after criticizing local civic festivals and suggesting he should direct the flow of Roman money to pious purposes. His critique of Roman morality as falling short of their city’s sanctity, like the implication that Roman financial priorities were misdirected, fell on deaf ears. The Romans already had well-developed ideas about the relationship of sanctity and economy in their community.

A well-known example of this Roman piety was a man named Ianni Macellaro, a member of the guild-based urban elite. During a time of great famine, when many Roman landowners carefully prevented the starving crowds from stealing their produce, Ianni did the opposite. Already enjoying a reputation for charity as “one of the first to make offerings of livestock to [the Hospital of] Santo Spirito in Rome,” Ianni now went further, sending word that the needy should come to him. As a result, famished Romans descended on his crops and “lingered there all day to eat.” Meanwhile, Ianni, “visited them nearly every day on horseback and greeted them. And he told them to eat well and even to take beans home to their loved ones. Upon which he gave each man a small loaf of bread.”<sup>48</sup> When finally the famine ended, by which time Ianni’s crop was utterly consumed, “God showed his great abundance” and his fields

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<sup>47</sup> AR, *Cronica*, pp. 19-20: “Quanno fu ionto, fu receputo in Santo Sisto. Là predicao. Soa iente moito pareva ordinate e bona. La sera cantavano le laode...Puoì predicao in Santa Maria Minerva lo die della Annunziazione. Puoì predicao in Campituoglio, nello parlatorio. Tutta Roma trasse per odire soa predica. Forte tenevano mente Romani. Queti stavano. Ponevano cura se peccava in faizo latino. Allora predicao e disse ca sciogliessino le calzamenta delli piedi loro, ca la terra dove stavano era santa. E disse che Roma era terra de moita santitate per le corpora le quale in essa iaccio. Ma Romani so’ mala iente. Allora li Romani se ne risero.”

<sup>48</sup> Ibid., p. 36: “Per tutto die là demoravano a manicare. Lo patrone a cavallo in soa iumenta bene li visitava onne die sì li salutava. Puoì li diceva che manicassino bene e portassino della fava a casa a loro piacere. Puoì dava uno panetto per omo.”

miraculously “abounded.”<sup>49</sup> He suddenly had such a rich crop “that it truly appeared that the beans of the other castellans had left their own fields” and taken up residence in his own. “Thus God freely showed that the mercy of a good heart toward the needy pleased him well and that he would reward the one who cared for the needs of others so that from one came forth one hundred, as the Evangelist says.”<sup>50</sup>

In Ianni we see the confluence of piety and economy in Rome. The social and economic virtue reflective of divine order was associated not with a centrally administered governing apparatus based on Rome’s unique sanctity, but rather the religiously inflected action of prominent men like Ianni. In contrast, Cola di Rienzo’s self-presentation was closer to Venturino’s: both men were critical of Rome’s political and social reality and sought to act as a guiding hand in crafting a rightly ordered Christian society based on centralized governance; and both found it difficult to obtain and hold such a position in Rome. Like all medieval people, the Romans lived in a world steeped in religion and had a sense of their community’s place in a larger Christian cosmology. But for them Rome’s Christian identity did not necessarily hinge on its exceptionalism. Certainly, the city had a powerful sacred identity as one of the most sacred sites in Christendom. Boniface VIII’s Jubilee had brought an exceptional flux of pilgrims to Rome in 1300, but even in ordinary years pilgrims were part of a well-established tradition of pious journeys to the city.<sup>51</sup> A twelfth-century guidebook, penned in all likelihood by a canon of

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<sup>49</sup> Ibid., p. 36-7: “...Dio immise la soa granne abunanza e frutto in quelli fusti. Ora vedesi fava abunare.”

<sup>50</sup> Ibid., p. 37: “che parze veracemente che la fava delli atri castellani se partisse delle proprie are e venisse nella ara dove li fusti se vattevano. Così Dio liberamente mustrao che bene li piace la elemosina de buono core nello bisuogno e che esso cortesia fao a chi soveo alle necessitati altrui e che per uno ne renne cento, como nello Vagnelio dice.”

<sup>51</sup> On the Jubilee, see Arsenio Frugoni, *Il Giubileo di Bonifacio VIII* (Rome: Laterza, 1999), originally published with the same title in *Bollettino dell'Istituto Storico Italiano per il Medio*

St. Peter's, argued for its founding by Noah and his descendants, and emphasized the sacral quality of the place, the likes of which only Jerusalem could likely equal in the medieval mind.<sup>52</sup> But even if Rome's place in contemporary ideology must have been inescapable for its residents, it shared space in their minds with Rome in its guise as a typical commune. In that respect, its denizens drew on an economic morality that increasingly marked lay Christian attitudes towards wealth in late medieval Europe. Crucial for understanding the Rome of the Romans, then, is a sense of the economic and social world in which they lived.

### *Roman Environs and Economy in the Later Middle Ages*

The reality of medieval Rome was, at first glance, less awe-inspiring than the ideas of Rome that tend to spring to mind when the city is mentioned: memories alternatively of a marble-clad imperial city or the grandeur of the renaissance papacy. In the medieval period, before the advent of the Plague, Rome's population peaked at around thirty thousand, perhaps less. Its population lived primarily in the bend of the Tiber River, surrounded by a circuit of ancient walls built for an ancient population of closer to one million. Economically and demographically speaking, and overlooking for now its stature as one of the premier cities of Christendom, Rome was a peer polity not of great cities like Florence or Milan but of rather

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*Evo e Archivio Muratoriano* 62 (1950): 1-121. Debra J. Birch, *Pilgrimage to Rome in the Middle Ages: Continuity and Change* (Woodbridge: The Boydell Press, 1998).

<sup>52</sup> *The Marvels of Rome: Mirabilia Urbis Romae*, ed. and trans. Francis Morgan Nichols, 2<sup>nd</sup> edition (New York: Italica Press, 1986). On the unique place Rome and Jerusalem occupied in the medieval imaginary, see Keith D. Lilley, *City and Cosmos: The Medieval World in Urban Form* (London: Reaktion Books, 2009).

more modest centers like Perugia.<sup>53</sup> Compared to Florence or Siena, Venice or Pisa, Rome never developed a strong native tradition of banking or long-distance trade. Although there were Roman moneychangers and merchants, the city was primarily a local market center; wealth there was almost entirely agricultural.<sup>54</sup> From earliest antiquity, the city of Rome had been tightly bound to its countryside, the ancient *ager romanus*. Sometime in the early medieval period this region came also to be known as the *districtus Urbis*, a reference to the extent of the jurisdictional authority of the city's laws and courts. Though its precise boundaries are not recorded, it is likely that by the fourteenth century the term had come to reflect the old hundred-mile span surrounding the city that was the jurisdictional domain of the ancient urban prefects.<sup>55</sup>

But in the medieval period ancient boundaries were not so firm. Rome's walls were vast but broken. Wolves easily passed through their sizeable breaches and menaced the Roman streets. The fields of the countryside also penetrated into Rome's intramural rural space.<sup>56</sup> Much of the city was uninhabited, given over to ruin and, like the countryside, to vineyards, food crops, and pasturage for livestock.<sup>57</sup> The city's ruling elites, including in Rome important clerical elites, controlled its agricultural territory in a seeming hodgepodge of strategically placed fields and

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<sup>53</sup> This places Rome in the middle range of contemporary Italian cities. See Samuel K. Cohn, Jr., *The Cult of Remembrance and the Black Death: Six Renaissance Cities in Central Italy* (Baltimore: The Johns Hopkins University Press, 1992), pp. 5-6.

<sup>54</sup> Lori Sanfilippo, *La Roma dei Romani; Economia e Società a Roma tra Medioevo e Rinascimento*, ed. Anna Esposito and Luciano Palermo (Rome: Viella, 2005).

<sup>55</sup> For an overview, see Giuseppe Tomassetti, *La Campagna Romana Antica, Medioevale e Moderna*, Vol. 1 of 7 (Rome: Banco di Roma, 1975).

<sup>56</sup> *Statuti della città di Roma*, ed. Camillo Re (Rome: Tipografia della Pace, 1880), p. 170.

<sup>57</sup> See Maire Vigueur, *L'Altra Roma*, pp. 3-85; Étienne Hubert, "L'organizzazione territoriale e l'urbanizzazione," *Roma Medievale*, pp. 159-186; Krautheimer, *Rome: Profile of a City*.

fortresses, urban gardens and rural holdings. In the fourteenth century, the Roman countryside was characterized by the extensive and growing presence of *casali*, large-scale agricultural complexes similar to the *mezzadria* of the north.<sup>58</sup> These *casali* were recent arrivals. In earlier centuries the Roman countryside, like the rest of Lazio, was the site of extensive encastellation.<sup>59</sup> The *castra* that were typical of this phenomenon were humble, often little more than a fortified village settlement perched on a hill and dominated by a modest fortified structure with an impressive name. Like their ilk elsewhere, these were centers of coercive control and extraction, the possessions of the feudal lords for whom domination by violence was the main marker of identity. In the Roman case, the primary holders of such castles were the great barons, a powerful but small group of roughly thirteen families that emerged from the local nobility in the twelfth and thirteenth centuries.<sup>60</sup> It was these barons, or the Angevin allies of the papacy, who

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<sup>58</sup> On the structures of the Roman countryside, see Tomassetti, *La Campagna Romana*; Jean Coste, "Description et délimitation de l'espace rural dans la campagne romaine," in *Sources of social history: private acts of the late Middle Ages*, ed. Paolo Brezzi and Egmont Lee (Toronto: Pontifical Institute of Medieval Studies, 1984), pp. 185-200; Daniela Esposito, *Architettura e costruzione dei casali della Campagna Romana fra XII e XIV secolo* (Rome: Società Romana di Storia Patria, 2005); Daniele Esposito and Susanna Passigli, "Alcune note sull'insediamento fortificato di Capodibove. Dal casale, al castrum, al casale," in *Scritti per Isa*, pp. 369-402; Jean-Claude Maire Vigueur, "Les 'casali' des églises romaines à la fin du Moyen Âge," *Mélanges de l'École française de Rome* 86 (1974): 63-136; Marco Vendittelli, "Dal 'castrum Castiglionis' al casale di Torrimpietra. I domini dei Normanni-Alberteschi lungo la via Aurelia tra XII e XV secolo," *ASRSP* 112 (1989): 115-182.

<sup>59</sup> Pierre Toubert, *Les structures du Latium médiéval: le Latium méridional et la Sabine du IXe siècle à la fin du XIIIe siècle*, 2 vols. (Rome: École française de Rome, 1973). Jones, *The Italian City-States*, p. 94 notes that early waves of encastellation came and went; the first waves were not permanent. The rise of the *casali* took place in a parallel period of "decastellation."

<sup>60</sup> Sandro Carocci, *Baroni di Roma: Dominazioni signorili e lignaggi aristocratici nel Duecento e nel primo Trecento* (Rome: Istituto storico italiano per il Medioevo, 1993); Franca Allegrezza, *Organizzazione del potere e dinamiche familiari: gli Orsini dal Duecento agli inizi del Quattrocento* (Rome: Istituto storico italiano per il Medioevo, 1998); Andreas Rehberg, *Kirche und Macht im römischen Trecento: die Colonna und ihre Klientel auf dem kurialen Pfründenmarkt (1278-1378)* (Tübingen: Neimeyer, 1999).

largely dominated the city in the same period and into the fourteenth century.<sup>61</sup> But the departure of the papacy to Avignon following the death of Boniface VIII changed all this. By the mid-fourteenth century many of the baronial clans were in decline. Nonbaronial Roman nobles and other non-noble Roman elites steadily bought up and transformed the barons' landed holdings, doing the same with the lands of Rome's ecclesiastical institutions. In this way, the *casali* emerged. Structurally and functionally distinct from the *castra*, they consisted of a central tower, a large fenced in area for containing livestock, and small support structures for housing implements necessary for the agricultural arts. They were not centers of domestic life or of resource extraction by means of violent rule. Roman *casale* farming relied on wage labor and maximized resource extraction by carefully managing techniques of cultivation. Though owned by the city's moneyed classes, the *casali* were run by managers and worked by hired labor. Surviving labor contracts are numerous and fell into several types based on the precise mixture of labor required, beasts of burden supplied, the size of cultivated area in question, and the respective shares of the harvest due to the relevant parties. These contracts were uniformly for very short terms, necessitating a constant stream of new employees or renewal of old relationships that produced a flurry of documentary activity. The pulse of the seasons was slow and constant but the rhythms of the human transactions layered over that pulse were many and various.

The combination of the terrestrial power of the barons with ecclesiastical authority and curial wealth was the engine that powered Rome in the thirteenth century, but ensuring the flow of grain and other agricultural products to Rome was a constant and critically important

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<sup>61</sup> On thirteenth-century Rome, see Brentano, *Rome before Avignon*; and Duprè Theseider, *Roma dal comune di popolo alla signoria pontificia*.

challenge throughout the medieval period. It remained a concern for the communal regimes of the fourteenth century and for the papal government of the fifteenth.<sup>62</sup> As the baronial lineages waned in the early fourteenth century, the management of Rome's supply of grain fell increasingly into the hands of the urban elites who purchased their *castra* and transformed them into *casali*. The most prominent of these were the *bovattieri*, great cattle ranchers and agriculturalists who came both from the urban nobility and the most successful of Rome's non-noble elite.<sup>63</sup> It is this group, whose Rome we see in the notarial documents, that gives us our clearest window on the late medieval city. We find them in the midst of a profound transformation. In the early fourteenth century many of these families lacked a fixed name, relying instead on patronymics. Those families that did have names – among them the Ylperini, Pierleoni, and Frangipane – were the members of the urban nobility, the very group from which Rome's barons had once emerged. The barons and the urban nobles were understood to be distinct; in the notarial documents that record the manifold transactions of daily life, barons were called *magnifici* and urban nobles *nobiles*. By the later decades of the fourteenth century, the most prominent of Rome's non-noble elite had begun to penetrate into the circle of the nobility, acquiring fixed family names – Baccari, Tordonerii, Gibelli – and increasingly recognized nobility.<sup>64</sup> These families were connected to one another by countless ties of small-scale credit and debt, by shared membership in the city's guilds, by political alliances, and by simple proximity. Theirs was a neighborhood life.

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<sup>62</sup> Luciano Palermo, *Il porto di Roma nel XIV e XV secolo: strutture socio-economiche e statuti* (Rome: Istituto di studi romani, 1979); and his *Mercati del grano a Roma tra Medioevo e Rinascimento* (Rome: Il Centro di Ricerca, 1990).

<sup>63</sup> Clara Gennaro, "Mercanti e bovattieri."

<sup>64</sup> Collins, *Greater than Emperor*, pp.170-203.

The crucial characteristic of these neighborhoods was their blending of the terrestrial and the spiritual, and the clear sense of ownership neighborhood elites had in relation to both. For all the constant flow of goods, coin, and credit that bound these Romans to one another, they were not proto-capitalists or economically rational actors in any modern sense. Their exploitation of their rural holdings produced necessary food and useful wealth, but their methods were relatively static. One reason for this was the simple fact that their maximization and refined deployment of wealth in the form of land or cash was always secondary to other goals, among them the sustained coherence and longevity of their lineages.<sup>65</sup> Inside the walls this impulse was mapped in notarial documents by the acquisition and management of urban domestic structures, houses systematically obtained in order to form a dense nucleus of family holdings centered on the primary paternal patrimony. In this way Roman lineages met the needs of males to control their own households while projecting a strong solidarity that was a visible element of the urban landscape. But for all its importance in shaping that landscape, the critical importance of lineage solidarity and prestige was only one such influence.

Alongside family, the other inescapable element of Roman life was the church. Rome was, of course, home to some of Christendom's most famous basilicas, to which pilgrims flocked throughout the medieval period.<sup>66</sup> But many of these great churches were located outside Rome's primary inhabited zone, constituting islands of secondary population within the circuit of the ancient walls. They were emblematic of Rome, as it was known to the broader world of Western Christendom; but they were not the key ecclesiastical institutions of the city's daily world. Just

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<sup>65</sup> Jean-Claude Maire Vigueur, "Capital économique et capital symbolique: Les contradictions de la société romaine à la fin du moyen âge," in *Sources of Social History*, pp. 213-224.

<sup>66</sup> On medieval pilgrimage, see, in addition to works already cited, Diana Webb, *Pilgrims and pilgrimage in the medieval West* (London: I.B. Tauris, 2001).

as Rome was a city of neighborhoods, the ecclesiastical map of its inhabited area was a dense network of parish churches and similar small entities.<sup>67</sup> These parish churches were numerous and deeply embedded in neighborhood life.

One of the best known of these, due more to the preservation of relevant sources than any intrinsic importance, is the church of Sant'Angelo in Pescheria, located between the Campidoglio and the Tiber, adjacent to the Savelli stronghold of the Theater of Marcellus as well as the neighborhood that would become the Jewish Ghetto.<sup>68</sup> Before it stood a set of ancient marble pillars, remains of the Porticus Octaviae, and nearby was the Theater of Marcellus, itself a fortress of the baronial Savelli in the medieval period. But, for any understanding of the church's place in medieval Rome, more important than those monumental reminders of antiquity are the sets of marble slabs that ringed the church inside and out. Sant'Angelo in Pescheria took its name from the fact that the square in front of it was the site of Rome's largest fish market, where great piles of fish were sold from atop ancient slabs of stone. Owned by the church itself, these slabs were leased to or acquired by families of the *ars pescevendolorum*, the guild of fish sellers, resulting in a hodgepodge map of tiny properties that filled the space outside the walls of the church. In this, the market resembled patterns of ownership in the countryside as well, a large nominally ecclesiastical domain that was increasingly parceled up and exploited by the laity. Just

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<sup>67</sup> For a modern edition of the best medieval list of Rome's churches, see Giorgio Falco, "Il catalogo di Torino," *ASRSP* 32 (1909): 411-443. See too, Mariano Armellini, *Le Chiese di Roma dal secolo IV al XIX* (Rome: Pasquino, 1982), a reprint of the 1891 original; and see the valuable Susanna Passigli, "Geografia parrocchiale e circoscrizioni territoriali nei secoli XII-XIV: istituzioni e realtà quotidiana," in *Roma nei secoli XII e XIV: cinque saggi*, ed. Étienne Hubert (Rome: Viella, 1992), pp. 43-86, which identifies and maps Rome's parish churches.

<sup>68</sup> On Sant'Angelo in Pescheria, see Isa Lori Sanfilippo, "Un 'luoco famoso' nel Medioevo: Una chiesa oggi poco nota. Notizie extravaganti su S. Angelo in Pescheria (VI-XX secolo)," *ASRSP* 117 (1994): 231-268.

as the landed patrimonies of Rome's ruling lineages existed in a patchwork quilt of distinct plots extending both inside and outside the porous walls of Rome, so too did the patchwork ownership of stone slabs transcend the apparent barrier of the church's walls. Inside Sant' Angelo in Pescheria the same fish sellers, and their closest associates, had divided properties among themselves in precisely the same way, ringing the inner walls of the church with private chapels centered on stone altars that they understood as their own.

Rome's daily life first comes into focus for us in the mid fourteenth century, with the appearance of our earliest relevant sources. At that time, the agricultural rhythm of planting and harvesting was among the most important ways of marking time. Harvesting led to both storing and eventually to selling of produce, and so the long repetitions of agricultural life were also punctuated by market transactions of coin and kind. The constant cycle of agricultural seasons and market days were so crucial to Rome's economy that they were often used to schedule repayment of loans that had no direct relationship to agriculture. The interactions between Romans and their environment, and the transactions between Romans and their neighbors, merge into one another in these documents, each carefully defined in relation to time. But the temporal pulse of the seasons and the rhythm of social and economic life were never separate from the sacred melodies that poured forth from Rome's churches, as they did from every church in Western Christendom. To be sure, harvest time was also market time; but due to the consistent simultaneity of market days and holy days, harvest time and market time were usually also sacred time.<sup>69</sup> In just this way, late medieval Rome existed in its own Christian time, a time

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<sup>69</sup> See Alexander Murray, "Time and Money," in *The Work of Jacques Le Goff and the Challenges of Medieval History*, ed. Miri Rubin (Woodbridge: Boydell Press, 1997), pp. 3-25.

visible to us through its markers: fixed points in the constant ebb and flow of grain, of gold, and of grace.

### *Time and the History of Late Medieval Rome*

Christian time has always been linear and sharply demarcated by the action of God. Medieval Christians understood God to have created the world, to have once lived as a mortal man within its temporal flow, and to intend, in a final act of judgment, to end it. Human beings moved through the world in a similarly linear fashion, being born, moving inexorably toward death, judgment, and, it was hoped, salvation. The journey from birth to death, from mortal life to either damnation or salvation was a universal human experience. In the centuries following the turn of the millennium the explosion of trade and the money economy, the revival of urban life, murmurings of imminent apocalypse, and the reshaping of western Christendom by the Gregorian reform and the Fourth Lateran all conspired to provoke dramatic change. Among these changes was the profound transformation of Christian time.<sup>70</sup> The journey from birth to final salvation was complicated by the rapid spread of the idea of purgatory over the late twelfth and thirteenth centuries.<sup>71</sup> Most evocatively articulated by Dante in his *Commedia*, this new idea not

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<sup>70</sup> The historiography on this topic is vast but the classic work is Herbert Grundmann, *Religious Movements in the Middle Ages: The Historical Links between Heresy, the Mendicant Orders, and the Women's Religious Movement in the Twelfth and Thirteenth century, with the Historical Foundations of German Mysticism*, trans. Steven Rowan (Notre Dame, University of Notre Dame Press, 1995), originally published in 1935. Also crucial is Lester K. Little, *Religious Poverty and the Profit Economy in Medieval Europe* (Ithaca, NY: Cornell University Press, 1978).

<sup>71</sup> Jacques Le Goff, *The Birth of Purgatory* (Chicago: University of Chicago Press, 1984), originally published in 1981 as *La Naissance du Purgatoire*. See too his "Merchant's Time and Church's Time in the Middle Ages," in *Time, Work & Culture in the Middle Ages*, trans. Arthur Goldhammer (Chicago, University of Chicago Press, 1980), pp. 29-42, originally published as "Au Moyen Age: Temps de l'Eglise et temps du marchand," *Annales: Economies. Sociétés*.

only provided increased hope and a sense of agency to Christians uncertain of their soul's ultimate fate: it also produced an increasingly refined notion of spiritual capital that transformed the act of charitable giving, the value of prayers, and any number of crucial Christian institutions.<sup>72</sup> The reality that most Christian souls would not proceed directly to salvation or damnation but would instead continue their forward-moving temporal existence as they passed through purgatory, an idea that by the fourteenth century was the consensus in Latin Christendom, had profound repercussions for the relationship of the earthly and spiritual realms. It created the possibility of a direct rapport between them, a relationship mediated by the sharing of a temporal regime. The impact of this is prominent in contemporary sources. Speaking of it,

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*Civilisations* (1960): 597-613. Le Goff's arguments about a necessary tension between ecclesiastical and lay notions of time go too far, as even sympathetic later works have noted. See for example, Alexander Murray, "Time and Money." Murray's gentle critique of Le Goff's earlier essay applies to the master's later works as well. See, for example, Jacques Le Goff, *In Search of Sacred Time: Jacobus de Voragine and the 'Golden Legend'*, trans. Lydia G. Cochrane (Princeton: Princeton University Press, 2014). Also important is George Dameron, *Florence and its Church in the Age of Dante* (Philadelphia, University of Pennsylvania Press, 2005).

<sup>72</sup> For Dante's concern with materiality and salvation, see Alison Morgan, *Dante and the Medieval Other World* (Cambridge: Cambridge University Press, 1990); Nancy Lindheim, "Body, Soul, and Immortality: Some Readings in Dante's *Commedia*," *Modern Language Notes* 105.1 (1990): 1-32. I see this concern for materiality and salvation as primarily social, rather than individual. Cf. Erich Auerbach, *Dante: Poet of the Secular World* (Chicago: University of Chicago Press, 1961), and more recently Manuele Gragnolati, *Experiencing the Afterlife: Soul and Body in Dante and Medieval Culture* (Notre Dame: University of Notre Dame Press, 2005). On charitable giving in general, see James W. Brodman, *Charity and Religion in Medieval Europe* (Washington, D.C.: Catholic University of America Press, 2009); and *With Us Always: A History of Private Charity and Public Welfare*, ed. Donald T. Critchlow and Charles H. Parker (Lanham, MD: Rowman & Littlefield, 1998); Alan E. Bernstein, "Heaven, hell and purgatory: 1100-1500," in *Christianity in Western Europe c. 1100-c.1500, The Cambridge History of Christianity*, vol. 4 (Cambridge, Cambridge University Press, 2009), pp. 200-216; Barbara H. Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny's Property* (Ithaca: Cornell University Press, 1989); Teofilo F. Ruiz, *From Heaven to Earth: the Reordering of Castilian Society, 1150-1350* (Princeton: Princeton University Press, 2004); Steven Epstein, *Wills and Wealth in Medieval Genoa, 1150-1250* (Cambridge, Mass: Harvard University Press, 1984) and Samuel K. Cohn, *The Cult of Remembrance and the Black Death*. Cf. Martin Bertram, "'Renaissance Mentality' in Italian Testaments?," *JMH* 67.2 (1995): 358-369.

Robert Brentano observed “that the development in thirteenth- and fourteenth-century wills reveals the new awareness of a continuum between life and death; of a space in which a man moved himself from the earthly life to the life after death, without shedding all his goods and actions. There arose a kind of transparency between the individual life after death and the mystery, previously concealed, of the otherworldly. Death became a clear reality or, to change metaphors, an open door, a natural thing, less definite and fearsome than in the past.”<sup>73</sup> The flow of time across this once clearly demarcated threshold was a fundamental result of the idea of purgatory. This suggests the utility of taking temporality as an analytical focus when considering late medieval societies.

This study will suggest that the denizens of Rome, as social and economic actors, operated within a single field of action marked by the linear passage of time and encompassing both this world and the realm of purgatory. The Roman people owned and operated the land that fed their city; they established the contractual relations that governed both that work and the transaction of its produce, turning grain into gold; and, as the case of Sant’Angelo in Pescheria makes clear, they owned as well the apparatus of the Christian faith by which that gold could be transmuted into grace. Nowhere in their actions do we see compelling evidence of tension between their priorities and motivations as agriculturalists, economic actors, and Christians. Instead we see a unified field of action that stretched from field to market, from market to altar, and from altar to the afterlife. Every step of this journey from gold, to grain, to grace was recorded in notarial documents, which marked out in time the ever-flowing current of the Roman economy, both terrestrial and spiritual. This quotidian, transactional time, time as a marker of

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<sup>73</sup> Robert Brentano, “Considerazioni di un lettore di testamenti,” in *Nolens intestatus decedere: il testamento come fonte della storia religiosa e sociale : atti dell'incontro di studio* (Perugia, 3 maggio 1983), ed. Attilio Bartoli Langeli (Perugia: Editrice Umbra Cooperativa, 1985), p. 8.

process, was the temporality that defined the world of late medieval Rome of the city's ruling group, encompassing not only the world of earthly transactions but the world of purgatorial progress toward salvation as well. Throughout this study I do not use the term "temporal" in the commonly understood sense distinguishing earthly concerns from spiritual ones. An example of this would be the papal vicars *in temporalibus et spiritualibus* who oversaw the papacy's concerns in its role as a secular power and head of Christendom respectively. Instead, I use the term "temporal" in the sense of relationship to time, specifically the linear flow of time that defined a Christian existence and that was extended by the logic of purgatory into a previously timeless afterlife. Far from being an ahistorical analytical move, this use of the term "temporal" acknowledges lay notions about the relationship between the earthly and purgatorial spheres that were present to and articulated by late medieval Romans, a fact that I will endeavor to demonstrate in this study. Far from denigrating or diluting religion by reducing it to earthly economic concerns, emphasizing the shared temporality of purgatory and the mortal realm serves to bring out the extraordinarily dynamic potency attributed to human action in the late medieval world. Where there was time, there was change; and where there was the possibility of change, there was hope of salvation. All action within the temporal economy had the capacity to move one progressively toward that goal. The question of wealth and salvation was a matter of great concern for medieval Christians, even before the crystallization of a doctrine of purgatory, precisely because of the general consensus that most people required effective post-mortem intervention on their behalf. This was the opinion of Augustine, whose position was widely shared in the Middle Ages. The temporal economy allowed medieval people to perform at will the pious alchemy of transmuting grain into gold, gold into grace, and back again in an endless

circulation of material wealth that, if properly carried out, rarified their souls and hastened their relentless march toward the end of time.<sup>74</sup>

This study will seek to demonstrate that it was through the logic of the temporal economy that Rome's ruling elite developed the strategies by which they built and maintained the strong social solidarities that defined their community even after the commune's fall. Roman expertise in navigating both the earthly and spiritual currents of the temporal economy, and their sense of its capacity to indicate social distinction through the spiritual distinction of specific pious acts, was critical to the evolution of their community. Through the circulation of material goods, particularly by means of testamentary and related practices for the transfer and deployment of wealth, late medieval people were able to care both for their souls and those of others.<sup>75</sup> Surviving sources suggest that what was and was not a legitimately pious act was an open question, and that by pushing relentlessly at the divisions between what was and was not holy, lay people like the Romans examined here marked out collective identities and claimed social legitimacy for the various groups, the communities or societies, into which they aligned themselves. The collective identity of kinship and its presence in property relations and pious giving was an important example. So too were associations based on parish, trade, or political affiliation, and the confraternal and other forms of piety that accompanied them. These entities are well studied in many Italian cities, but have not been examined in late medieval Rome because of the comparative dearth of source material.<sup>76</sup> It is the claim of this study that to

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<sup>74</sup> Antonio Piolanti, "Il dogma del Purgatorio," *Euntes Docete* 6 (1953): 287-311, esp. p. 300.

<sup>75</sup> Robert Brentano, *A New World in a Small Place: Church and Religion in the Diocese of Rieti, 1188-1378* (Berkeley: University of California Press, 1994), p. 4.

<sup>76</sup> Paola Pavan, "Gli statuti della società dei Raccomandati del Salvatore Ad Sancta Sanctorum (1331-1496)," *ASRSP* (1978): 35-96; Anna Esposito, "Apparati e suggestioni nelle 'feste e

understand the political history of late medieval Rome, we must understand the intimate relationship of the social, political, and economic needs of the city's political elite with the contemporary world of late medieval lay piety, and respect the capacity of everyday people like these Romans to act as lay theologians in their own right, making claims about the right ordering of a Christian society.

### *Sources and Interpretation*

Through interpretation of practice the historian can emulate the anthropologist, if not by observing social action first hand, then at least by analyzing the transactions, intentions, and ideals embodied in documented acts.<sup>77</sup> Such an approach is particularly germane for historians of fourteenth-century Rome due to the paucity of non-notarial sources – and notarial ones as well.<sup>78</sup>

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devotioni' delle confraternite romane," *ASRSP* 106 (1983): 311-322; the excellent studies in *Le confraternite romane, esperienza religiosa, società, committenza artistica*, ed. Luigi Fiorani, *Ricerche per la storia religiosa di Roma* 5 (Rome: Edizioni di Storia e Letteratura, 1984); Anna Esposito, "Uomini e donne nelle confraternite romane tra quattro e cinquecento. Ruoli, finalità devozionali, aspettative," *ASRSP* 127 (2004): 111-131.

<sup>77</sup> In my consideration of gifts and exchanges of various sorts, as well as of kinship and ritual, I draw extensively on the work of anthropologists. Of particular importance have been the following studies: Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies* (New York: W.W. Norton, 1990); Jonathan P. Parry and Maurice Bloch (eds.), *Money and the Morality of Exchange* (Cambridge: Cambridge University Press, 1989); Nancy D. Munn, *The Fame of Gawa: A Symbolic Study of Value Transformation in a Massim (Papua New Guinea) Society* (Cambridge: Cambridge University Press, 1986); Chris Hann and Keith Hart, *Economic Anthropology: History, Ethnography, Critique* (Malden: Polity, 2011); David Graeber, *Debt: The First 5000 Years* (Brooklyn: Melville House, 2011); Marshall Sahlins, *What Kinship Is – and Is Not* (Chicago: The University of Chicago Press, 2013); Catherine M. Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992).

<sup>78</sup> This study hews closely to the archival evidence found in notarial sources. This approach has certain limitations, not least the restrictions it places on what can be said and the danger of implying that archival sources represent a purer reflection of the truth than do other sources. This is not a position that I hold and my methods here should not be taken to indicate otherwise. I intend to engage with complementary sources and methodologies as I revise this dissertation for

If we restrict ourselves to those notarial collections that begin at some point in the fourteenth century, we have documents from a mere fifteen notaries. These are preserved in the form of protocols, the rough drafts of documents crafted by the notary from notes taken at the time of the act in question.<sup>79</sup> Finished copies of documents, with all their language fully spelled out in formal script, could be obtained in Rome just as in other places, but only for a fee and only if explicitly requested by an interested party. Otherwise, the protocols were preserved within the lineages of the notary, who tended to pass his records along with his trade to his sons and heirs, and eventually turned over to the commune itself in accordance with legal requirements. These notebooks document nearly every aspect of Roman life: basic transactions of land or goods bought and sold; the extension or repayment of small loans (concealed rather transparently as “deposits” of money to be repaid later); the actual holding in pawn of valuables in exchange for liquid cash and the return of those valuables; betrothals, marriages, and dowry arrangements; bits and pieces of disputes both inside and outside the courts; arbitrations and peacemaking

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publication. For now, my goal is to demonstrate the strengths of the archival record, despite its extremely fragmentary state, for pursuing some of the most pressing questions of fourteenth-century Roman historiography.

<sup>79</sup> On Rome’s Trecento notarial sources, see Isa Lori Sanfilippo, “I protocolli notarili romani del Trecento,” *ASRSP* 110 (1987): 99-150; Anna Maria Corbo, “Relazione descrittiva degli archivi notarili Romani dei secoli XIV-XV nell’Archivio di Stato e nell’Archivio Capitolino,” *Sources of Social History*, pp. 49-67. Several of these have been published as modern editions: *I Protocolli di Iohannes Nicolai Pauli. Un notaio romano del ‘300*, ed. Renzo Mosti (Rome: École française de Rome, 1982), *Il Protocollo Notarile di “Anthonius Goioli Petri Sscope” (1365)*, ed. Renzo Mosti (Rome: Viella, 1991), and *Un notaio roman del Trecento: I protocolli di Francesco di Stefano Caputgallis (1374-1386)*, ed. Renzo Mosti (Rome: Viella, 1994); *Il Protocollo Notarile di Lorenzo Staglia (1372)*, ed. Isa Lori Sanfilippo (Rome: Società Romana di Storia Patria, 1986); and *Il Protocollo Notarile di Pietro di Nicola Astalli (1368)*, ed. Isa Lori Sanfilippo (Rome: Società Romana di Storia Patria, 1989). In citations to these, I will provide references to both the manuscript and the published edition. In addition, Mosti’s unpublished editions of the protocols of Paulus Serromani (1348-1355), Marinus Petri Milçonis (1357), Paulus de Serromanis (1359-1387), and Lellus Pauli de Serromanis (1387-1398) are available online through the Società Romana di Storia Patria at [http://www.srsp.it/body\\_testinotai.asp](http://www.srsp.it/body_testinotai.asp).

instruments; all manner of labor contracts and records of or dispute over payment; rents and their payment; last wills and testaments, codicils, and gifts or oblations of one's own property and even body during life to ecclesiastical institutions. Despite their limited number, their richness and variety make them our single best means of understanding how the Roman world worked, and even seemingly anomalous transactions or documentary acts preserved within them should be assumed to have been far more common than they appear, given the small percentage of protocols that actually survive.

In addition to these protocols there are other crucial documents that are used here to supplement analysis of the notarial documents. In each case, continental scholars, especially the Italians themselves, have extensively studied the materials in question. These include the Roman statutes themselves, originally produced in the form we know in 1363 and surviving in a later fifteenth-century copy.<sup>80</sup> They include as well the archives of various ecclesiastical institutions, especially that pertaining to the chapter of the great basilica of the prince of the apostles, Saint Peter's itself. Finally, they include documents pertaining to Rome's lay religious life, including the much-examined sources for its hospitals and confraternities and the surviving records of their membership.<sup>81</sup> Finally, and most importantly, the chronicle of the Anonimo Romano provides a narrative synthesis of the structures of Roman life, which is as valuable for its interpretive stance and its moral judgments as for its vivid recounting of events.<sup>82</sup>

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<sup>80</sup> Camillo Re, *Statuti*; see too Anna Modigliani, *L'Eredità di Cola di Rienzo: Gli statuti del commune di popolo e la riforma di Paolo II*, vol. 2 of *Cola di Rienzo e il comune di Roma*, (Rome: Roma nel Rinascimento, 2004).

<sup>81</sup> In addition to the literature cited above, Pietro Egidi, *Necrologi e libri affini della Provincia romana* (Rome: Forzani, 1908).

<sup>82</sup> The most important recent work on the Anonimo's chronicle is Gustav Seibt, *Anonimo romano: scrivere la storia alle soglie del Rinascimento* (Rome: Viella, 2000); see too Gianfranco

It is in these sources, and especially in the notarial documents, that we find the markers of time that characterized the Roman world. It is in them too that we find the community of Rome's ruling group articulated and transformed by the strategic use of particular acts, which can be usefully considered to have been technologies of community. A careful examination of those technologies makes clear that Romans were, in their own way and at the level of their own social and economic lives, intervening regularly in the same discursive field wherein theologians and other theorists discussed the morality of economic exchange and the trajectory of the individual soul within a Christian cosmos. Their actions and interventions render visible to us the careful cultivation and maintenance of a social order of which they understood themselves to be a part, one delineated by carefully chosen markers of distinction, and one that would outlast the commune with which Rome's ruling group was associated.

### *An Enduring Community in the Eternal City*

In what follows, I hope to make clear the nature of Rome as a city of God, and of its citizens as active lay theologians engaged in the business of tending to their terrestrial patrimonies, the fabric of their social worlds, and the immortal souls of themselves and their loved ones. The fourteenth century witnessed multiple transformations of Rome's ruling group, both early and in its later decades. The first transformation is better known: control of the Roman commune was wrested from the hands of the barons and the papacy by a rising urban elite. But

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Contini, "Invito a un capolavoro," *Letteratura* 4 (1940): 3-6; Giuseppe Billanovich, "Come nacque un capolavoro: La 'cronica' del non più Anonimo Romano," *Rendiconti dell'Accademia Nazionale dei Lincei*, Ninth Series, 6 (1995): 195-211, which argues that the author was one Bartolomeo di Iacovo da Valmontone, a cleric associated with the *familia* of Bishop Ildebrandino Conti of Segni. For corroboration of Billanovich's claims, see Collins, *Greater than Emperor*, pp. 157-159.

by the end of the century that elite had changed again. Rather than a decidedly non-noble urban elite that contrasted itself with an old baronial order, the ruling group of Rome at the end of the fourteenth century was a composite thing, composed of wealthy guildsmen, to be sure, but also of urban nobles into whose ranks those same guildsmen were steadily entering, and waning baronial lineages who were collapsing back into the same urban nobility from which their lineages had emerged some two centuries before.<sup>83</sup> This was a disparate group, many of whose members had, in earlier generations, embraced radically different notions not only of what Rome was, but also of what the characteristics of a just society were and how one should work.

Those differences emerged from decades of political squabbling punctuated by moments of violence aimed at control of the institutions of communal governance. By the end of the century those communal institutions were no longer central to the identity of Rome's ruling community, which, we shall see, had turned instead to a far more diffused model of the rightly ordered society. It is another characteristic of that group's transformation that an interest in religiously framed and inspired political violence gradually gave way to a religiously framed and inspired effort to maintain a peaceful and enduring community in a manner that did not require control or even any particular affiliation with the governing institutions of the commune. At the end of the century, as at its start, Rome's elite still saw their community as the embodiment of a sacred order. But rather than being embedded in the institutions of communal governance as Cola's ordinances for the *buono stato* had envisioned, that sacrality was diffused throughout the autonomous social networks that constituted the community, becoming something in which guildsmen, nobles, and barons alike could participate and by which they could demonstrate their special place in the Roman world.

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<sup>83</sup> See below, chapter 1.

But in order for this new Roman political culture to emerge, be accepted, and be effective as a way of generating distinction for those who participated in it, there had to be a well-defined community in place. The Roman temporality described above, with its characteristic confluence of agricultural, economic, and spiritual temporal currents, provided the crucial medium by means of which Rome's ruling group established their community. The manipulation of notarial technologies and other practices related to the temporal economy played an important role in Roman strategies for knitting that community together amidst the potentially chaotic world they inhabited. In the testamentary acts of Romans we see the strategic extension of kinship ties to select non-biological and non-matrimonial social ties, a strategy made available by the logic of the temporal economy.<sup>84</sup> In the micro-institutions of that economy, such as private family chapels like those of Sant'Angelo in Pescheria, and the houses of women living collectively, as Francesca Romana and her followers did, we see other examples of the temporal economy's rules and rhythms being exploited as parts of a larger social strategy.<sup>85</sup> It is by means of practices like these that the competing elites of early fourteenth-century Rome transformed themselves into the composite ruling group of that century's final decades, a group whose community was marked by strong ties of social solidarity that would endure far longer than the government that they controlled. By the end of the fourteenth century, the social strategies Romans embraced reconfigured Rome as a new kind of sacred society, one based on a principle of good governance diffuse through the city's neighborhoods rather than centered on the communal palaces and courts of the Campidoglio.<sup>86</sup> Like every Rome, this creation of Rome's late medieval political

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<sup>84</sup> See chapter 2.

<sup>85</sup> See chapters 3 and 4.

<sup>86</sup> See chapter 5.

elites was a city moving through time. But the time that concerns us here is not that of ancient glory remembered or the eschatological drama of Christian history. It is the time that measured the lives of everyday Romans making their way in a broader Christian cosmos.

## **Chapter 2 – A Baron Prepares for Death**

When he prepared his last will and testament, on May 31, 1348, Francesco di Giovanni Romani Bonaventurae was an old man suffering from a gouty foot but otherwise in good health.<sup>1</sup> He was many other things as well: a baron, a lord of many castles and fortified settlements, a former Senator of Rome, a former excommunicate, a pirate or at least a pillager of shipwrecks, a father, and husband. His will comes down to us from a moment in which surviving testaments suddenly become much more plentiful in Rome, due perhaps to the advent of the Plague, perhaps to the accident of preservation. Like all testators, Francesco feared death and thus prepared for it, but he did so in a highly unusual way, a confessional way that allows us to glimpse how the complexities of this moment could be instantiated in a single life. His last will and testament shows us a single man preparing for death; but it shows us too a waning world. Francesco's confessional will stands on the threshold between pride taken in the lordly right to violence and a sinner's confession in the face of mortal peril, revealing a man contemplating not only his own end but also, inevitably, the end of things towards which all testators looked. It marks as well the ending of a political and social era, in which men like Francesco held a position they would soon lose, while also hinting, often in its silences, at the reasons for that loss. Francesco's testament shows us a moral and material economy quite different from that emerging among nonbaronial Roman elites, but it reveals too that their novel social and economic order was inexorably encroaching on his own. When we compare Francesco's testament with those of his descendants, it becomes quite clear that he was perhaps one of the last instantiations of the old order, and that

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<sup>1</sup> Francesco's will can be found among the parchments of the great Roman hospital of Santo Spirito. ASR, OSS, Cass. 61, n. 113.

his life marks one of the last moments when the conflict between the commune and the barons would still be the crucial framework for understanding Roman political life and culture.

## 2.1 The Barons of Rome

To say that Francesco di Giovanni Romani Bonaventurae was a Roman baron is to evoke a host of assumptions, things known from some of the most famous sources of fourteenth-century Roman history. A baron was a feudal lord, a member of the old rural elite, a remnant of an earlier age.<sup>2</sup> But the barons of Rome were rare among such lords. They were tied to the city, in an unusual way and from their very inception as a group, and were inclined to monopolize its offices. We know this from the contemporary condemnation of their disastrous effect on Roman civic life found in Bartolus of Sassoferrato's *Tractatus de regimine civitatis* (c. 1330). After describing six forms of government, three good and three bad, which he derives primarily from Aristotle, Bartolus tells us that a perverse seventh form of government exists in Rome. Specifically, Rome was ruled by a coterie of tyrants who resembled a many-headed beast whose heads were at odds with one another but of which none was strong enough to overcome the rest and obtain mastery "Such a thing would be a monster, surely", said Bartolus, "Let it be called a monstrous government then." So badly did this state of affairs hurt the government of Rome that,

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<sup>2</sup> On the place of such rural elites in high medieval Italy, see Toubert, *Les structures du Latium médiéval*; François Menant, *Lombardia feudale: studi sull'aristocrazia padana nei secoli X-XIII* (Milan: Vita e pensiero, 1992); eodem, "Entre Milan et Bergame: une famille de l'aristocratie rurale au XIIe siècle," *Mélanges de l'Ecole française de Rome, Moyen-Age, Temps modernes* 88 (1976): 425-499. The barons do seem to have been bound to their lords and vassals by various feudal oaths but ultimately it was their wealth and land rather than their feudal ties that conferred upon them their status. See Musto, *Apocalypse in Rome*, p. 94.

Bartolus argued, the city could be said to be without any government at all.<sup>3</sup> The mid-fourteenth-century chronicler whose work is famous for its account of the career of Cola di Rienzo provides another example. In his telling, Rome was a city gone wrong, wracked by violence and the unchecked aggression of the barons. Cola di Rienzo's great dream had been to end their predation, return order to the city, and create a new and thriving Rome. But Cola's many faults, as the chronicler saw them, prevented the realization of this dream, despite the support he enjoyed from the non-baronial Roman elites who wanted nothing more than an end to the tyranny of the old lords. Cola himself was hardly bashful about decrying the world the barons had made. "In that city, " he said, "all justice was punished, all peace driven out, all liberty prostrate, all security snatched away, all charity damned, and all truth oppressed, and mercy and devotion profaned."<sup>4</sup> These are important voices: a leading expert in Roman civil law, a chronicler considered now to be among the greatest vernacular prose stylists of the fourteenth century, and Rome's most prominent and charismatic political figure. They speak loudly and clearly from a past world. But in their presentation of the barons as perverters of justice and the bane of civil society they are one-sided voices too.

If the voices of Bartolus, the Anonimo Romano, and Cola are denied their privileged place and one looks instead to the letters and private acts of the barons, a more complicated image emerges. The baronial world was not one characterized by anarchic disorder but by an order profoundly different than that espoused by communal ideology. Many baronial families,

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<sup>3</sup> Bartolo da Sassoferrato, "De regimine civitatis, p. 152: "Certe monstrum esset. Appellatur ergo hoc regimen monstruosum."

<sup>4</sup> Burdach and Piur, *Briefwechsel des Cola di Rienzo*, vol. 2, p. 37: "in eadem Alma Urbe omnis erat mortificata iusticia, pax expulsa, prostrata libertas, ablata securitas, dampnata caritas, opressa veritas, misericordia et devotio prophanate."

we learn, emerged from the same urban nobility with whom they were rivals for power in the late thirteenth and early fourteenth centuries. They began to emerge as distinct lineages at precisely the moment when Rome itself was reconceived as a commune similar to those appearing throughout northern and central Italy. They rose to power and prominence not purely by violence or exploitation of ancient feudal privileges but by entering into the ranks of the College of Cardinals. They were the prime movers in a wave of encastellation by which their families, most often as the agents of their own cardinals or popes, gradually extended ecclesiastical governing power into a countryside still controlled by monastic centers, free rural communes, rural aristocratic lineages, and the elite of neighboring cities like Viterbo. But when the Curia left Rome at the start of the fourteenth century the barons were confronted with a crisis, one which they addressed, in part, by fighting to control the executive offices of Rome and shifting their efforts to dominate the countryside to benefit the city rather than the papal curia. In the late thirteenth and early fourteenth century, their power having reached its apex, they held the city and countryside of Rome in their hands. They would continue their dominance, despite periodic contestation, until Cola di Rienzo put an end to it in the late 1340s. As the masters of Rome, they worked continuously for the subjugation of the Roman *districtus*. Far from a sign of social disintegration or underdevelopment, the baronial rulers of Rome represented a social order that had endured, in various forms, for two centuries by the time Francesco made his will. But this was an order on the wane. Over the course of the fourteenth century many baronial families would go into permanent decline while a select few, the Colonna and the Orsini above all, would ascend to the ranks of the great Italian rather than merely Roman powers. Unfortunately for Francesco, his family fell into the former camp.<sup>5</sup>

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<sup>5</sup> For recent studies of the Roman barons see, most importantly, Carocci, *Baroni di Roma* as well

Francesco di Giovanni Romani Bonaventurae was a scion of a Roman baronial family of many branches known by many names: de Cardinale, Romani, Bonaventurae, Venturini, and de Papa or Papareschi.<sup>6</sup> This last name indicates the origins of the family, or at least of its fortunes; they were the descendants of the family of Pope Innocent II (1130-1143), who was born Gregorio Papareschi in 1089. At the time of Gregorio's serendipitous change of name and state, his family was, in all likelihood, already among the local elite, but not yet of that separate and loftier status, the baronial status, that they would eventually attain. Like most Roman baronial families of the fourteenth century, that ascension became possible for the Papareschi only once some of their number managed to become cardinals. The first to do so was Guido di Cencio in 1190. His nephew Romano di Bonaventura joined him in 1216. The timing of this step rendered the explosion of the family's wealth synchronous with that of many other baronial lineages. Unlike some such lineages, whose holdings were more diffuse, Francesco's ancestors controlled a swath of countryside that stretched largely unbroken from their urban holdings all the way to their rural fortresses.<sup>7</sup> The full extent of this patrimony, which extended from Carcaro, Santa Severa, and Castrum ad Mare on the coast to Cerveteri, Torricella, and a number of other castles

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as his *Vassalli del papa. Potere pontificio, aristocrazie e città nello Stato della Chiesa (XII-XV sec.)* (Rome: Viella, 2010); Allegrezza, *Organizzazione del potere e dinamiche familiari*; Rehberg, *Kirche und Macht im römischen*. Maire Vigueur, *L'altra Roma*. pp. 200-258. The extent to which baronial Senators were crucial to the subjugation of the *districtus* in the early decades of the fourteenth century is demonstrated by Palermo, *Il porto di Roma* and his *Mercati di*. For Cola and the barons, see Musto, *Apocalypse in Rome*, especially pp. 83-103 and 193-229.

<sup>6</sup> Carocci, *Baroni di Roma*, pp. 343-352; Giuseppe Marchetti-Longhi, *I Papareschi e i Romani* (Rome: Istituto di Studi Romani, 1957).

<sup>7</sup> Most baronial families managed to control some winding ribbon of roads and lands that connected their rural holdings and their urban seats. Because this was actually a highly desirable outcome, one that allowed rival families to check one another with greater ease, it was rare for baronial holdings to extend so directly from its the Roman fortresses to its most distant rural castles.

to the north east, was not so great as those of their more powerful baronial peers, but it was strategically located in the single most important grain-producing region of Rome's district and included several significant ports. Many of these holdings were located between the coast and Lake Bracciano, located at key points along the ancient *via Aurelia*, on the border between the diocese of Porto, in which they were largely located, and its northern neighbors.

In the years that followed its initial ascent, Francesco's family grew and divided, as the great baronial lineages commonly did. When Cardinal Romano died in 1243, his patrimony was divided between his brother Bonaventura di Bonaventura and his nephew Pietro Romani.<sup>8</sup> The latter line, known primarily for its Ghibelline associations, died out quickly and the Normanni and Annibaldi families absorbed much of its property. Bonaventura's sons included Francesco's father Giovanni and his uncle Giacomo. In 1290 that branch's patrimony was divided between Giovanni and Giacomo's sons. Giovanni ended up with a smaller number of properties, but those he controlled afforded him command of the coastline and therefore the lion's share of wealth and power. In his own lifetime, Francesco acquired these from his father and added still more properties, including the castle of Torricelli and half of Cerveteri. He married the daughter of another baron, Giovanna di Processo Capocci, but by the time of this testament, all but one of his children were dead. His surviving son, Giovanni, would die within a year of his father in 1350,

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<sup>8</sup> For much of what follows, see Carocci, *Baroni di Roma*, pp. 343-352. These divisions of family patrimony and ramifications of baronial lineage were fairly common and some families, like the Orsini, managed to maintain a degree of shared interest and strategic action. The Papareschi seem to have been less successful on that front, and we find many divisions presented as pacts meant to end conflict. A few instances are discussed by Carocci. For example, in the case of the division following Cardinal Romano's death, we see Alberto Normanni, in his own testament, enjoining his sons to help protect Pietro against Bonaventura. See, Marco Vendittelli, "Dal 'castrum Castiglionis' al casale di Torrimpetra. I domini dei Normanni-Alberteschi lungo la via Aurelia tra XII e XV secolo," in *ASRSP* 112 (1989): 115-182. There was a similar agreement in June of 1369, not discussed by Carocci due to its late date, the purpose of which was to secure peace in the family's various holdings. See, BAV, SAP, 1/5, fols. 62v-66r.

leaving only a single son of his own. The family's other branch, descended from Giacomo Romani Bonaventurae, would fare better, but ultimately it too faded. By the end of the fourteenth century we find its members holding most of the lineage's key castles (despite Francesco's efforts to the contrary) but struggling economically. By this time, the Romani Bonaventurae (who were referred to by late fourteenth-century notaries as the de Venturinis), like many other less powerful baronial clans, had become indistinguishable from other Roman elites of moderate wealth, urban nobles or guildsmen who in the late thirteenth and early fourteenth centuries the family would have outstripped.

This trajectory, however, was by no means apparent when Francesco made his will in 1348. Indeed, his family's ties to Rome, though significant insofar as he and his cousins were repeatedly Senators, were also unusual due to the location of their urban holdings. In his will, Francesco identified himself as *Franciscus Iohannis Domini Bonaventurae de Urbe de regione Transtiberim*, a name that captures Francesco's ambiguous relationship with Rome. As recently as the early fourteenth century, it had been forbidden for the barons of Trastevere to hold the Senatorial office, though we do not know precisely why.<sup>9</sup> While Trastevere had been understood as part of the City proper since the time of Augustus, it was not part of the bishopric of Rome, pertaining instead to the diocese of Porto and Santa Rufina (along with the Leonine City and the Tiber island) until the fourteenth century. This *rione*, with a built zone extending only a few

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<sup>9</sup> We do not know when this rule was put in place, though it seems to have been made by Boniface VIII some time after 1300 and must have been lifted by the time Giovanni di Stefano Normanni served as Senator alongside Pietro Savelli in 1307. See Duprè Theseider, *Roma dal comune di popolo alla signoria*, pp. 390-1. Theseider speculates that this rule was put in place due to some conflict between the Stefaneschi, who he sees as the primary baronial family of the rione, and the pope. This is possible but the Ghibelline leanings of some of these families, for example, a less well-known branch of Francesco's own family, should also be considered as the reason for Boniface's restriction.

streets deep from the banks of the river, looked both inward to Rome's center and outward to the coast. Its lords, like Francesco, shared this perspective, though their descendants would not.<sup>10</sup>

## 2.2 *The Confessional Will*

In many ways, Francesco's will was entirely standard, adhering rigorously to the legal standards and expectations of a testament.<sup>11</sup> It established his mental and physical condition: "admittedly afflicted with the gout but otherwise of sound mind and body by the grace of Jesus Christ."<sup>12</sup> It then fulfilled the primary legal obligation of any testament, without which the document could not be recognized: the naming of an heir, in this case Francesco's son Giovanni and his grandson Venturozio. As is often the case, the division of Francesco's patrimony provides us with insight into his family relations. In particular, we see a mixture of animosity and strategy in his declaration that should his own line falter and his property fall instead into the hands of the various churches and hospitals that he established as alternative inheritors, "it is not permitted to the rectors, ministers, or preceptors of my said castles and goods to sell, donate, give in security, rent or in any other way concede [them] to Bucio Romani or to his sons, grandsons, or successors, and should they do so then they are stripped absolutely of the bequests made to them." As already noted, divisions of baronial patrimonies between various branches of the family were common, as were strenuous attempts to maintain them in documents like this one.

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<sup>10</sup> For the relatively thin stretch of built up land in Trastevere during the medieval period, see Krautheimer, *Rome: Profile of a City*, pp. 254, 273-5.

<sup>11</sup> For a fuller discussion of the legal and spiritual elements of testaments and references to the relevant scholarship, see below, Ch. 2.

<sup>12</sup> ASR, OSS, Cass. 61, 113: "licet sim gravatus infirmitate apodagre tamen aliter sanus mente et corpore gratia yhu xpi."

These were often elements of a broader lineage strategy, meant to avoid putting all the lineage's eggs in one basket. In the case of Francesco's lineage, however, there is also frequent evidence of animosity between the various members. This complex set of relations is clearly instantiated in Francesco's testamentary provisions. Like all wills, Francesco's was shaped by its nature as a legal document with a prescribed form. Like all wills since the revitalization of the form in the earlier Middle Ages, that was not all that shaped it.

Francesco's will also contains another kind of standard material, concerned with the wellbeing of his soul. The weaving together of these pious concerns and the legal requirements and patrimonial concerns of the testamentary form is evident from the document's opening lines. Francesco, like many before and after him, declared, "fearing the occurrence of future death, since nothing is more certain than death and nothing more uncertain than the hour of death; wishing to provide for my soul and not die intestate; I therefore make this declaratory testament, made without writing according to civil law."<sup>13</sup> In the event of death, one also had to provide for one's body, as Francesco did. He declared that he wished to be entombed in the church (actually a monastery) founded by Gregory the Great, S. Gregorio in Clavos Tauri, to which he left a silver chalice valued at 12 florins.<sup>14</sup> He left as well enough money to pay for the procession of his body to the church and its display there, as well as for a quantity of wax and money worthy of him. He then made a number of *pro anima* bequests, gifts meant to benefit his soul. He

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<sup>13</sup> ASR, OSS, Cass. 61, 113: "timens futurae mortis eventum, quoniam nil est certius morte nil incertius hora mortis, volens michi animam haec providere, et nolens ab intestatu decedere, idcirco nuncupativum quod iure civili sine scriptis dicitur testamentum facere."

<sup>14</sup> This is how Francesco's notary rendered the name of the church. It was known variously as *clibum Sauri* or *Scauri*, as the monastery of S. Andrea the Apostle, the *monasterium Clibuscauri*, and S. Gregorio a Sete Solia. See Christian Hülsen, *Le Chiese di Roma nel Medio Evo* (Florence: L.S. Olschki, 1927), pp. 256-7.

declared that on the calends of August there was to perpetually be an anniversary mass for his soul (and for those of his family members, wife, sons and daughters). The *guardiani* of the church of San Francesco a Ripa and the priors of San Crisogono, both located in Trastevere, were to make with their own hands 100 tunics worth 20 solidi provisini each, which were then to be given to 100 paupers of their choosing. The hospital of the coastal community of Santa Severa was to receive annually three *rubli* of grain and three beds for the sustenance of paupers.<sup>15</sup> There were also a host of bequests meant to benefit the souls of others.<sup>16</sup> In short, there is a great deal about Francesco's *pro anima* bequests that is standard to testamentary practice. There is also a great deal that is specific to Rome and the split identity, both urban and extra-urban, of a Roman baron.

Historians have long understood testaments as essentially Janus-faced, looking back at the world and forward to the afterlife.<sup>17</sup> More misleadingly, they have also tended to see the concerns of these two realms as distinct, making the testament's concern with both earthly patrimony and eternal soul a source of necessary tension. Francesco's will reflects these themes, but it is also anomalous because, shortly after naming his heir and arranging his funerary rites, and before launching into his pious bequests or his patrimonial concerns, Francesco declared himself to be *indebite et contra iustitiam* with regards to a startling list of "people, places, and communities." It was common for debts and credits to be listed in a will. It was also common

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<sup>15</sup> A *rublum* was a dry goods measure commonly used in Italy and corresponding roughly to 290lbs. See Ronald Edward Zupko, *Italian Weights and Measures from the Middle Ages to the Nineteenth Century* (Philadelphia: American Philosophical Society, 1981).

<sup>16</sup> For this phenomenon, see chapter 3.

<sup>17</sup> The most systematic study of testaments in Italy is Epstein, *Wills and Wealth in Medieval Genoa*. For further discussion of this point, see below, chapter 3.

that some bequests were made to make redress for ill-gotten gains of which the testator might or might not be aware. As we shall see, Francesco did make such a bequest *pro male ablatis incertis*; but he also provided a substantial list of ill-gotten gains of which he was perfectly aware.

Many of those who suffered from Francesco's acquisitiveness were his own vassals.<sup>18</sup> He had a proclivity for helping himself to the livestock, and especially the horses, of these unfortunates. From Crescimbene, a female vassal who was dead by the time Francesco made his will, he had a horse worth 25 florins. From several unnamed vassals of Castle Cerveteri and Castle Santa Severa he had a number of horses worth a total of 250 florins. He took other things as well. From another deceased vassal, Rubeus, he had certain cattle and other goods worth a total of 300 florins. From the dead Paolo Biccerii, another former vassal, he had several pigs and other goods worth 60 florins. In many cases he simply listed a name and a sum. Thus, from his former vassal Matteo Golitia he had a total of 40 florins. From Theolo di Sebastiano, 150 florins. In these cases we do not know what he had taken from these vassals. It is possible that nothing was taken, as will be seen shortly.

Francesco was not simply a typical lord who helped himself to the possessions of his own vassals a bit too liberally. We find on many occasions that he was equally inclined to wrong others who were not bound to him by ties of reciprocal fealty. From the possessions of Angelone of Civitavecchia he had a falcon worth 16 florins, which he specified was to be returned. From

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<sup>18</sup> The use of the term vassal is, in this case, warranted despite the problems with its use, on which see Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford: Clarendon Press, 1994). First, because it is actually the word used in the testament (*vassali*) and, second, because we are speaking of a region of Italy that had recently been under the control of Charles of Anjou and was bound closely, in the person of many of its elites, to the Angevin kingdom of Naples.

two unnamed men he had taken two donkeys worth 10 florins. While serving as Senator of Rome along with Giovanni Conti, he took a fancy to the desk (*bancale*) in his co-Senator's rooms in the Senatorial palace and had it carried to his home in Trastevere.<sup>19</sup> Since Giovanni was dead by the time this testament was made, Francesco declared that 2 florins should be given to his heirs. Nor was Francesco averse to helping himself to the wealth of the clergy, be they great or small. He had taken pigs from the Hospital of San Spirito in Saxia, for which he gave 2 florins in recompense. From the priest Henrico, by this time dead, he had taken 20 *libri provisini*, which he left either to Henrico's son or to the Bishop of Sutri, who we can assume was his ecclesiastical superior. From the goods of the dead cardinal Giovanni Gaetani, he had taken the equivalent of 100 florins, which he left to the man's heirs. Most of these sums were one kind or another of *res male ablatas*, but that is not the only kind of wrongdoing listed here.

In many cases, the wrongdoing Francesco committed seems not to have been one of theft or other wrongful appropriation; but in these cases too, he measured his culpability in terms of coin. In some cases, even if the crime is somewhat startling, the calculation is a fairly simple one. Francesco admitted that he bought, from two men of *mala fama*, two cattle stolen from Orlandutio di Pietro and then smuggled onto his own land. He stated that they were worth 25 florins. He declared that he had laid waste (*deguastavi*) to the church of a community called Monte Castangia and left 10 florins for repairs.<sup>20</sup> But in most cases we cannot know how

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<sup>19</sup> He and Giovanni were vicars of Robert of Anjou in 1324 and Senators in 1325. See, Claudio De Dominicis, *Membri del senato della Roma pontificia. Senatori, Conservatori, Caporioni e loro Priori e Lista d'oro delle famiglie dirigenti (secc. X-XIX)* (Rome: Fondazione Marco Besso, 2009), p. 23. For the precise relationship between the baronial senators and the vicars of the Angevin king, see Theseider, *Roma*, pp. 427-432.

<sup>20</sup> This community was perhaps located near the actual mountain, north of Rome, called Monte Castagno, but this is by no means clear.

Francesco arrived at the amounts he provided. When a vassal named Turamole and his wife Ysabella, in conjunction with two men named maestro Pietro and Thomasio, took action against Francesco he appears to have inflicted a violent reprisal upon them, for which he leaves no less than 1000 florins.<sup>21</sup> We can only imagine what he did to these unfortunates. The gravity of the punishment inflicted upon them can be seen by comparison to the bequest left after he sent familiars to attack guests who were staying in a *castrum* called San Lorenzo. The guests were wounded in the breast, though apparently not killed, and Francesco estimated this at a mere 30 *solidi provisini*. He declares that he damaged (*dampnificavi*) Giovanni di dominus Pietro di Stefano in the amount of 40 florins, but does not say how. Lello Anzelloti was likewise damaged for 70 florins.

We are seeing here a connection between the concept of wrongdoing or justice and a pervasive money economy oriented around calculability.<sup>22</sup> In other words, human acts, whether

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<sup>21</sup> This is a staggering sum, dramatically higher than the other instances of compensation found in the testament. The clause that declares this sum is, unfortunately, characteristically laconic, providing no detail on what was done. Since the surviving copy of the testament is a final version rather than a notarial draft, I am inclined to think that the figure is accurate rather than a scribal error.

<sup>22</sup> Joel Kaye, *Economy and Nature in the Fourteenth Century: Money, Market Exchange, and the Emergence of Scientific Thought* (Cambridge: Cambridge University Press, 1998) has argued that there was a connection between economic thought revolving around a growing interest in mathematical calculation and the development of novel ways of understanding the natural world is known. Francesco's will indicates that this penchant for breaking things down in terms of number and deriving coherence, and in particular a sense of balance, from calculation with those numbers extended well beyond the learned. We might therefore consider it an example of a broader rebirth of numeracy taking place in the later centuries of the medieval period. For a discussion of how this mentality of calculation influenced the making of wills and what may be learned from attempting to see past it, see below, Ch. 3. That said, it is also possible that this reflects the survival, among the baronial elite at least, of the old tradition of monetary compensation for crimes found in Lombard and other Germanic customs such as those detailed in the *Edictus Rothari* and the many subsequent law codes that drew on it. For these see, *The Lombard Laws*, trans. Katherine Fischer Drew, 5th edition (Philadelphia: University of Pennsylvania Press, 1996).

just or unjust, were understood within the context of a wider moral economic system.<sup>23</sup> An assumed link between the state of the economy in a given community and the preservation of justice within it was a commonplace of chronicle writers in this and earlier periods.<sup>24</sup> Francesco understood some of his seizures of property to have been illicit and restored a sum of money to the wronged parties, their heirs, or a relevant ecclesiastical institution. But he also understood acts of violence carried out against men and institutions with the same economic logic, and compensated these with sums of money as appropriate.

But why did Francesco feel compelled to create this list at all? This was, after all, a man who would happily lay waste to churches, send toughs to rough up guests staying in his lands, and knowingly purchase livestock stolen from his neighbors. His testament does suggest an answer, albeit one that raises still more questions. For all Francesco's apparent willingness to wrong the clergy and do harm to ecclesiastical institutions during his lifetime, the Church still held sway over him in a manner made unusually visible in his testament. In addition to its confessional nature, Francesco's will has another anomalous component, one that indicates his subordination to the will of the Church. Like many testators, Francesco left a sum, in his case a

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<sup>23</sup> Questions of moral economy in medieval Europe have been the subject of extensive scholarly attention since the pioneering work of Jacques Le Goff. See his *Time, Work, and Culture in the Middle Ages*, trans. Arthur Goldhammer (Chicago: The University of Chicago Press, 1980). For evidence of the continuing importance of the problem of usury and moral economy, and the extent to which it remains subject of scholarly debate, see recent work on the Scrovegni chapel: Anne Derbes and Mark Sandona, *The Usurer's Heart: Giotto, Enrico Scrovegni, and the Arena Chapel in Padua* (Pennsylvania State University Press, 2008) and Laura Jacobus, *Giotto and the Arena Chapel: Art, Architecture, and Experience* (Turnhout: Henry Miller Publishers, 2008). For a recent engagement with Le Goff in the context of the politics of the medieval Italian communes, see Dameron, *Florence and its Church in the Age of Dante*. On the question of moral economy as it relates to chapels in Rome, see chapter 4.

<sup>24</sup> Luciano Palermo, "Carestie e cronisti nel Trecento: Roma e Firenze nel racconto dell'Anonimo e di Giovanni Villani," *Archivio Storico Italiano* 142.2 (1984):343-375.

considerable 600 florins, to make restitution *pro aliis male ablati incertis*, for any ill gotten gains of which he was unaware. Some of this he left to specific institutions and uses. Finally he declared that from “from said amount of 500 florins [sic], two orphan girls are to be married to each of whom 50 florins are to be given, and 25 tunics are to be made for 25 paupers to be chosen by my executors, for the penance that has been lain upon me.”<sup>25</sup> It seems that some of Francesco’s *pro anima* bequests were penitential acts imposed on him rather than voluntary acts of charity.

Francesco’s relationship to the Church had clearly been a troubled one. He lists damages inflicted upon and ill-gotten gains taken from at least six different clergymen or ecclesiastical institutions, including the ruin of the church of Monte Castangia. But as his life came to a close, Francesco needed to call upon the clergy for services only they could provide, and in this fact lay the leverage they needed to impose a penance on him and perhaps even compel the confessional list of wrongdoings included in this testament. But this leverage would have been common to all dying men and women. Why was it used so heavy handedly in Francesco’s case? The answer to this question lies in one of two incidents that Francesco did not include in his list of sins, but a record of which comes down to us through other channels. In these two incidents lies the key not only to Francesco’s unusual will but also to his place in a social order that was coming to an end and another that was emerging.

### *2.3 Castles, Conflict, and the Courts: the First Omission*

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<sup>25</sup> ASR, OSS, Cass. 61, 113; “Et de dicta quantitate quingentorum florenorum maritentur duae orfanae quibus dentur L florenos auri per qualibet et XXV tunicae fiant XXV pauperibus ad electionem meorum executorum pro quadam penitentia michi imposta.” At 16 florins per tunic, these would be preposterously expensive. I am not certain what to make of this. The total sum is mistaken here, slipping to 500 florins. I take the sum initially stated to be the correct one.

When Francesco made his will, he did so in the guest quarters of Matteo Bobonis, located in the Basilica of the Prince of the Apostles, i.e. in San Pietro. That a baron might make his will in such a lofty place is hardly surprising. That Francesco, who was clearly being compelled in some way by the Church as he made his testament, might have done so under the watchful eye of Bobonis and several Franciscans makes a kind of sense. But if we turn from Francesco's testament to the archive of the chapter of San Pietro, we find an unexpected wrinkle in this tidy story. Francesco's relationship with the basilica Pietro had not been one of privileged access but of violence and conflict.<sup>26</sup>

At some point in the early fourteenth century, a different baron, Giovanni di Stefano Alberti-Normanni, made a testament in which he left the canons of San Pietro a share of his patrimony, including Castle Loterni.<sup>27</sup> When Giovanni died sometime thereafter, the execution of his testament was contested, a common complication. Francesco di Dominus Giovanni Ceresi Normanni, a relative of the deceased and the son-in-law of our Francesco di Giovanni Romani Bonaventurae, refused to relinquish control of the castle to the canons. Normanni eventually brought the dispute to the courts, which were overseen at the time by our own Francesco, then Senator, and his co-Senator Andrea Orsini, a blood relation of Normanni.<sup>28</sup> Despite the evidence of the testament, the judges, serving at the whim of Senators who we are told were *malivoli et*

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<sup>26</sup> The following story is reconstructed from documents found in BAV, ACSP, Caps. 73, Fasc. 164. Thanks to the involvement of Urso, Count of Anguillara, several of these documents have been published. See, Cesare de Cupis, "Regesto degli Orsini e dei Conti Anguillara," *Bullettino della società di storia patria Anton Ludovico Antinori negli Abruzzi* 18 (1906):53-72.

<sup>27</sup> Loterni was located near modern-day Tragliata, about midway between Cerveteri and Rome. I have not seen Giovanni's will, which likely does not survive.

<sup>28</sup> These two men were Senators together in 1336 and 1337. De Dominicis, *Membri del senato della Roma pontificia*, p. 24.

*hodosi* toward the canons, found in favor of Alberti-Normanni rather than the canons. Outraged, the canons wanted to appeal the ruling but, they later claimed, due to the many wars and general corruption of the times, along with the ineptitude and laziness of Egidio di Pietro di Leone, the *syndicus* and procurator handling the case on the canons' behalf, the time for an appeal passed without any action and the judgment officially became *res iudicata*.<sup>29</sup> When in 1336 it became clear that he would be unable to appeal the case for this reason, Egidio scrambled for an alternative strategy.

On March 9, 1340, we find the ruling of Matteo Novelli, canon of the Basilica of Santa Maria Maggiore and judge appointed to hear the new case brought by Egidio. Novelli noted the past history of the case and ruled in favor of the canons. He advised the Senators then serving, Urso the Count of Anguillara and Giordano Orsini, to see to the execution of his ruling.<sup>30</sup> We might not know any more about this turn about were it not for the fact that a year and a half later, in August of 1341, Leonardo Marotie, judge of *maleficia* under Senators Urso and Giordano, again revisited the case.<sup>31</sup> In the document containing his ruling, we find considerably more detail about the conflict and Egidio's strategy for overturning the initial ruling.

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<sup>29</sup> Legally speaking, this status meant that the finding gained a kind of authority which meant it was to be treated as an understood truth (*pro veritate accipitur*) and could not be readily appealed. Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: American Philosophical Society, 1953) p. 678.

<sup>30</sup> BAV, ACSP, Caps. 73, Fasc. 164, n. 2. This box contains eight pieces total, three of which are parchments that have been kept flat and are held separately in a large folder. The earliest document, stored with the other four in the main box, is the Feb. 28, 1254 will of Alberto di Giovanni di Stefano Normanni. The numbering I have used here follows chronologically from that point, so that this document is second; the next court document in the case, cited below, is 3, etc.

<sup>31</sup> BAV, ACSP, Caps. 73, Fasc. 164, n. 3.

Unable to appeal, Egidio had decided to attack the legitimacy of the initial ruling by noting the relationship between the judge and the then Senators, Francesco di Giovanni Romani Bonaventurae and Andrea Orsini. The two men were relations of one of the involved parties, Francesco Normanni, by blood in Orsini's case and marriage in Francesco's. Furthermore, due to their *culpis et demeritis*, rulings produced by a judge in their employ could not stand. In fact, the Senators, moved by their mortal enmity (*hodio capitali*) against the canons and Basilica of San Pietro, had gone well beyond simply manipulating the legal process. They had gone so far as to comport themselves as inveterate enemies of San Pietro and its canons, sending a troop of men armed with illegal weapons to attack the Basilica at night, to break down the door, and to pillage the homes of the canons themselves, making off with whatever they liked. It was only when the Pope caught wind of this act and excommunicated the two men that they ceased their depredations. How, Egidio asked, could a judge in the service of two such men be allowed to rule against the canons in the very case which had brought about these egregious acts and their eventual excommunication? Novelli agreed, as did Marotie. The matter was settled and the rights to Castle Loterni came decisively into the hands of the canons.

In the years that followed, at least some of the involved parties seem to have made a kind of peace with one another. On January 14, 1347 Francisco di D. Giovanni Ceresi Normanni made a will of his own. In it he declared, "after my death the Basilica [of the Prince of the Apostles] shall enjoy the fruits of my share in Castle Campanile for as long as I myself enjoyed those pertaining to said Basilica."<sup>32</sup> He also left to the Basilica a number of other properties, including castles, and requested in return an anniversary mass for his soul. In so doing, he effectively returned to the fold in time to die in the good graces of the church. His bequest, and

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<sup>32</sup> For this castle see Vendittelli, "Dal 'castrum Castiglionis'".

the anniversary it would obtain him, would mark this proper relationship after his death, while the temporary fruits of Castle Campanile would make up for whatever ill-gotten gains he had from Castle Loterni and any other properties of the Basilica he had wrongfully seized.

It is in the context of this conflict and this quasi-penitential bequest that we must read the testament of Francesco di Giovanni Romani Bonaventurae, made only a year and a half later. For all his power in life, Francesco could hardly go to the grave an excommunicate. To do so would render any testament invalid, with the result that he would of necessity die intestate, threatening not only his control of his patrimony and the state of his soul, but also the wellbeing of the souls of various others, most notably his son, whose own *pro anima* bequests Francesco had not yet executed and for which he would provide in his testament. This is, in all likelihood, the origin of the penance that dictated some of Francesco's charitable bequests and was perhaps also the instigation for his confessional listing of wrongdoings. It might be assumed that the case of the assault allegedly ordered by him upon the canons went unmentioned here because it was both notorious and resolved. The courts had ultimately ruled in favor of the canons and Francesco had been brought to heel by excommunication and the necessity of exculpating himself. There was nothing left to confess because the accounts had been balanced. This interpretation of events finds support in the fact that Francesco annulled several bequests made in his testament after he settled his affairs with the people in question, including some of his own vassals, his extractions from whom he here characterizes explicitly as *male ablata*.<sup>33</sup> But we might also consider that

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<sup>33</sup> He did this in a codicil, now preserved as ASR, OSS, Cass 61, n. 119. The best example is his vassal Theolo di Sebastiano, from whose goods Francesco, in his testament, declared himself to have taken 150 florins. In the codicil he states that he has given Theolo's heirs a house in Trastevere, in the parish of S. Crisogone, in restitution and that the bequest is therefore annulled. This is interesting both because it makes clear that Francesco understood his seizure of Theolo's property as sinful even if it was within his rights and because it makes clear that Francesco's long list of confessed crimes were also a kind of list of implied bequests. At any rate, he felt the

even in the end Francesco did not believe himself to have been in the wrong. He had, after all, used violence to protect the property rights of his own son-in-law, and used courts that operated under his command to further this end. This blending of private interest and public power was hardly unknown in the exercise of late medieval lordship, or in Rome in particular, and we can imagine that Francesco eventually went to his grave believing himself to have operated entirely within his rights. In fact, this is not the only instance of wrongdoing unmentioned in his testament about which we might draw such a conclusion. We might even posit that many, perhaps most, of the deeds confessed in Francesco's will fell into this category; his testament was as much a display of just noble violence as it was a confession of sins. The Church likely compelled the confession, in part. But the Church was not the only institution imposing coercive force on Francesco as his life came to its close.

#### *2.4 Confession of Piracy, Theft, and Ius Naufragii*

Among the ill-gotten gains and damages inflicted to which Francesco confessed in his testament there are a number of cases of particular gravity, which highlight the tensions between Francesco's sense of his own rights and the steady erosion of those rights by a new social order centered on the values and power of the Roman commune. Moreover, in omitting other crimes closely linked with these, Francesco's will indicates the resistance, ultimately futile but still ongoing, of the baronial class to this erosion in the early decades of the fourteenth century.

Having already noted that Francesco's confessed crimes indicate a propensity for wrongful seizure and for the willingness to use violence in exercising what he perceived to be his

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need to strike them from the record when settled, likely to prevent potential legal squabbles, or double payment, in the future.

rights, a willingness further evidenced by his apparent direction of an assault on one of Rome's greatest basilicas, and having further noted that most of his patrimonial holdings were situated along the coast northwest of Rome, it should not surprise us to find Francesco confessing to predatory behavior directed at ships plying the trading lanes near his lands, especially those carrying luxury goods. Ever the opportunist, Francesco admitted to pillaging several ships that ran aground in his territory, on one occasion ransacking a ship near Cerveteri and on another robbing a woman and her companions when they were shipwrecked at Fossa della Macchia. On other occasions he took a more active hand, robbing a group of Pisans transporting goods bound for Paris when their ship arrived at Santa Severa and doing similarly to another ship of men from Piombino.

The precise nature of the crimes being committed here warrants some parsing. The contemporary jurist, Bartolus of Sassoferrato, had famously declared pirates to be "the enemies of all humanity."<sup>34</sup> But, although some of these thefts, especially those not specified as being plunder of a shipwreck, come dangerously close to the much reviled offense of piracy, they ultimately do not seem to fit that category insofar as the robbery of the vessels seems not to have happened at sea but rather in port.<sup>35</sup> In those cases, Francesco seems to have engaged in blatant

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<sup>34</sup> See Bartolus de Sassoferrato, *Lucernae iuris omnia quae extant opera*, 11 vols. (Venice, 1590-1602), *Tomus sextus: Commentaria Digesti novi partem* (Venice, 1596), 215, "tit. De captivis et poshuminiis reversis et redemptis ab hostibus. Et non quod piratae aequiparantur hostibus fidei et principis et sunt ipso facto diffidati et possunt impune a quodlibet derobi, in auth. Navigia ubi Baldi C. de furtum item hypocritae hostes humani generis. For discussions of the origin of this phrase in Cicero and its posterity see E. S. Tai, "Marking Water: Piracy and Property in the Pre-Modern West," paper given at the conference *Seascapes, Littoral Cultures, and Trans-Oceanic Exchanges*, Feb. 12-15, 2003. Full paper with notes available at: [http://webdoc.sub.gwdg.de/ebook/p/2005/history\\_cooperative/www.historycooperative.org/proceedings/seascapes/tai.html](http://webdoc.sub.gwdg.de/ebook/p/2005/history_cooperative/www.historycooperative.org/proceedings/seascapes/tai.html).

<sup>35</sup> The act of piracy, generally referred to as *ire ad pirraticam* or *ire ad cursum*, was understood to be essentially a kind of *rapina*, theft by violence, which took place on the sea. This was not a

theft, though we might speculate that he may have disguised this as some kind of toll. In the case of the pillaged shipwrecks, he was also treading on dangerous, if disputed ground. The canons of the Third Lateran Council (1179) declared, “Let those also be under excommunication who dare to rob Romans or other Christians who sail for trade or other honorable purposes. Let those also who in the vilest avarice presume to rob shipwrecked Christians, whom by the rule of faith they are bound to help, know that they are excommunicated unless they return the stolen property.”<sup>36</sup> In earlier centuries the general understanding, framed in terms of the so-called *ius naufragii*, had been that the lords of the lands where a shipwreck occurred could rightfully seize goods lost due to that wreck. This principle had no actual legal basis but was long customary. In Italy there had been steady efforts on the part of the communes and some other powers to protect the goods of wrecked ships. However, in southern Italy the Angevin kings of the thirteenth century had not only enforced the right to pillage shipwrecks, they had taken care to reserve the right to their own officials and administrators.<sup>37</sup> In other words, Francesco’s pillaging of these shipwrecks, to speak

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specific category of theft that was recognized by Roman law, however, and the definition of piracy as robbery of innocent victims and of going *ad cursum* as plunder of the vessels of a declared enemy seems to have been at times upheld, though it did not become truly clear until much later. See Michel Mollat, “Course et piraterie à la fin du Moyen Age: aspects économiques et sociaux. Positions de problèmes,” *Hansische Geschichtsblätter* 90 (1972): 1-14 and his “De la piraterie sauvage à la course réglementée (XIVe- XVe siècle),” *Mélanges de l'Ecole française de Rome. Moyen-Age, Temps modernes* 87.1 (1975): 7-25. For an extensive discussion of piracy in this period, see E.S. Tai, “Honor Among Thieves: Piracy, Restitution, and Reprisal in Genoa, Venice, and the Crown of Catalonia-Aragon, 1339-1417,” (PhD Dissertation, Harvard, 1996).

<sup>36</sup> See the edition of the council’s canons, specifically canon 24, in Norman Tanner, *Decrees of the Ecumenical Councils* (London: Sheed & Ward, 1990).

<sup>37</sup> Robert S. Lopez, *Medieval Trade in the Mediterranean World* (New York: Columbia University Press, 1955), p. 304; Alauddin Samarrai, “Medieval Commerce and Diplomacy: Islam and Europe, A.D. 850-1300,” *Canadian Journal of History* 15.1 (1980): 1-21; Judith A. Everard, *Brittany and the Angevins: Province and Empire, 1158-1203* (Cambridge: Cambridge University Press, 2000). Pietro Giannone, “Ricerche e documenti sul jus naufragii nell’Italia

nothing of what may have been robbery of those docked in his territory, constituted an egregious crime in the eyes of many, but the rightful act of a governing power in the eyes of some southern Italian contemporaries with whom he was affiliated. Given that local practice was perhaps on his side, why did Francesco confess this crime rather than leaving it unstated as he did his conflict with San Pietro?

The answer may lie in the fact that the specific crime of pillaging shipwrecks was one that was increasingly likely to raise the ire of a broad swath of Rome's governing group. In precisely this period, another baron, Martino Stefaneschi, had achieved notoriety for his robbery of a ship that ran aground near his holdings in Porto. The ship had been bound for the Regno, bearing cloth and spices from Marseille and Avignon, when it ran aground after seeking refuge from a dangerous storm in the mouth of the Tiber. The ship bore several passengers, both men and women, including merchants and perhaps the young knight Montréal d'Albarno, Hospitaller of S. Giovanni in Gerusalemme, also known as Fra Morreale, future leader of the Great Company.<sup>38</sup> As the ship began to come apart and those aboard quaked in fear for their lives, Martino had sallied forth from his castle and seized from the vessel "the money and incomes from Provence which were destined for Queen Giovanna [of Naples]" as well as "cloth of a

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meridionale al tempo del primi sovrani angioini," in *Studi in onore di Riccardo Filangieri*, vol. I (Naples: Arte Tipografica, 1959), pp. 283-306.

<sup>38</sup> The Great Company was one of the most famous mercenary groups of the fourteenth century, led originally by Duke Werner of Urslingen. In 1347, Lewis of Bavaria hired the Company and it was joined by two new leaders, Conrad of Landau and Fra Morreale. After this, the group eventually marched on Rome in 1348. By the 1350s, Morreale had supplanted Werner as leader of the Company. It was in this role that Morreale eventually permitted some of his men to aide in Cola di Rienzo's return to power. Musto, *Apocalypse in Rome*, pp. 318-322. Morreale had been a Hospitaller until he was ejected from the order for reasons unknown. It is possible that he was on this ship following that expulsion but that is pure speculation and there is no way to know whether the Anonimo's report here is accurate.

value of 20,000 florins...[and] sacks of pepper and cinnamon.” He sold what he seized and refused to pay any restitution to his victims who escaped with only their lives.<sup>39</sup> It is clear that Martino expected to carry out his theft with impunity, not in the least because of his noble status and affiliation with the powerful Orsini family. But in the days after Cola di Rienzo took power in Rome, Martino was seized from his home in Trastevere, dragged to the Campidoglio, tried and executed for his notorious crime.<sup>40</sup> It is clear from this that at precisely the moment that Francesco was making his will in San Pietro, the pillaging of shipwrecks along the coast of the Roman district could cost a man like him his life. Martino had died largely because he had not only robbed his victims, but also failed to make any restitution to them. By declaring in his will the precise value of what he had taken and the damage he had done, Francesco perhaps sought to avoid this.

### *2.5 The Second Omission: Grain, Territory, and Famine*

The control of Rome’s waterways was of crucial importance to any would-be ruler of the city because they were the most reliable means by which the city could be provisioned. In the world of the late Middle Ages, food supply was a constant problem for any population center;

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<sup>39</sup> AR, *Cronica*, p. 103: “Era nello castiello de Puerto uno nobile romano: Martino de Puerto avea nome. Quello Martino abbe suoi fattori e fece tutta quella galea sgommarare e trarne la mercatantia de panni e de speziarie; li quali panni se vennéo e non ne voize rennere cobelle alli perdienti. Anche più che ‘nanti sostenne de essere scomunicato, che de volete rennere l’altruio. Assenava una soa proverbial antica: ‘Chi pericola in mare pericoli in terra.’ Per la qual cosa e per alcuno airo eccesso Martino de Puerto fu appeso per la canna, como se diceraio. In quella galea venne la moneta e li riennita de Provenza, la quale veniva alla reina Iuvanna de soa contrada. In quella venne panni de valore de vinti milia fiorini. In quella venne vivate de Provenzani, uomini e femine, lii quali ne ivano a Napoli. In quella veniva sacca de pepe e de cennamo e de cannella. In quella venne uno feriero de Santo Ianni: avea nome frate Monreale, provenzano de Narba, cavaliere a speroni d’aoro, moito iovinetto.”

<sup>40</sup> Ibid., p. 118-20.

shortages were not merely a risk but an inevitability, coming and going in cycles of profound disruptive force.<sup>41</sup> In Rome, as in many places, this led to the rise of a “culture of grain” in which a steady supply of grain became synonymous with order and famine with disorder.<sup>42</sup> In a Roman world wherein the old social order of the barons was being eroded by one centered on the city and the urban elites, famine became a powerful category with which to think and which one might deploy to delegitimize the old order. Famine, in short, became a moral category and its manufacture a criminal act that defined the line between licit and illicit distributive orders.<sup>43</sup> Needless to say, only the partisans of the new urban worldview would see things in this light. Francesco di Giovanni Romani Bonaventurae was not such a partisan and as such he was the target of this delegitimizing strategy rather than one of its wielders. As with his other misdeeds, however, Francesco would not have agreed with any who saw as criminal what he would have defined as justifiable acts. As a consequence we see no hint of this particular conflict in his confessional testament.

This absence is remarkable because pillaging shipwrecks was not the only reason Francesco was known to the Romans as a disruptor of trade. On August 19, 1309 Tebaldo di San'Eustachio and Giovanni di Pietro di Stefano, then Senators of Rome, had gone before a

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<sup>41</sup> William C. Jordan, *The Great Famine: Northern Europe in the Early Fourteenth Century* (Princeton: Princeton University Press, 1996). It must be noted that the famine treated by Jordan was a true famine, while the word *carestia* generally refers to something more like a shortage. So when famine is referred to in what follows, it refers not to the phenomenon examined by Jordan but to a moral and political category.

<sup>42</sup> Palermo, *Mercati di Grano*, pp. 148-165 and his “Carestie e cronisti”.

<sup>43</sup> Samuel K. Cohn, Jr., *Lust for Liberty: The Politics of Social Revolt in Medieval Europe, 1200-1425* (Cambridge: Harvard University Press, 2006) has recently argued that acts of seemingly spontaneous violence as a result of food shortages were often driven by political disputes rather than famine. The argument here expands on that insight, noting the potency of the nexus of famine and criminality, violence, and disruption.

*parlamento* of the people of Rome to request the power to *diffidare* and condemn, both in their goods and their persons, Francesco, his cousin Romano di Giacomo Bonaventurae, as well as Francesco di Stefano Stefaneschi (a relation of the notorious Martino). The men stood accused of misappropriating grain and then selling it outside the Roman District in an explicit attempt to reduce the city to a state of dearth. When initially cited for this offense, all three men had failed to appear and, it was alleged, had instead plotted with other Roman nobles to inflict grave damage on the Senate and people of Rome. The Senators received the power to proceed against these barons with the Roman army and cavalry and to do likewise to any found to be similarly guilty.<sup>44</sup> Whether or not a military clash took place, we have no way of knowing. Clearly Francesco's relationship with the commune improved at some point, given that we have already seen him serving as Senator a few decades later.

Like Francesco's pillaging of shipwrecks and robbing of ocean-going merchants, this alleged manipulation of the grain market seems to fit a general trend, also visible in his "damaging" of various vassals, of disorderly seizure of whatever he wished from whomever he wished, a violent species of greed. This would certainly match the description of Rome's barons given by Bartolus, Cola, and the Anonimo Romano. But considering Francesco's readiness to confess and make compensation for a wide array of crimes (especially the robbing of the ships) we should take his studious silence regarding particular crimes as evidence that when he committed these acts Francesco considered himself to be operating well within his rights and obligations as lord of his many territories northwest of Rome. In the case of the ships, he was

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<sup>44</sup> Paola Supino, *La "Margarita Cornetana". Regesto dei documenti* (Rome: Società Romana di Storia Patria, 1969), document n. 375. Theseider, *Roma*, p. 396 says that Giovanni di Pietro di Stefano was himself a Stefaneschi. Given that there was also a Papareschi serving as *camerarius* of the city (see below) this starts to look like a family squabble carried out through official channels.

exercising his (admittedly debatable) *ius naufragii*. In the case of the grain, he was behaving as would anyone whose production of grain was one of their primary sources of income; he was attempting to sell it where the market was most favorable. In so doing, he was no different from many other grain producers and distributors in the same region; and if he was treated differently in this instance, isolating that difference allows us to see how this particular conflict, like many of Francesco's other misdeeds, speaks to his ambiguous relationship with the city of Rome and the decline of the social order within which that relationship was possible.

The effort by non-baronial Senators of Rome to curb the behavior of Francesco and his baronial collaborators was indistinguishable from many similar efforts to control the flow of grain in the District. Rome lived on its district and securing the essential stream of grain and other foodstuffs had been a key obligation of every regime to hold the city. This was equally true of the thirteenth-century popes and urban leaders, of Charles of Anjou and his deputies when he controlled the city in the second half of the thirteenth century, of baronial elites who held the reins in the early fourteenth century, and of the communal entities that controlled it in the second half of the century. This effort was complicated by the fact that the richest grain-producing region in the Roman district, the area to the northwest of the city, was, like much of Italy, dotted with medium-sized cities, small independent communes, fortified and unfortified villages, and castles. Predictably, each entity tended to act in its own interests and each had to be handled in different ways by Rome.<sup>45</sup>

An important port city like Corneto serves as a good example. This city was of crucial importance for the Roman strategy to secure a stable supply of grain by which the city could be provisioned. This strategy relied primarily on controlling not the means of production by which

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<sup>45</sup> Palermo, *Mercati di Grano*.

grain and other foodstuffs were cultivated, but rather the nodes and channels of transport by which they moved.<sup>46</sup> Communal efforts sometimes ran loosely parallel to those of the papacy, as in 1300 when Boniface VIII granted Corneto a variety of rights at the same time that he also laid various requirements upon it, including the restriction that foodstuffs were not to be exported anywhere where the Curia did not have its seat.<sup>47</sup> However, Rome, and the papacy as well, frequently lacked the wherewithal to impose this control effectively and important centers like Corneto often, especially in the twelfth and early thirteenth century, found themselves in the position to negotiate trade agreements with other coastal powers as well.<sup>48</sup> Such agreements, and the trade that inevitably took place between their signatories, ran directly contrary to the Roman desire to prevent foodstuffs generated in the district from flowing away from Rome. In response, Rome would often levy legal condemnations and monetary penalties on the offending city. These would then be forgiven when the city came to heel. Thus we see Stefano Colonna and Raynaldo Orsini in 1292, forgiving a long list of such penalties previously laid upon Corneto.<sup>49</sup> On September 13, 1309, mere weeks after the condemnation of Francesco, the same Senators are found cancelling various condemnations leveled against Corneto by a number of previous chancellors and senators of Rome.<sup>50</sup> The very next day we see the three *camerarii* of the *Camera Urbis*, Pietro Alcherutii, Giacomo di Romano di Bonaventura de Paparoscis, and Ilperino de

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<sup>46</sup> Palermo, *Porto di Roma* and *Mercati di Grano*.

<sup>47</sup> Supino, *La "Margarita Cornetana"*, doc. 322.

<sup>48</sup> There were independent pacts between Corneto and Pisa, see Palermo, *Mercati di Grano*, p. 110.

<sup>49</sup> Supino, *La "Margarita Cornetana"*, doc. 190.

<sup>50</sup> *Ibid.*, doc. 378, pp. 291-2.

Iudice, receiving from Accettante di Griffulo, a representative of Corneto, 1850 lire provisini against the 1000 florins owed by the commune to Rome.<sup>51</sup>

In order to control the flow of grain and other foodstuffs, Rome sometimes found it necessary to send men into the field in various capacities in order to investigate and manage their transport. One office responsible for this was that of the *grascieri*, who generally enjoyed the backing of the Senators in performing their roles. Thus, on August 7, 1310 we see then Senator of Rome Ludovico di Savoia commanding the podestà, vicars, councils, etc. of Corneto, Montalto, and Canino to obey and assist Giovanni di Margarito and Giacomo Stincus in that office. The *grascieri* were empowered to investigate any who exported foodstuffs from the district, to arrest them, and to bring to Rome the transporters of said foodstuffs, along with their wares and their animals and to pursue plunderers, murderers, and any who had been put under a ban. Their condemnations were equivalent in power to those issued by a Senator.<sup>52</sup>

As the century wore on, the precise mission statements of these men, or those entrusted with similar offices, give us a sense of the mental map of the Roman district that was common among the city's ruling group. On February 9, 1376, a group representing the absent Lorenzo Sanguigni, knight and then Governor of Rome, and comprised of the Conservators of the Camera Urbis and *reggitori* of the Senate, Giovanni Massaroli, Giovanni di Bongianni and Sciabacario, the Executors of Justice, Paolo di Iozio and Cecco Mattalli, and the four councilors of the *felix*

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<sup>51</sup> Ibid., doc. 377, pp. 290-1. In 1363, 60 florins was the equivalent of a hundred *libri provisini* (see BAV, SAP, I/1 fol. 97v-98v). It should be noted that the second of the *camerarii* appears to be the son of the very Giacomo who was one of Francesco's collaborators in the alleged grain market plot for which both men were condemned mere weeks before this. If this is indeed Giacomo's son, then he is also the same Bucio to whose sons Francesco would eventually deny any right to his patrimony.

<sup>52</sup> Ibid., doc. 383, pp. 295-6.

*societas pavesatorum et banderensium*, Niccolò dei Cerroni, Fanolo Giacomello, Crapolo and Giovanni di Tuzio, as well as the Governors of Peace and Liberty of the Roman Republic, Niccolò Porcari and Leonardo di Verardo, named Giovanni Cenci captain general of the Roman people and assigned him the task of creating a company of soldiers, along with some consultants and notaries, and granted him jurisdiction over Tuscia, Collina, and Sabina. He was to go forth and make pacts with each city and castle. All inhabitant of the district were commanded to welcome him and his men and to obey his mandates. Each baron or city who transgressed would be penalized 20,000 florins and each noble, official, or other place that did so would be penalized 10,000 florins.<sup>53</sup> The map of the Roman *districtus* was made up of two primary kinds of entity: small cities and castles. When it came to criminal liability for breaking agreements with Rome a city was distinct from its officials but a baron and a castle were essentially identical. A rogue baron, a plunderer, and a castle were overlapping categories in the Roman mind.

Negotiations between Rome's ruling group and cities like Corneto differed markedly from their dealings with barons like Francesco. When Rome's emerging ruling group wanted to control the flow of grain through a city it did so by means of legal agreements, condemnations if those agreements were breached, and direct oversight by high-powered nominated officials. When dealing with a baron, things were different. Certainly we see evidence of agreements; but in the case of breach of those agreements, as when the barons sold grain outside the district, we see not legal penalties and monetary fines but the accusation of conspiracy to create *carestia*, i.e. dearth or famine, and the threat of military action. The answer to why lies in the ambiguous nature of the baronial relationship to Rome and its district.

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<sup>53</sup> Ibid., doc. 496, pp. 365-6.

Baronial control of the district was as old as the baronage itself. As these families rose to prominence on the backs of members who had entered into the College of Cardinals, they found themselves drawn into the Church's efforts to control the district in order to feed both Rome and the Patrimony of St. Peter. So integral were they as controllers of this territory that many of the roads of the district served only to take one to their castles and other holdings.<sup>54</sup> This baronial presence has been understood primarily as an obstacle to the development in the district of stable grain markets by Rome's urban (non-baronial) elites, the argument being that those elites tended to consider the district as a homogenous, unitary thing and struggled with the reality of lingering baronial rights and the control of large swaths of territory by ecclesiastical entities. The attempt to overcome these obstacles then took the form of claims to various kinds of jurisdiction, the right to impose *podestà* on district communities, and claims of criminal jurisdiction over *hominibus cuiuscumque castri consistentibus in ipsius Urbis districtu*.<sup>55</sup> Thus, what emerges is a picture of Rome's ruling urban elites clinging to a dream of a homogenous, centrally controlled district but facing the reality of being sandwiched between the rival centralizing efforts of the church and the "anarchic impulses" of the barons.<sup>56</sup>

But baronial impulses were not anarchic in the sense that they were disorderly. Rather they looked to a different order, a less centralized one, to be sure, wherein the city of Rome was an arena, or better a forum, for baronial control and competition with one another but not a governing presence in and of itself. This Rome was all forum and no empire. The city had,

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<sup>54</sup> Palermo, *Mercati di Grano*, p. 73.

<sup>55</sup> Augustin Theiner, *Codex diplomaticus dominii temporalis S. Sedis*, Vol. I, (Rome: Imprimerie du Vatican, 1861-2), doc. 474. For this argument see Palermo, *Mercati di Grano*, pp. 57 and 75.

<sup>56</sup> Palermo, *Mercati di Grano*, p. 94.

therefore, a real importance to the barons and so had to be maintained. We see baronial Senators in the early fourteenth century acting just like various popular or papal regimes, attempting to control the flow of foodstuffs and sharing the tendency to do so by controlling channels of distribution rather than the means of production, so many of which were in baronial hands anyway.<sup>57</sup> But they did not value the city in the same way that the popular order emerging in Rome in these decades did. To the urban elites of the early fourteenth century, Rome was a timeless truth; citizenship within it conferred a special status that was manifested, among other ways, in the power of the *populus romanus* to confer legitimacy upon a claimant to the imperial title.<sup>58</sup> As a result, urban nobles and guild elites alike saw themselves as crucially identified with the City, from which they drew their status and authority. Barons, conversely, had an ambiguous relationship with the city, living in it and using its offices for private ends but ultimately remaining identified, by their political rivals at least, with their castles in the countryside.

It is in the context of this tension between two different social orders and between two different visions of Rome in relationship to its district that the deployment of the idea of *carestia*, understood in its role as a moral category, becomes powerfully revealing. Though different, each group had an integral relationship to the city, which meant that barons could not be treated as alien to or discrete from Rome in the same way Corneto could. They dwelt in the city, kept houses and fortresses there, and could often be named by *rione*, their quarter of occupancy, as Francesco was. At the same time, the barons were not fully of Rome in the same way the ruling

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<sup>57</sup> Ibid., p. 115.

<sup>58</sup> For the emergence of this power in the late thirteenth and early fourteenth centuries, see Theseider, *Roma*, pp. 432-3. It should be noted that, although communal resistance to imperial power was a common characteristic of Italy's cities from the time of the Ottonians onward, the claim of the *populus romanus* to this power only became possible when the imperial dignity had already come to have little real significance in Italy.

urban elites were. They were artifacts of an earlier age, castles in the countryside and fortresses within the walls. These different relationships meant that each group was interested in maintaining a different kind of order. Because the barons saw Rome primarily as a field of action and rooted their identities in a more diffused patrimony, their concern with maintaining Roman provisions was always articulated in a way that privileged their own interests first. The populace was not to starve, but neither was it to feel secure and independent. The world was held together by the network of castles and urban fortresses that composed baronial identity, a network that embodied the alliance of secular lords and the church for the control of the district and the Patrimony of St. Peter. Conversely, because urban elites saw Rome as a unitary, timeless entity from which they derived a more centralized and collective identity, their concern was the creation of precisely the food security that the barons would have eschewed and the obviation of the network of baronial structures. Each order, of course, understood its world to be natural and considered rival social orders perverse. Baronial control of the countryside, rooted in their identity with the church at its highest levels, was the articulation of a world order in which the breakdown of their control meant chaos. Urban control of the countryside, rooted in the notion of the city as a natural and enduring center, expressed a world order in which any usurpation of that control was perverse, a threat to food supply, a generator of famine which was itself a sign of a disordered world. When Francesco and his collaborators were accused of conspiring to create famine and to do grievous harm to the Senate and people of Rome, they were being reminded that their identity was not rooted in their castles and feudal rights but in their status as men *de Urbe*. By acting in the terms of an alternative world order, they were agents of disorder and imbalance. The wrongness of their deeds was evident not in terms of a breach of contract but in

terms of a rupture of the natural system of the world, which if properly managed would produce adequate food for society's sustenance.

While this may seem to reinforce the idea that the barons were the antithesis of the citizen world, even its direst enemies, consideration of the relationship of the barons to the city through the lens of plenty and famine shows how intimately intertwined they were with that world. They could not be purged; they had to be assimilated. Omitting the notorious crime of conspiring to engineer famine, like the omission of his crimes against S. Pietro, Francesco indicated his identity with a fading world. In this world, his rights as a landholder and lord meant that he could do what he would with his own grain, which he distributed to the city only as necessary to maintain the forum wherein he exercised the powers of offices that were his by right, for and within which he competed with his peers.

## *2.6 Conclusions*

As Francesco di Giovanni Romani Bonaventurae prepared for death in 1348, the world in which he lived was also dying. A series of popular uprisings had repeatedly challenged the old baronial order, unseating baronial Senators and replacing them with the *boni homines* of Rome and their captains. Cola di Rienzo was only the most recent, but the world he evoked – his apocalyptic vision, his articulation of Rome's imperial and sacral necessity and centrality – was a version of that which had been slowly eroding the old baronial union of secular and sacred, earthly lordship paired with ecclesiastical authority, and replacing it with a new articulation of that union based on the confluence of the terrestrial economy and an increasingly sacralized moral one.

The structures of the Roman economy were shifting along with its ideology. Where once the map of Rome had been constituted by a dense core of urban fortresses joining more or less seamlessly with a network of rural castles, now it was constituted by a conceptually unified urban sphere, within which special status and authority were generated, and a rural district over which that authority was exercised. It is in this framework that we must understand the emergence of a new model of production, the Roman *casale*, which steadily displaced the *castrum* in the rural sphere immediately surrounding the city.<sup>59</sup> In this transforming world, men like Francesco would be drawn into the urban center and reintegrated into the urban nobility from which their ancestors had originally emerged. Their castles would be divided up and sold off, their shards reassembled as the *casali* of the urban elite.

The testamentary practice of Francesco's own line, together with the rival lines within his lineage, provides a perfect example. As noted, Francesco's last surviving son did not outlive him long, dying in 1350 and leaving, from his Savelli wife, only one son of his own, Venturozzo.<sup>60</sup> The family's penchant for infighting would continue; in June of 1369 we see several descendants of Francesco's old collaborator in famine, Romano, squabbling over lands that had formerly belonged to Francesco.<sup>61</sup> When Alessio di fu Bucio Romani Bonaventurae de Venturinis of Trastevere made his own testament on November 27, 1370 it was a far different document from what Francesco's had been.<sup>62</sup> He had no children, declaring his heirs to be three wandering,

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<sup>59</sup> See Introduction.

<sup>60</sup> Carocci, *Baroni di Roma*, p. 351; Vincenzo Forcella, *Iscrizioni delle chiese e d'altri edifici di Roma dal secolo XI fino ai giorni nostri* (Rome: Tipografia delle scienze matematiche e fisiche, 1869), Vol. I, p. 127.

<sup>61</sup> BAV, SAP, I/5 fols. 62v-68v.

<sup>62</sup> BAV, SAP, I/6, fols. 93r-94v.

homeless paupers of Christ to each of whom he left 5 *solidi provisini* before distributing the rest of his wealth through specific bequests. Gone are concerns with vassals in the district. Gone are bequests to churches and communities outside Rome's walls. When Pietro Romani Bonaventurae de Venturinis made his testament on November 10, 1374, the former cleric distributed to his son properties that had formerly belonged to Francesco but were now shared with the aforementioned Alessio and his siblings.<sup>63</sup> Like Alessio, Pietro seems to lack Francesco's clearly articulated sense of identification with his holdings in the district, or with churches and people there. His concern is with urban churches, hospitals, and even the Confraternity of the Savior, the most elite confraternity in the city, closely associated with the nonbaronial ruling group of the late fourteenth century.<sup>64</sup> Furthermore, he leaves the Guardians of the confraternity 1500 florins in return for several things: an anniversary mass, aiding and advising his son Romanello against any person that might seek to molest him in any way, and offering Romanello counsel in all things. Perhaps most tellingly, Pietro named a wide array of people as defenders and protectors of his son, including Agapito Colonna the bishop of Lisbon, the two Conservators of the *Camera Urbis*, his testamentary executors (the Guardians of the Confraternity of the Savior, the Prior of Santa Sabina, the Guardians of the Araceli, and his own wife Giovanna), and even the leaders of the *Felix Societas Balestriorum et Pavesotarum*. These defenders run the gamut from the most powerful baronial families and ecclesiastical figures, the most powerful confraternity in Rome (an institution of the urban elite), several local prelates, the foremost communal officials, and the

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<sup>63</sup> BAV, SAP, I/8, fols. 84v-89v. I assume that this son was legitimate due to the laicization of his father as a result of the need to perpetuate his line. The other alternative is that the son's birth predated his father's assumption of clerical status.

<sup>64</sup> On the Confraternity of the Savior, see Paola Pavan, "Gli statuti della società dei Raccomandati del Salvatore ad Sancta Sanctorum."

foremost extra-governmental, non-noble power-wielders in the city. That Pietro aspired to distinction is obvious, but that he no longer held it of his own accord, as a baron, is equally obvious. Those to whom he looked for succor had power and influence in common; but for most of them it was a power and influence born of the new social world of fourteenth-century Rome, not the one that had been familiar to Francesco. The only real exception to this is Agapito Colonna, scion of one of the few baronial families to avoid reassimilation into the urban nobility.

Only the most powerful barons, those whose castle-bound identity was so far flung and extensive that it could not be broken down even as a result of a fourteenth-century crisis, could escape absorption into the urban nobility. The Colonna and the Orsini above all would never become mere urban elites. They would instead forsake Rome as the privileged locus of their political activity and become Italian and even European powers. But these were the exceptional members of an already exceptional group. Their numbers were relatively few, even if their power remained great. The rest of the old baronial class would turn to the urban world of Rome, to its rhythms and priorities. They did not become totally identical with Rome's other elites, perhaps, but many barons did begin to blend into their worlds and their networks.

The social world with which the barons merged was characterized by a moral economy, in which gold, grain, and grace all had a part to play. In this economy, rooted as it was in the parallel calculability of mercantile wealth and purgatorial penance, transactions of terrestrial treasure were readily legible in moral terms. Identification of Francesco's illicit grain trade with moral disorder and the generation of famine represents only one example. For the late medieval world, to say that transactions had moral meaning was to say that they had a spiritual valence. The social and the sacred had always been of a piece, but in the late Middle Ages both the terrestrial economy of gold and grain and the spiritual economy of grace were fast becoming

more intricately interwoven, to the point that they began to blur together into a unified field of economic thought and action. The world of the living and the dead was increasingly, in many ways, a single world. For better or for worse, in the years to come, Rome's waning barons and the rest of the urban populace would live and die together, gradually merging into a new composite ruling group, no longer focused on the struggle to control the commune's institutions and turning instead to new priorities. The next three chapters will demonstrate three practices by which members of this emerging group bound themselves to one another with strong ties of solidarity. Each strategy, like the testament examined here, operated within the fields of both earthly and spiritual economic action, fields that, in Rome as in much of Europe, were increasingly understood as unitary.

## **Chapter 3 – Living and Dying Together**

In his examination of mostly thirteenth-century Roman testaments, Robert Brentano observed that they are “wonderfully expressive and informative documents,” further noting that they become steadily more articulate as one moves from the thirteenth to the fourteenth century. “Wills,” he said, “in their connection with death, have a particular strength. They are a particularly nice token of that piety which hovers over a community like a guarding genius.”<sup>1</sup> This chapter follows up on and expands Brentano’s approach, arguing that last wills and testaments not only reflect the piety of a community, they also demonstrate the ways that piety could, through the specific practice of making a testament, actively create and shape the community. Speaking of the thirteenth century, but finding himself inexorably drawn to the more detailed sources of the fourteenth, Brentano pointed out that Rome “seems to have been a precociously self-regulating community.” It was clear, he said, that in Rome “the most apparent mold of order was the family”, a thing that could exclude some blood relations and include those with whom not tie of blood of matrimony was evident. The precise nature of the relationship between the concept of kinship and family, the nature of community, and the particulars of the Roman case as reflected in testaments is not something that Brentano pursued in detail, or that he considered in relation to Rome’s fourteenth-century political history. Rome during Avignon was

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<sup>1</sup> Brentano, *Rome before Avignon*, p. 272 and p. 285. For other studies of Roman testaments, see Isa Lori Sanfilippo, “Morire a Roma,” in *Alle origini della nuova Roma: Martino V (1417-1431) : atti del convegno : Roma, 2-5 marzo 1992* (Rome: Istituto storico italiano per il Medio Evo, 1992), pp. 603-623; Ivana Ait, “Tracce della presenza celestiniana a Roma e a Tivoli fra la fine del XIII secolo e i primi decenni del XIV secolo,” in *Celestino V: cultura e società. Atti della Giornata di studio (Ferentino, 17 maggio 2003)*, ed. Ludovico Gatto and Eleonora Plebani (Rome, Università La Sapienza, 2007), pp. 137-171; and Anna Esposito, “I testamenti delle altre: le donne delle minoranze nella Roma del Rinascimento. Prime indagini,” in *Margini di libertà: testamenti femminili nel Medioevo. Atti del convegno internazionale, Verona 23-25 ottobre 2008*, ed. Maria Clara Rossi (Verona: Caselle di Sommacampagna, 2010), pp. 475-487.

not his focus. But they are ideas that point to the ways testaments were not only reflective but even generative of community. This approach to the question, of which this chapter is an example, has the potential to reveal much about the evolution of community in Rome in the years following the fall of Cola di Rienzo.

If we examine the testamentary record of fourteenth- and early fifteenth-century Rome, we find several noteworthy elements. Romans understood pious giving to be spiritually beneficial, as did all their contemporaries. But they understood this kind of beneficial gift to be viable even outside the traditional categories of pious practice, stretching to include kin of all sorts, as well as a whole array of others with whom they shared important ties. In all such cases, the implication of the gift within the larger temporal economy was a critical element, shaping the direction and form of giving more than anything else. Over the course of the conflict-ridden fourteenth century, in which the social fabric of Rome was repeatedly torn and haphazardly stitched back together again, Roman testators took advantage of a lack of statutory constraint to bind themselves enduringly to one another by means of such pious gifts. Even after the much longed for and dreaded return of the papacy, and the triumph of that papacy over Rome's free commune, these bonds and the mechanisms for creating and sustaining them endured. By manipulating the logic and practices born of the temporal union of earthly and purgatorial existence, Romans forged within the confines of their commune a new community.

### *3.1 Roman Testaments: Origins, Processes, and Particulars*

In the early summer of 1348, disturbing stories began to filter through Italy. Tales circulated of a sickness from the east, of ports overrun by disease. Speculation about its origins and cause were rampant. It soon became clear that more than rumor was moving through the

land. Italy and the rest of Europe would look back on this summer as the beginning of a cataclysm, but at the time no one knew that this was the beginning of an epochal plague. In the summer of 1348, it was a sickness, virulent to be sure but unremarkable. The response to it was also unremarkable.<sup>2</sup> Seeing familiar signs of epidemic disease, the people of fourteenth-century Rome, together with the rest of Italy, did what they often did when the ever-present possibility of death tipped in the direction of likelihood. Like Francesco di Giovanni Romani Bonaventurae, they made their last wills and testaments.

It would be wrong to characterize this as a quotidian act. After all, many people would make a testament once, if at all, and the few that did so more frequently still tended to do it in moments of transition or uncertainty: upon remarrying, perhaps, or before going on pilgrimage. Nevertheless, in the process of creating this important document, medieval testators were engaging in a public act that would be recognized in every corner of Latin Christendom.<sup>3</sup> This was due to the position of testaments at the intersection of Roman law and the purgatorial piety of the late Middle Ages, cultural phenomena ubiquitous by the fourteenth century. When they made their testaments, then, late medieval people were filtering through the formal requirements

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<sup>2</sup> Cohn, *The Cult of Remembrance and the Black Death*. We do not know if the plague actually hit Rome in 1348. Word of its effects must have, however, and its eventual appearance there in recurring waves is certainly undeniable.

<sup>3</sup> For the diffusion of the testamentary form, see Swen Holger Brunsch, "Genesi, diffusione ed evoluzione di documenti di ultima volontà nell'alto medioevo italiano," in *Sauver son âme et se perpétuer: transmission du patrimoine et mémoire au haut Moyen Âge*, ed. François Bougard, Cristina La Rocca, and Régine Le Jan (Rome: École française de Rome, 2005), pp. 81-96 for good survey of the literature as of 2005. On the reasons for this diffusion, see Diane Owen Hughes, "Struttura familiare e sistemi di successione ereditaria nei testamenti dell'Europa medioevale," *Quaderni Storici* 33 (1976): 929-952. For model studies of particular localities, see Jacques Chiffolleau, *La comptabilité de l'au-delà: les hommes, la mort et la religion dans la région d'Avignon à la fin du Moyen Âge, vers 1320-vers 1480* (Rome: École française de Rome, 1980) and Epstein, *Wills and Wealth in Medieval Genoa*.

of a Roman world long past the novel spiritual logic of their own era. The result can, at first glance, appear profoundly Janus-faced, even schizophrenic. It was not. The process of making a testament was a single coherent act within a single, equally coherent field of action.<sup>4</sup> This deceptively simple fact, upon closer examination, proves to have had profound repercussions. A testament was nothing less than an articulation of the underlying logic of the late medieval world; its making constituted, in more than a merely poetic way, the expression, and thus the creation, of that world. At the root of the word testator lays the act of bearing witness, of seeing and saying. A testament was and is, then, a snapshot of the world; but what it captures is a world undergoing profound changes, changes that were produced, in part by the testamentary act itself.

### 3.2 *The Testamentary Process: Origins and Medieval Roman Particulars*

The Roman testators of the summer of 1348 produced an abundance of wills, creating some of the earliest surviving records of systematic notarial activity for that city – though certainly not the earliest instance of it – and with the increased volume setting a trend that would continue in every year of the plague’s cyclical recurrence.<sup>5</sup> It is due to this phenomenon that

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<sup>4</sup> It has been far more common to accept the idea of the testament as a bifurcated document than to advocate for the unitary view that I am promoting here. There have been a few noteworthy exceptions, among them Jacques Chiffolleau, *La comptabilité de l’au-delà*; Samuel K. Cohn, *Death and Property in Siena, 1205-1800: Strategies for the Afterlife* (Baltimore: Johns Hopkins University Press, 1988); Antonio Rigon, “Orientamenti religiosi e pratica testamentaria a Padova nei secoli XII-XIV (prime ricerche),” in *Nolens intestatus decedere: il testament come fonte della storia religiosa e sociale. Atti dell’incontro di studio (Perugia, 3 maggio 1983)*, ed. Attilio Bartoli Langeli (Perugia: Regione Umbria; Editrice umbra cooperativa, 1985), pp. 41-63; Simona Ricci, “*De hac vita transire*”. *La practica testamentaria nel Valdarno all’indomani della Peste Nera* (Florence: Opus Libri Edizioni, 1998).

<sup>5</sup> I have examined all testaments and codicils in the surviving protocols of fourteenth-century notaries. In addition, I have examined all extant fourteenth-century testaments and codicils in the institutional archives now located in the Archivio di Stato di Roma, those in the archive of the Franciscan Order, those of the Archivio del Vicariato, and those in select collections in the

notarial protocols, like the rings of a perverse tree, grow fatter in years of calamity. This abundant record is testimony to the fact that the making of a testament was a standard practice, capable of greatly increasing in volume without sacrificing uniformity. Indeed, by the fourteenth century notaries were able to avail themselves of a variety of formularies and operated within a field of practice that was almost totally standardized.<sup>6</sup> These practices, and the legal tradition that produced them, did not make a testament what it was, but they did define the parameters, the limits, within which they operated.

When Lella, wife of a fish-seller named Nucio di Paolo Stermari, made her testament on August 8, 1363, she named her husband as heir and made no other provisions.<sup>7</sup> This brief document seems to record a simple transaction, completed quickly and easily. But in the small domestic spaces of the medieval world, making a testament was a crowded business. At a minimum, the testator, perhaps bed-ridden or perhaps not, the notary who recorded the act, and seven witnesses were present.<sup>8</sup> In addition we can assume the presence of a priest, in cases where death was nigh, of family members, and of other interested parties, servants, and neighbors. Certain fundamental acts came first: the testators identified themselves, described their physical and mental status, declaring that what was to come was the declaration of a sound mind and

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Biblioteca Apostolica and Archivio Segreto (especially the archives of Santa Maria Maggiore and the chapter of Santo Pietro).

<sup>6</sup> For the most important of the formularies, in use at the papal courts and widely known, see Rolandino de'Passaggeri, *Summa Artis Notariae* (Venice: Francisco Rampazeto, 1547).

<sup>7</sup> BAV, SAP, I/1, fol. 148r

<sup>8</sup> The formal requirement of seven witnesses was not always met. In Lella's case, only six witnesses were recorded. For the requirement, see, for example, the formulary of Passaggeri, *Summa Artis Notariae*, p. 231r-v, under the heading "Quot testes necessarii sunt in testamento, & qui possunt esse testes & qui non."

clean conscience if not always of a healthy body, and then named their heir or heirs. In a simple will this might be the extent of the act, which would be closed with various legal formulae meant to imbue the document and those named within with various legitimate powers. The witnesses' names would be recorded, and sometimes the place. With this done, the testament had performed its original juridical purpose, the transferal of patrimony and legal *persona* from testator to heir. Medieval notaries knew this to be the critical formal characteristic of such an act. "The institution of an heir is the head and the foundation of the entire testament," Rolandino Passagerii wrote.<sup>9</sup>

But due to the complicated exigencies of life, and particularly of money and family, this simple act was normally more elaborate, often considerably so. Testators faced a variety of common complications. Married men had to account for the dowries of their wives (and sometimes their sons' wives), parents with more than one child had to decide whether to give them equal shares or not; those with daughters had to determine whether to merely provide a dowry, for marriage or entry into monastic life, or to give them an additional share of patrimony. Contingency clauses were often made in case of the death of one or more heirs, often but by no means necessarily favoring the male line. Provisions had to be made for minor children: a guardian established, sometimes also a "defender," and rules put in place regarding the right of the child to alienate any part of the patrimony before (and sometimes after) coming of age. Then there were personal bequests to family members: property held in common between male relatives had to be properly allocated, items borrowed and lent were sometimes accounted for,

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<sup>9</sup> Rolandino Passagerii, *Summa Artis Notariae*, Bk. 1, Ch. 8, 230r: "Quia haeredis institution est caput et fundamentum testament totius, et sine haeredis institutione non valet testamentum."

and women in particular tended to distribute small pieces of property to other women in the family.<sup>10</sup>

Within the framework of this complex formal matrix, derived from Roman law, testators also engaged in another kind of act, the making of provisions for their own bodies and souls as they prepared to make the transition to the next world. By the late thirteenth and early fourteenth centuries the standardization of testaments included the integration of pious bequests given *pro anima*, including gifts to the poor, to ecclesiastical institutions, and for masses and prayers. It is clear, however, that precise limits to pious giving were not clearly defined and were, at least sometimes, extended to include family and associates, a practice indicative of the plasticity of charity as a category of action and not, as some have suggested, a dilution of it.<sup>11</sup> The juxtaposition of the testament's two heritages, one ancient and rooted in legal practice and the other relatively novel and reflecting the concerns of medieval Christianity, along with the details involved in meeting the requirements of each, have made testaments an object of fascination for

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<sup>10</sup> For a good summary of making a testament, and the nuts and bolts of managing the inheritance of patrimony, see Thomas Kuehn, *Heirs, Kin, and Creditors in Renaissance Florence* (Cambridge, Cambridge University Press, 2008). See too his *Law, Family, and Women: Toward a Legal Anthropology of Renaissance Italy* (Chicago: University of Chicago Press, 1991). On variations in the favor shown to male descendants versus a more equitable division of patrimony, see Cohn, *The Cult of Remembrance and the Black Death*.

<sup>11</sup> For example, Claudio Bonanno, Metello Bonanno, and Luciana Pellegrini, "I legati 'pro anima' ed il problema della salvezza nei testamenti fiorentini della seconda metà del Trecento," *Ricerche Storiche* 15 (1985): 183-220 takes this tack, as does Epstein, *Wills and Wealth in Medieval Genoa*, especially pp. 122-126. Early medievalists are less inclined to do so: see Cristina La Rocca and Luigi Provero, "The Dead and their Gifts. The Will of Eberhard, Count of Friuli, and his Wife Gisela, Daughter of Louis the Pious (863-864)," in *Rituals of power: from late antiquity to the early Middle Ages*, ed. F. Theuvs and Janet L. Nelson (Leiden: Brill, 2000), p. 229. In this they reflect some of the best early work on the topic in the later period, especially Diane Owen Hughes, "Struttura familiare e sistemi di successione ereditaria nei testamenti dell'Europa medioevale."

historians.<sup>12</sup> But the two origins of the act have too often led to the assumption that these documents were utterly bifurcated, manifesting a tension between contradictory patrimonial and spiritual priorities, an assumption that may derive from a tendency to neglect the purpose and underlying logic of testaments in favor of the study of their form and content.<sup>13</sup> In this chapter I suggest that by investigating the testament as a unified act, governed by a single guiding logic, we can better appreciate its power to transform the world one gift at a time.

Because the argument made here will focus particularly on the use of *pro anima* bequests, a methodological aside is required. It is well known that most surviving testaments are drafts of the notary's initial notes rather than final copies. It has also been suggested that the mediation of the notary seriously compromises our ability to track personal piety in testaments. After all, the testator's choice of church or pious institution to be recipient of a bequest might well be a notarial imposition upon a testator with no particular preference.<sup>14</sup> This is undeniably

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<sup>12</sup> The study of testaments emerged from the study of death in the pre-modern west. On this development see several works of Philippe Ariès, particularly his *L'homme devant la mort* (Paris: Éditions du Seuil, 1977). Emmanuel Le Roy Ladurie, "Chaunu, Lebrun, Vovelle: The New History of Death," in *The Territory of the Historian* (Chicago: University of Chicago Press, 1979), pp. 273-284. Michel Vovelle, "Les attitudes devant la mort: problèmes de methode, approches et lectures différentes," *Annales. Économies, Sociétés, Civilisations* 37 (1982): 120-132. For discussion of the Italian case in particular, see the studies in *La morte e i suoi riti in Italia tra Medioevo e prima età moderna*, Collana di Studi e Ricerche 11, ed. Francesco Salvestrini, Gian Maria Varanini, and Anna Zangarini (Florence: Firenze University Press, 2007).

<sup>13</sup> Samuel K. Cohn, particularly his *Death and Property in Siena, 1205-1800* and *The Cult of Remembrance*. Cf. Bertram, "'Renaissance Mentality.'" Giovanna Benadusi argues against this tendency in her study of testamentary giving as a mechanism of empowerment for servants, "Investing the Riches of the Poor: Servant Women and Their Last Wills," *American Historical Review* 109.3 (2004): 805-826.

<sup>14</sup> See, for example, Armando Petrucci, "Note su il testamento come documento," in *Nolens Intestatus Decedere. Il testamento come fonte della storia religiosa e sociale. Atti dell'incontro di studio (Perugia, 3 maggio 1983)* (Perugia: Editrice Umbra Cooperativa, 1985), pp. 11-16 as well as the similar position of Isa Lori Sanfilippo, "Morire a Roma."

true as far as the recipients of fairly generic charitable bequests, usually made to anonymous paupers or ecclesiastics that were often chosen by others. It is also true that, as shall be shown below, the characterization of bequests as *pro anima* is a phenomenon found scattered about Roman testaments in odd places, seemingly at random. But it would be perverse to suggest that notaries were arbitrarily deciding or even suggesting that bequests to specifically named individuals should or should not be framed as *pro anima*. It is similarly unlikely that a document whose every clause was so carefully considered in order to provide for contingency and prevent meddling should have this single element, the giving of *pro anima* bequests, that was so sloppily deployed. For this reason, while it may be problematic to map piety by means of bequests to specific institutions, as Brentano once suggested could be done, this does not totally undo the testament's capacity to tell us something about piety and mentality. The nature of testamentary practice as a legal process thoroughly entwined with religious piety means that we can extract something about the nature of things as understood by late medieval people by examining the strategies those understandings inspired.

It is important to note how little the Roman commune or its courts involved themselves in testamentary procedures.<sup>15</sup> To be sure, there were relevant statutes. There were regulations regarding how much daughters who had been given a dowry could demand from their father's patrimony, rules about how much an illegitimate child who had been officially legitimized could inherit, and rules about the aid testamentary executors could expect from the commune. The

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<sup>15</sup> This is not to say that there was no set of legal principles regarding testamentary practice. The fundamental ideas of the *ius commune* were, of course, relevant here. The fact that this was a common body of legal principles, rather than one defined or readily manipulated by the commune, is the key here. Testators still worked within a legal habitus but one that provided them with a measure of autonomy from the interventions of the Roman commune, due to its relative indifference to this particular matter.

statute most commonly appealed to, however, was likely the requirement that testaments should be executed in a timely manner, and that disputes regarding them should also be handled expeditiously.<sup>16</sup> The commune may have indicated the importance of fulfilling all testamentary bequests, and “especially bequests for pious causes, hospitals, religious paupers, churches, and pious places,” but this was legal boilerplate rather than an indication of communal implication in testamentary praxis.<sup>17</sup> When caring for their families and their souls, Roman testators acted with considerable autonomy. It is also important to note that surviving Roman wills are predominantly those of urban nobles, guildsmen and artisans, and their wives. This means that the very people who were guiding the commune in the closing decades of the fourteenth century were the ones responsible for maintaining the autonomy of Roman testators. We can, therefore, conclude that if the commune was not much involved in testamentary practice, it was because it served the interests of the city’s elites that it not be.

### *3.3 Patrimony, Inheritance, and Piety: Fundamentals of Roman Testamentary Practice*

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<sup>16</sup> That courts and legal procedures should be expeditious had long been a concern in Rome, one that Cola di Rienzo had sought to address in his *buono stato*. That a statute regarding expeditiousness in testamentary execution was on the books suggests that this was still an important concern.

<sup>17</sup> This statement is from Re, *Statuti*, I.XLV, “De testamentis exequitioni mandandis: Testamenta codicilli et alie ultime voluntates per Senatorem et eius Iudicem coram quo exequio petita fuerit ad instantiam illius cuius interest simpliciter et de plano sine strepitu et figura iudicii et omni iuris sollempnitate obmisa exequitioni mandentur in bonis defuncti super omnibus contentis in eis et maxime in relictis ad pias causas hospitalibus pauperibus religiosis et Ecclesiis et piis personis et aliis piis locis in quibus omni tempore procedatur nisi infra octo dies continuos a tempore productionis dictorum testamentorum et ultimarum voluntum aliqua legitima exception fuerit opposita et probate quibus elapxis et exceptione non opposita vel opposita et non probate Iudex pronumpstet testamentum fore exequitioni mandandum in bonis defunctiet dictas ultimas voluntates effectualiter exequatur.” For the few remaining statutes pertaining to testaments, see I.XCV-I.XVIII.

Testaments were primarily about inheritance, but what was inherited? In the Roman legal tradition, an heir inherited not only the property or patrimony of a testator but also their legal *persona*, their identity and status as a public actor. This was a kind of legal fiction, to be sure, but in the late medieval period, it does seem to have been a fiction with considerable substance to it. Jurists like Bartolus of Sassoferrato understood lineages to have in common a certain *substantia*, embodied in wealth but also in more ephemeral things like honor (itself not unrelated to wealth).<sup>18</sup> Individual members of the kin group were, therefore, vessels of a sort, carrying the stuff of kinship about with them and tending to its material instantiation in the form of family patrimony. This continuous collective identity was reinforced as lineages recycled family names, constantly recreating those who had come before.<sup>19</sup> The precise ways that the *substantia* of the lineage was deployed has, therefore, the potential to tell us much about the medieval Romans' ideas about what the main concern of a lineage were, what its place in a Christian social and cosmological order was, and even about the very nature of the lineage's defining relationship, kinship.

Testamentary acts were tightly bound up with the temporal quality of human life. Roman evidence suggests that among the affluent, the ideal was an enduring network of kinship in which patrimonial resources were carefully conserved and their productivity maximized by family leaders acting as the embodiment of the lineage's collective self. This concern for long-term

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<sup>18</sup> Thomas Kuehn, "Intestate Inheritance and Family in Renaissance Italy" (paper presented at New College Conference on Medieval and Renaissance Studies, March 8, 2014).

<sup>19</sup> Christiane Klapisch-Zuber, *Women, Family, and Ritual in Renaissance Italy*, trans. Lydia G. Cochrane (Chicago: University of Chicago Press, 1985), pp. 283-309; originally published as "Le nom 'refait': La transmission des prénoms à Florence (XIV<sup>e</sup>-XVI<sup>e</sup> siècles)," *L'Homme* 20.4 (1980): 77-104

productivity was a prime cause of restrictions on alienation of property by heirs.<sup>20</sup> Thus, when the nobleman Matteolo de Novellis made his testament, he declared that his sons Giovanni (who carried his grandfather's name) and Giacomo were to hold their inheritance from him perpetually in common; if they insisted on its division, this was to be carried out not by them or men of their choosing but by his brother Palutio. This injunction to communal property relations was extended even to any benefices that Giacomo, apparently a cleric, might obtain.<sup>21</sup> The increasing and explicitly temporal concern with the lineage's eternal posterity was marked by a parallel concern with the dangers of contingency and the multiplication of testamentary clauses meant to address that concern. It is in these efforts that the full extent of patrimonial aspirations was most often expressed. When the nobleman Paolo del fu Cecco Pelegrini de Pelegrinis made his testament, he substituted for his own sons, in the case of their death, the men of his family down the male line *ad infinitum*, consistently privileging their rights but also providing for female heirs if male ones were lacking.<sup>22</sup> This aspiration to infinity is particularly striking in a world where repeated waves of plague made the danger of lineage extinction plain to all. Of course, social

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<sup>20</sup> This was common enough for minors, who could not be allowed to alienate patrimony before coming of age. It was also common, in earlier medieval Italy, for much effort to be made to hold patrimonies together indefinitely. This trend seems to have gradually given way, during the late medieval period, to a tendency to privilege a single line of masculine descent, at least on the part of elite lineages. On this topic see, Cohn, *The Cult of Remembrance and the Black Death*; Thomas Kuehn, *Heirs, Kin, and Creditors*; Andrea Romano, *Famiglia, successioni e patrimonio familiare nell'Italia medievale e moderna* (Turin: Giappichelli, 1994); Anthony Molho, *Marriage Alliance in Late Medieval Florence* (Cambridge: Harvard University Press, 1994). In surviving fourteenth- and early fifteenth-century Roman testaments, both strategies are visible.

<sup>21</sup> ASC, Sez. I, 785/3, fols. 164v-168r. The testator's full name was Matteolo di Giovanni di Dom. Giacomo di Novello de Novellis, his sons thus replicating both his father and his grandfather. His testament is a textbook example of Cohn's male-privileging inheritance pattern, restricting the rights of his daughters and his brothers' daughters in the case that his own heirs should die and the wealth go to them.

<sup>22</sup> BAV, SAP, I/20, fols 33v-37r.

relations within kinship groups were often strained and testators made efforts to limit the dangers posed by such internal discord. Again and again testators threatened to strip heirs of their inheritance if they quarreled among themselves or attempted to increase their respective shares. Again and again men who left their widows as the director of their immediate families and controller of their wealth while alive (an incredibly common practice) took similar steps to protect the rights of those widows from those inimical to them, both inside and outside the family. Conflict of some kind or another was to be expected. Ultimately, when considering the nature of kinship, lineage, and family in the late Middle Ages, we must recognize that the potency of the category of kinship lay not in its tendency to reflect idealized family ideologies but rather in its extreme plasticity, its capacity to bend without breaking in all but the most extreme of cases. The lineage was a temporal thing as well, changeable and imperfect, but it was intended to endure in time.

Put simply then, the ideal way for lineage wealth to work within the temporal economy was enduringly. It was to be tended in such a way that it continued to yield dividends for the family rather than being frittered away by profligacy or sitting inert in the avaricious act of sterile accumulation.<sup>23</sup> This meant that terrestrial wealth needed to be leveraged to produce as much benefit as possible without being exhausted. As a result testamentary strategies aimed at both tending of terrestrial wealth and caring for souls had to be flexible, taking into account total wealth, the number of likely heirs (particularly males), unexpected mortality, and the like. In this effort to extend the patrimony's stability and fruitfulness through time, means of benefitting from it were similarly extended. Land or its products might be rented out over very long terms,

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<sup>23</sup> On concern with profligacy, see Elizabeth Walker Mellyn, *Mad Tuscans and their Families: A History of Mental Disorder in Early Modern Italy* (Philadelphia: University of Pennsylvania Press, 2014). On the evils of sterile accumulation see Todeschini, *Franciscan Wealth*.

maximizing the period of time during which regular incomes could be anticipated.<sup>24</sup> As the above examples show, such concerns and strategies in the management of patrimony were common in late medieval Roman testaments, and the same was true for *pro anima* acts.

In Roman testaments there was no clear line between care of one's living kin, care of one's own soul, and care for the souls of one's dead. Roman practice indicates that all of these acts could fall under the rubric of *pro anima* bequests. Despite the fact that this conflation ran contrary to the pertinent testamentary rubrics, Roman testaments were replete with them. In setting forth *pro anima* bequests, we often see a deliberate effort on the part of testators to extend the productive life of the act. A testator might delay a bequest until it would be most efficacious, as did a Cenci woman named Contissa when she declared that a quarter of the harvest from the year of her death was to be held until the next Jubilee and then given to paupers.<sup>25</sup> They might also simply set up a cyclical bequest, as Cola del fu Cecco di Matteo dello Piglio did, declaring that each year for the first three years after his death one *rublum* of grain was to be converted into bread and, together with one of his pigs, go to feed the poor.<sup>26</sup> The most common cyclical bequest was, of course, the anniversary mass. Usually meant to recur annually on the day of the testator's death, sometimes in a location specified by them, these masses would generate spiritual capital *ad infinitum* for the testator, and often for their dead kin as well.

Romans, then, were just as concerned to ensure that their patrimonies would be reliably productive of spiritual benefits as they were with their reliable generation of earthly incomes. For

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<sup>24</sup> Hubert, "L'organizzazione territoriale e l'urbanizzazione."

<sup>25</sup> BAV, SAP, I/14, fols. 23v-24v; this testament was made in 1389, and a Jubilee occurred the following year, in 1390.

<sup>26</sup> ASC, Sez. 1, 785/6, fols. 105r-107r.

all one might try to achieve this by means of delayed disbursements and their associated benefits by laying out the particulars in one's will, living descendants were the best guarantee that the projected spiritual dividends would actually be garnered after the testator's death. A late medieval Roman was likely to make bequests for prayers not only for their own soul but also for their parents, their spouses and children or, most commonly and most generally, "for the souls of their dead" (*pro animis mortuorum suorum*). Often, the testamentary bequests of one's forebears, the obligations they implied, were handed down in one's own testament, just as had always been done with other debts. When Antonio dello Preyte made a codicil in 1400, he declared himself to be 100 florins "in debt to the soul of his dead father Giovanni and to the executors of his testament."<sup>27</sup> When the nobleman Lello di Petrucio Palutii made his will, he commanded that his son Ceccolo was to wait six years from the day of his death and then distribute 500 florins for his soul. In the intervening period other timed bequests were to be carried out: 50 florins to paupers of Christ for *male ablatis incertis*, two florins for masses in each mendicant-controlled church and monastery in Rome, and 30 florins to be divided among six orphan girls as dowries, all of which were to be enacted one year after his death. Yet another 30 florins were to be distributed for the soul of his mother. Lello declared that his mother had left this sum of money in her own testament and, though he had not yet fulfilled the bequest, he had the coin stowed in a special chest.<sup>28</sup> Here we see an example of an elaborately extended set of personal testamentary acts by one testator who was simultaneously acting in the person of a deceased forebear. Most commonly, inherited obligations to take action for the soul of such a forebear were the result of

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<sup>27</sup> ASC, Sez. 1, 785bis/3, fols. 7r-8r : "se debitus esse animae dicti quondam Iohannis patris sui et executoribus testament dicti quondam Iohannis in florenes centum."

<sup>28</sup> BAV, SAP, I/20, fols. 26r-32v.

contingency, of testamentary acts of last resort. This was the case with the obligation that Lorenzo di Filippo di Paolino may have inherited from his brother Cecco. Cecco had no children and named three paupers of Christ as heirs in their place, granting them a representative twelve *denari*.<sup>29</sup> Cecco then split the rest of his patrimony between Lorenzo and his own wife Labinia. In the case that Labinia died, both shares would be Lorenzo's but he would then be obliged to donate the incomes of Cecco's houses for Cecco's soul for the next several years.<sup>30</sup> Whether or not this transpired, we cannot know, but the logic at work is plain.

In the absence of surviving kin, the world of prayer-generating ecclesiastical institutions remained as a kind of safety net, albeit one that was not always well trusted. The final link in Roman chains of testamentary contingency clauses was commonly one or more of these institutions. The precise institutions chosen varied based on a number of factors, often but not always reflecting the place of the testator in Rome's social order. Members of the guild elite tended to favor Santa Maria de Araceli, perched on the Campidoglio and closely associated with communal governance, but they also favored the prominent churches of various *rioni*, which often had ties to one of Rome's various guild communities. Thus, the fish-sellers of Sant'Angelo gave prodigiously to Sant'Angelo in Pescheria, those associated with the wool trade did likewise with Santa Maria sopra Minerva, and so on. Urban nobles often focused on the more prominent of these churches, as well as on Rome's various monastic institutions. Barons and foreigners tended to focus more intently on monastic institutions that the former dominated or on the great

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<sup>29</sup> This is an extremely common practice in Roman testaments. Lori Sanfilippo has posited that it was more common among women, who had fewer patrimonial concerns than men. See her "Morire a Roma", p. 612. However, my survey of fourteenth-century testaments has led me to conclude that there was no clear gender distinction here.

<sup>30</sup> BAV, SAP, I/4, fols. 124r-128r.

basilicas, the clearest signs of Rome's role as seat of ecclesiastical power and the focus of pilgrimage piety.

As we have seen, it was critical that bequests to these institutions, insofar as was possible, continue to produce spiritual profits consistently over the long term. Since abbots, canons, and other ecclesiastics might fail in their obligations, willfully or otherwise, testators often included language meant to force compliance. Most common was the establishment of a competing institution that would receive the bequest if the first failed to fulfill the stipulated terms. Thus, Matteolo Novelli de Novellis established the chapel of San Marco in Santa Maria Maggiore and a chapel of San Salvatore in SS. Sergio e Bacco (his parish church) as contingent heirs to one third of his total wealth in the event all other heirs were to die. If in either case these chapels failed to generate the appropriate prayers for him, "his dead," and his brother Palutio in particular, then the money was to go instead to the Hospital of Santo Spirito in Saxia.<sup>31</sup> When a testator left bequests to a great many ecclesiastical institutions, or lay pious institutions for that matter, a single rival institution was no longer an adequate threat. In such cases, the testator might instead set up "the Roman church" as the rival, as the baron Pietro Romani Bonaventurae de Venturinis of Trastevere did in his testament of November 10, 1374.<sup>32</sup> It is clear that testators did not well trust ecclesiastical institutions that they did not control to properly maximize the productivity of their patrimony, as their kin would have done. This led them to seek alternatives.

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<sup>31</sup> ASC, Sez. I, 785/3, fols. 164v-168r. On the hospital, see Andreas Rehberg, "I papi, l'ospedale e l'ordine di S. Spirito; Diana Bullen Presciutti, "Dead Infants, Cruel Mothers, and Heroic Popes: The Visual Rhetoric of Foundling Care at the Hospital of Santo Spirito, Rome," *Renaissance Quarterly* 64.3 (2011): 752-799.

<sup>32</sup> BAV, SAP, I/8, fols. 84v-89v.

In some cases, an effort was made to control not only the actions of the institution that would carry out the terms of the bequest, but even the identity of the clergymen who would be primarily responsible. Here we see a hint of the bonds of trust that could be generated between various testators and particular, often low-ranking, clergymen.<sup>33</sup> Thus, in 1363, the fish-seller Paolo del fu Pietro Storsini named as one of his executors Amico, a chaplain in Sant'Angelo in Pescheria.<sup>34</sup> Amico was popular with the fish-seller community, apparently living up to his name, and we find him, after becoming rector in a different church, as executor for another prominent fishmonger, Paolo Rosso, in 1367.<sup>35</sup> Similarly popular was a chaplain of Sant'Angelo in Pescheria named Amator.<sup>36</sup> Similarly, a priest named Lorenzo, rector of Santa Maria de Campitelli, enjoyed such trust for several decades in the late fourteenth century. He received two florins from the prominent notary, Francisco Pucii, in return for masses for his soul in 1369; he appeared as a witness to the testament of one member of a fabulously wealthy *bovattiere* family in the same year; and he reappeared in the testament of the family's most successful member, Piermatteo del fu Jacobucio Judicis Angeli, who left him a *pro anima* bequest of 25 florins and

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<sup>33</sup> During the Middle Ages, Rome's lower clergy, like the city's other artisans and like clergy elsewhere in Italy, organized themselves into a collective entity that they called the *Romana fraternitas*, through which they enforced their monopoly on products like funerary services and the like. This organization remained in existence in the fourteenth century, though its rapid and irreversible decline was underway. See Tommaso di Carpegna Falconieri, *Il clero di Roma nel medioevo. Istituzioni e politica cittadina (secoli VIII-XIII)* (Rome: Viella, 2002), especially pp. 241-268.

<sup>34</sup> BAV, SAP, I/1, fols. 101r-103v.

<sup>35</sup> BAV, SAP, I/3, fols. 10v-13r.

<sup>36</sup> See the will of a Sant'Angelo cobbler who leaves him an individual bequest (BAV, SAP, I/12, fol. 58r-v), another resident of the same rione who makes him an executor (BAV, SAP, I/13, fol. 14r-v), and the daughter of an urban noble family married to a rapidly rising fish-seller, for whom he was, again, an executor and recipient of an individual bequest (BAV, SAP, I/13, fols. 51r-52r).

named him as an executor in 1383.<sup>37</sup> One might expect that residents of a particular neighborhood would have developed close and strong relationships with their local chaplains, especially their parish priest. The nature of the surviving documentation, however, makes it difficult to demonstrate the existence of such presumed affective ties with any precision. Even in instances, such as these, in which the close engagement of secular clergy with members of their community over the course of decades can be clearly documented, it remains impossible to know exactly why these particular clerics had such seemingly strong ties with the members of their local communities who entrusted them with the essential and delicate task of tending to their estates, their commemoration, and their souls.

In all cases, the common characteristic of medieval testaments across classes was not the specific strategies used to cultivate and maintain substantial wealth, a privilege of very few after all, but rather the shared logic of kin-oriented economic activity, regardless of scale, within a unified temporal economy. Lineage *substantia* was left to the management of select surviving lineage members, often with various measures taken to ensure the continued unity of the patrimony as well as its right management. Funds that were left *pro anima* were similarly entrusted to kin first, and to ecclesiastics only at last resort and then, preferentially, only to those the testator felt could be trusted. These latter sums were often limited under ideal conditions, but swelled in the face of the mortality that a lineage might possibly face at any time. The precise nature of the patrimony is notoriously hard to determine from wills especially when, as is usually the case with surviving fourteenth-century Roman testaments, no related inventory is to be found. In such cases it is impossible to know what percentage of the patrimony was being passed down, how large individual shares might have been, or what share of the total patrimony was

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<sup>37</sup> See, respectively, BAV, SAP, I/5, fols. 72v-75v, BAV, SAP, I/5, fols. 81v-85v, and BAV, SAP, I/13, fols. 55r-58v.

turned toward pious bequests.<sup>38</sup> This problem is less vexing, however, if we think in terms of the unified temporal economy. After all, if we consider the terrestrial and spiritual wealth of a family jointly, the question of percentages diverted from earthly to spiritual concerns becomes less pressing because the line between the two becomes indistinct. The wide variety of practices in Roman testaments were logically coherent acts of patrimony management within a single temporal-economic realm, sharing a single ideal model.

To consider economic strategy as the unifying impulse behind testamentary practice is to suggest a correction to the prevailing tendency to see testaments first and foremost as instruments of memory. In recent years, questions regarding the nature of lineage identities, the relation of lineage to property, and the way these two related phenomena changed over time have been most extensively examined with regard to testamentary practice by Samuel Cohn. Cohn argues that testamentary practice was steadily rationalized, turning away from what he characterizes as the otherworldly piety of the mendicants and the self-negation associated with it. Cohn juxtaposes these fading priorities with a steady uptick in concern over control of patrimony, a control particularly aimed at the cultivation of a cult of remembrance and insured by increasing focus on the male line of descent.<sup>39</sup> However, for all Cohn purports to break with a Burckhardtian narrative of modern, rational, individualism triumphing over an irrational medieval world marked by collective identities, his study rearticulates most of that narrative's

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<sup>38</sup> These are commonly cited problems, particularly the last, which has sometimes caused handwringing about how much testaments can really tell us about the place of charitable or *pro anima* bequests in medieval practice.

<sup>39</sup> Cohn, *Death and Property in Siena* and *Cult of Remembrance*.

constituent parts and evolutionary trajectory.<sup>40</sup> The crucial reason for this persistent problem, a problem Cohn himself tries unsuccessfully to solve, is the focus on memory as the crucial goal of testamentary practice in the late-fourteenth and fifteenth centuries. This focus on concern with memorialization and posterity inevitably drives Cohn's arguments, which unlike Burckhardt's do recognize the importance of collective identity, towards a world populated by atomized individuals operating within the field of testamentary practice in order to control family wealth and reputation. I suggest that as the *substantia* of the lineage moved from one vessel of its directing *persona* to another, testaments, rather than imposing the will of one individual on successive generations, created volitional resonance between generations through the power of obligation and affect.<sup>41</sup> All testaments were written by people contemplating the uncertain hour of their deaths, an hour they sometimes suspected was near but knew they could not predict. In the late fourteenth century, the individual hour of death was joined by the additional uncertainty of lineage survival in the face of the plague, rendering the concerns for sustaining post mortem patrimonial productivity all the more urgent. Testaments, then, were concerned not only with the

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<sup>40</sup> This critique of Cohn is well stated by Richard Trexler, who saw Cohn's study of Sienese testaments to be troublingly Burckhardtian, see his review in *The Catholic Historical Review* 76.1 (1990): 95-96, and Marvin Becker, who noted that this tendency endures in Cohn's later comparative work, despite his claims to the contrary, see his review in *American Historical Review* 98.4 (1993): 76-77.

<sup>41</sup> Here I draw on and expand the arguments of Mark Amsler, *Affective literacies: writing and multilingualism in the late Middle Ages* (Turnhout: Brepols, 2011). Amsler describes what he calls "affective literacy," a medieval mode of textual engagement wherein the written word produced reflexive physical responses: the summoning to mind of a person, the kissing of an image. I suggest that this idea can be usefully extended to include even the reconstitution of the social ties between those who have moved on and those left behind. It might be argued that social responses are not physical, but their evocation does, undeniably, provoke a recalibration of being. The person remembering experienced a shift of what they actually *were* as a social being, a return to the familiar shape of social ties that might have been occluded, if never fully erased, by the death of a kinsperson or colleague.

cult of remembrance, but also with evocation of the lineage as a crucial kind of social being that connected individual members with their past, present, and future kin.

### *3.4 What Kinship Was in Fourteenth-Century Rome*

As already mentioned, it has long been standard practice for historians to assume a fairly clear line of demarcation between testamentary acts meant to secure patrimony and provide for kin and those aimed at the care of the testator's soul.<sup>42</sup> We have seen that these two spheres were not nearly so distinct, with both terrestrial wealth management and spiritual investments operating with essentially the same logic and within a single sphere of economic activity. In a Christian cosmos where the linear temporal progression of human life extended into the afterlife of purgatory for most, the kinship relations of the lineage transcended the barrier of death as well, and the spiritual benefits that could be obtained by specific uses of terrestrial wealth took on crucial importance. The transfer of wealth to kin was the most basic function of a testament, one that derived from the form's ancient origins in Roman legal practice, but this function was also thoroughly interpenetrated by the logic of late medieval Christianity.

Just as lineage heads, or heads of families, might specify how much terrestrial wealth was to go to various heirs, and sometimes how that wealth was to be used, they allotted just as carefully the wealth to be used for the care of souls. For example, after distributing his patrimony as he saw fit, Nicola Marronis declared that two thirds of his remaining wealth was to go to his sons Paolo and Cecco (who were not his formal heirs, a role occupied in the testament by a single pauper of Christ), and one third was to go to his nephews Nicola and Jacobello. His sons,

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<sup>42</sup> Epstein, *Wills and Wealth in Medieval Genoa*, and Cohn, *The Cult of Remembrance*, both do this. Cf. Diane Owen Hughes, "Struttura familiare."

he specified, were permitted to bequeath 50 *lire provisini* of this to whomever they liked and his nephews, similarly, were permitted to leave 25 *lire provisini* for their souls as they saw fit.<sup>43</sup> The notary Francesco Pucii named his wife Margarita guardian and administrator of the goods and offspring he left behind, but he additionally declared that she was to have 20 *lire provisini* to give for the good of her own soul.<sup>44</sup> Sometimes this careful allocation of spiritually salutary funds was doled out to family members already dead as well, just as it would be for those living. Thus, Nuccio de Bulgaminis of the neighborhood of Santa Maria in Aquiro left sums to several family members, including among them his dead brother Lello, to whom he left four florins for the benefit of Lello's own soul.<sup>45</sup> The gift of grace, like that of gold, was a natural act for a testator to perform, and due to the shared temporal regime of this world and the next, they might perform it equally well for the living as for the dead.

Beyond giving gifts to benefit the souls of their kin, it is clear that in the minds of at least some Romans one could garner spiritual rewards for one's own soul through the simple act of giving money or property of any kind to one's own family members.<sup>46</sup> One could leave money to

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<sup>43</sup> ASC, Sez. 1, 649/6, fols. 3r-4v.

<sup>44</sup> BAV, SAP, I/1, fols. 125r-128r.

<sup>45</sup> ASC, Sez. 1, 649/6, fols. 5r-6v.

<sup>46</sup> In addition to the arguments of Epstein regarding charity given to friends, bequests to family that were labeled *pro anima* bear considering in the terms proposed by Richard Trexler, "Charity and the Defense of Urban Elites in the Italian Communes," in *The Rich, The Well Born, and the Powerful: Elites and Upper Classes in History*, ed. Frederic Cople Jaher (Urbana: University of Illinois Press, 1973), pp. 64-109. Trexler notes, "a fundamental test of the cohesion and operativeness of a social order is the ability of the dominant group to protect its own" (67). Trexler shows that in Florence the so-called "shame-faced poor," elites unable to live in the manner expected of their status group, lay claim to a substantial amount of charitable giving by coming to be understood as a form of pauper. It is not possible to discern whether or not a similar strategy was at work in Rome, but it is clear that Italian elite charity could easily begin at home.

one's own parents to such an effect, as Margarita, wife of Nicola Pappazzuri of Pigna did in the summer of 1348.<sup>47</sup> Another common recipient was a sibling, sometimes illegitimate, sometimes not, and possibly the only family member whose bequest was termed *pro anima* among several others that received requests. Thus, the baron Giovanni di Cesso Capucie de Capoccinis of Monte benefited his own soul by giving his illegitimate brother Stefanello 50 florins, and Tucio Apolinarii del fu Ciaccia of Pigna gave two florins *pro anima* to his brother Paolo but made another bequest to another brother without such explicit pious associations.<sup>48</sup> We also find many such bequests going to *nepotes*. The widow Catherina del fu Lello Brischi gave two florins to her niece Risola not only for her own soul but also for those of "her dead," the transfer of *substantia* within the kin group clearly here conceived as being of spiritual benefit to the group as a whole.<sup>49</sup> The nobleman Nicola Gocci de Galganis of Sant'Angelo left 500 florins to his niece Caterina as part of a larger, 3000 florin set of *pro anima* bequests that also included gifts to churches, hospitals, and – as will be discussed shortly – other individuals.<sup>50</sup> Rarest seem to have been *pro anima* bequests to one's own children, such as that of two florins made by Angelo di Pietro di Gocio di Pietro di Clemente, notary of Pigna to his daughter Rosina.<sup>51</sup>

By far the most common occurrence of this phenomenon comes in the form of gifts between spouses. When a man named Giovanni made his testament in 1364, he made a

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<sup>47</sup> ASC, Sez. 1, 649/1, fols. 10v-12v.

<sup>48</sup> For Giovanni, see BAV, SAP, I/10, ff. 55r-59v; for Tucio, see ASC, Sez. 1, 763/1.2, fols. 21r-24r.

<sup>49</sup> BAV, SAP, I/14, fols. 34r-36r.

<sup>50</sup> ASC, Sez. 1, 785/11, fols. 88v-90v.

<sup>51</sup> ASC, Sez. 1, 649/5, fols. 27r-28v.

somewhat complex and composite bequest to his wife, Giovanna, each of whose individual elements was entirely standard. Specifically, he left her the 300 florins that were her dowry, 23 florins that she had received from a testamentary bequest from her own mother and then given him, 140 florins left her from the dowry of her sister Medelea (to be released by the sister's widower), another 87 florins that he had from her parents goods, and all his houses and the house where he lived, as well as any other houses and wealth that might remain except that which he left to his children. He emphatically declared that no one was to molest her with regard to all this. The sole unusual element here is that this entire complex of bequests was explicitly described as being given *pro anima*, as beneficial for Giovanni's soul.<sup>52</sup> In a similarly standard act, a member of Rome's English community named Robert left his wife Margarita (or perhaps Margaret) a house and all the goods within it for the entirety of her life, with the understanding that it was to pass to the English Hospital of the Trinity upon her death. But rather than the money going for a *pro anima* bequest only after Margarita was dead, the entire bequest, including the act of giving Margarita the use of the house in the first place, was understood to benefit Robert's soul.<sup>53</sup> Sometimes these bequests could be incredibly specific. In one such case, Lorenzo del fu Nicola Capzoli of Campitelli left his wife Caterina a pitcher for oil and declared this a *pro anima* bequest.<sup>54</sup>

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<sup>52</sup> BAV, SAP, I/2, fols. 121v-123r; Giovanna was a Capocci but her dowry was quite small. It is difficult to know what to make of this.

<sup>53</sup> ASC, Sez. 1, 649/9, fols. 27r-28r; For this community, see Margaret Harvey, *The English in Rome: 1362-1420: Portrait of an Expatriate Community* (Cambridge: Cambridge University Press, 1999).

<sup>54</sup> ASC, Sez. 1, 649/6, fols. 10v-11v; for more examples of *pro anima* bequests between spouses, see: ASC, Sez. 1, 649/1, fol. 15r-v; ASC, Sez. 1, 649/6, fols. 3r-4v; ASC, Sez. 1, 649/7, fols. 2r-3r; ASC, Sez. 1, 649/10, fol. 100r-v.

On June 28, 1400, the noblewoman Lorenza del fu Lello di Donna Lorenza dei Pierleoni left four florins *pro anima* to Antonia, her former sister-in-law through her dead husband Giovanni di Donna Saxa.<sup>55</sup> Lorenza's bequest, like all the above attributions of *pro anima* status to otherwise normal bequests, might seem arbitrary, but we should not take it or any of them as such. Aside from the fact that they were freely given and therefore more charitable, the relative frequency of such bequests between spouses and the rarity of them to children speaks to an effort to recognize as pious, desirable, and distinct the maintenance of social ties during moments of jeopardy, in legal rather than biological kinship ties formed by marriage and broken by the death of a spouse. The ties between different branches of a lineage – so often attenuated by financial, political, or simply geographical differences in late medieval Italy – could also be singled out as particularly sacred and thereby reaffirmed by these bequests. This was all the more true in the case of *nepotes*, regardless of whether their parents were living or, as was often the case, dead.<sup>56</sup> Labeling these bequests as salubrious to the testator's soul had the further benefit of safeguarding expeditious execution, since Roman statutes protected bequests for pious causes above others. In fact, the logic of understanding the pious transfer of resources among lineage members, spouses, and other kinfolk is only the beginning of this phenomenon. Romans did not stop there. We often find in Roman testaments that testators would frame in these terms bequests to neighbors and friends who were not related to them through blood or marriage, effectively extending to others

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<sup>55</sup> BAV, SAP, I/20, fols. 39r-40v.

<sup>56</sup> Delayed marriage for men meant that fathers often did not live to see their sons grown and launched in a career. As a consequence, the uncle/nephew relationship could be crucial, especially in the transmission of artisan skills. For this phenomenon, see Daniel Bornstein, "Provincial Painters: Local Artists in Quattrocento Cortona and the Origins of Luca Signorelli," *Renaissance Studies* 14 (2000): 435-452, which argues that in the case of painters' workshops in Cortona, leadership of the workshop seems to pass from old brother to younger brother, and then back to the older brother's son/younger brother's nephew for this reason.

the sacral distinction and strong social bonds of kinship.<sup>57</sup> Since the medieval *familia* was legally identified with its *substantia*, the mingling of assets established a kind of consubstantiality, a mutuality of being that denoted kinship.<sup>58</sup> Even if it were not a quotidian experience, this mutuality would have come to the forefront during the consideration of the web of testamentary obligations that often entangled multiple generations of a given family. In the moment of remembering the will of the dead and establishing one's own, as in the moment of reflecting on a saint during their feast, or on Christ during the revealing of the host, an alternative mode of being was evoked.

Some pious bequests to non-lineage members seem, at first, to fall under the rubric of other, more commonly known practices. An example is Petrucio di Lella of *rione Sant'Angelo*, who, on March 5, 1383, named as executor of his testament Antonio di Paolo Poli, a local member of the urban nobility, to whom he also recommended his soul.<sup>59</sup> This was not all that unusual; testators would sometimes commend their soul, or their body and their soul, to particular individuals, and an executor's function as the active hand in carrying out the will of a deceased person seems clearly to have imbued them with some sense of that person's *persona*, even if only temporarily. Such language indicated a connection between the social and legal role of the executor and the health of the testator's soul, with which the executor was entrusted. But this was only the smallest part of the capacity of testaments to establish, affirm, and strengthen social ties by sharing the wealth of the temporal economy.

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<sup>57</sup> This is a phenomenon better known in the early modern period. See *Kinship in Europe: approaches to long-term developments (1300-1900)*, ed. David Sabean, Simon Teuscher, and Jon Mathieu (New York: Berghahn Books, 2007).

<sup>58</sup> Incredibly useful on this topic is Sahlins, *What Kinship Is—And Is Not*.

<sup>59</sup> BAV, SAP, I/13, fol. 23r-v.

At the time Donna Lella, daughter of the deceased Nicola Buccamazzi and widow of Cecco di Giovanni de Montenariis of Sant'Eustachio, made her testament on August 19, 1383, she was already remarried to Petrucio di Pietro Benedetto of Tivoli.<sup>60</sup> Along with gifts of jewels, coin, and outstanding credit to Giovanni, her son from her first marriage, and the bequest of some wine must and the usufruct of a house to her current husband, Lella made a number of bequests for her soul. She left money for a chapel, a phenomenon we will examine in the next chapter, as well as a number of bequests for prayers to a variety of Roman churches, and several more to others in the case her son were to die. She gave wine must and grain to paupers for her soul and indicated that money left over after her chapel was established should go to the poor as well. In short, Lella made a diverse array of provisions to ensure the long-term productivity of her wealth in terms of spiritual benefit, as well as a number of contingency arrangements in case the first fell through. After her family and the bulk of her fortune were accounted for, Lella turned to other people in her life and provided bequests for them. This is hardly unusual, but Lella's testament explicitly stated that each of these bequests, just like those made to paupers or for prayers, was given *pro anima*. Eight florins went to her relation, Lorenza Buccamazzi, a nun of Santa Maria in Giulia. Six florins went to Victoria del fu Cecco Faschi, another nun, this time in Santa Maria de Maxia. She gave 25 to Victoria's mother Paula, the widow of Cecco Faschi. She gave four to a baker named Mabilia and the same amount to Vannotia di Pietro. A woman named Jacobella Albertini received two florins. To one servant, Anestasella, she made a bequest of 25 florins, either for a dowry or in order to become a nun (specifying that the funds for this bequest were to go *pro anima* in some other way if Anestasella was dead at the time). To another, Ceccarella, she made a gift of clothing. Four florins went to Fresa, the wife of a man

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<sup>60</sup> BAV, SAP, I/13, fols. 59r-62r.

named Casalare, and one to Vannotia, widow of Nardo Prostia. She likewise gave 10 florins to Giovanna, cousin of the prominent notary Lorenzo Staglia.<sup>61</sup> All of these bequests were given to benefit her soul, but many that are indistinguishable from them were not. Lorenzo Staglia himself also received 10 florins with no such effect implied. His wife received a mantle. Money went to a host of other women, including another widow, with no indication that these bequests were *pro anima*. Lella's testament at first seems a puzzle, but in its measures to benefit Lella's soul it fits several patterns evident in the tendency of many Roman testators to reap spiritual dividends from the distribution of terrestrial wealth to family, friends, and neighbors.

Some *pro anima* bequests of this sort fell into recognized categories of spiritual giving. Of these pious recipients, among the most common were clergy, friars, and nuns. The latter in particular were popular. Some of these, such as Lella's sister Lorenza, were both ecclesiastics and kinfolk. Others were not. The judge Matteo Baccari left a Franciscan named Juvenal three florins.<sup>62</sup> His fellow legal expert, the noble *causidicus* Lorenzo di Pietro de Occidimendunis, left money to Jacobo, chaplain of the church of Dodici Apostoli, both *pro anima* and for remembrance in his prayers.<sup>63</sup> Angelo di Pietro di Gocio di Pietro di Clemente, a notary of rione Pigna, left Giovanni, the rector of San Maguto, half a florin.<sup>64</sup> Nuccio de Bulgaminis left an array of bequests comparable to Lella's in its diversity, one of which was four florins to a priest named

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<sup>61</sup> Staglia is one of the few fourteenth-century Roman notaries for whom a protocol survives. See *Il Protocollo Notarile di Lorenzo Staglia (1372)*, ed. Isa Lori Sanfilippo (Rome: Società Romana di Storia Patria, 1986).

<sup>62</sup> BAV, SAP, I/3, fols. 99r-104v.

<sup>63</sup> ASC, Sez. 1, 785bis/7, fols. 25r-33v.

<sup>64</sup> ASC, Sez. 1, 649/5, fols. 27r-28v.

Nicola di Romanello di Giovanni.<sup>65</sup> Sometimes these bequests were solitary, sometimes they figured as the only ones to clergy among several *pro anima* bequests, still other times they were mixed in with bequests to clergy and laity alike that were not given *pro anima*. In all cases, they were set apart from bequests to churches or those specifically given for prayers. In none of them is it clear that the clerical status of the recipient was the obvious reason for the bequest's salutary effects.

A number of other recognizably pious groups crop up in these bequests as well, particularly paupers. The trend in Rome was for gifts to paupers to be non-specific, with the selection of particular paupers made by executors or hospitals, but we do find specific paupers mentioned as recipients of *pro anima* bequests from time to time. Piermatteo del fu Jacobucio Judicis Angeli of Campitelli, one of Rome's wealthiest *bovattieri*, left 12 florins and housing for a pauper named Renzo and his wife.<sup>66</sup> Another scion of the Baccari family, Francesca del fu Tucio, widow of Lello di Donna Lorenza of Ripa, a Pierleoni, and then wife of the wealthy Andrea della Valle of Pigna, left two florins to a pauper named Maria who, she specified, lived in a house in Pigna known as *de Sabbatariis*.<sup>67</sup> This Maria may have been a simple pauper or, living as she did in a house with a name, she may have been living a religious life with other such women, a phenomenon we shall return to in a later chapter. We might speculate similarly about one Giovanna Yspana, who appears as a *pro anima* legatee in multiple testaments. In 1367, Matteo Baccari noted that she was his servant and left her a cloak. In 1383, the nobleman Theballo Talgentis, resident in the neighboring rione of Campitelli, left ten *lire provisini* to her.

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<sup>65</sup> ASC, Sez. 1, 649/6, fols. 5r-6v.

<sup>66</sup> BAV, SAP, I/13, fols. 55r-58v.

<sup>67</sup> ASC, Sez. 1, 785/8, fols. 125r-126v.

<sup>68</sup> Are we perhaps dealing with two Spanish Giovannas? If it is the same person, did she begin as a servant and become a pauper of Christ? As is often true in these cases, the pious categories in play are evident but the precise relationship between testator and legatee is not as clear.

Thankfully, this is not always the case.

In two classic categories of pious giving, ties were often, if not always, more explicit. The most obvious of these is the forgiveness of debts. One example is the case of the fish-seller Nicola Buzzacchi of Sant'Angelo who, like many of his fellows, had extensive ties outside Rome due to his trade.<sup>69</sup> In his 1367 testament, Nicola left 9 *lire provisini* to Jacobello Lozze of Ostia *pro anima*. He also forgave a portion of several other outstanding debts owed by others in that town, including a relative of Jacobello's, Bartolomeo di Ciucio Lozze.<sup>70</sup> In 1352, Silvestro di Lorenzo Baroncelli, a canon of Santa Maria Maggiore, declared that the debts of two men, one of them another cleric, were to be forgiven *pro anima*.<sup>71</sup> More baffling is the case of a widow named Perna who, in 1400, both forgave one woman's debt of one ducat *pro anima* but then declared her bequest of 33 bolognese coins, which were a payment of her own debt to the recipient, to be similarly salutary for her soul.<sup>72</sup> This odd case aside, debt forgiveness is the least surprising kind of pious bequest to individuals though, as we shall see in the next chapter, the role of debt in the temporal economy of Rome was more complex than one might expect.

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<sup>68</sup> For Baccari, see BAV, SAP, I/3, fols. 99r-104v. For Talgentis, see BAV, SAP, I/13, fols. 68v-71v.

<sup>69</sup> On the economic and social place of Rome's fish-sellers, see Isa Lori Sanfilippo, *La Roma dei Romani*, pp. 337-374.

<sup>70</sup> BAV, SAP, I/3, fols. 88r-89v.

<sup>71</sup> ASC, Sez. 1, 649/3, fols. 46r-49v.

<sup>72</sup> BAV, SAP, I/20, fols. 41r-43r.

Similarly unsurprising are bequests to widows. Like paupers or debtors, widows had since biblical times been a well-known object of pious attention. Like bequests to clergy, or to relatives, Romans sometimes made bequests to them *pro anima* and sometimes did not. Least surprising among our examples is a woman named Bartolomea, wife of Stefanello del fu Tucio Abbatis of Arenula, who, in 1364, made a bequest of three florins to Francesca, the widow of Renzo Leporis, who was her own grandmother.<sup>73</sup> Given what we have already seen, it is not likely that the *pro anima* status of this bequest is only, or even primarily, due to the fact that Francesca was a widow. Like clergymen, widows could be legatees of bequests *pro anima* alongside others of the same category who received more mundane gifts. In 1368, Jacoba, herself the widow of a Trastevere tavern-keeper named Tucio, left traditional widow's garb (black mantle, tunic, and other apparel) to Perna, widow of another Trastevere man. This bequest, she specified, was only to occur if Perna remained a widow at the time of Jacoba's death.<sup>74</sup> Here the status of widowhood was more crucial, if only because widows required special dress. Most interesting are bequests like those of Alessio Vallati, formerly of Sant'Angelo but living in Trastevere when he made his 1368 testament, a member of an important local family. Alessio left money *pro anima* to multiple widows: the children and widow of his dead kinsman Cola Vallati, who were to get 20 florins, and Paola, widow of Tucio Baccari of S. Angelo, who was to get six.<sup>75</sup> The tie between Alessio and Cola was clearly one of kinship, while that with the Baccari was not. However, both families were among the most powerful in their rione of Sant'Angelo, and their dealings were intimately bound up with one another (and with various of

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<sup>73</sup> BAV, SAP, I/2, fols. 83r-84r.

<sup>74</sup> BAV, SAP, I/4, fols. 100r-101r.

<sup>75</sup> BAV, SAP, I/4, fols. 146v-149v.

the wealthiest local fish-seller, millers, and notaries), with members of these families appearing together again and again in the surviving protocols of Antonio Scambi. Like bequests to debtors, these gifts to widows were easily and uncontroversially characterized as pious; like them as well, these bequests often seem to reflect other existing social ties that have been reaffirmed by the labeling of a gift as particularly pious.

Of all the *pro anima* bequests to individuals where the relation of the recipient to the testator is clear, the most common are those to nurses and other servants.<sup>76</sup> When she made her testament in the summer of 1348, Anastasia del fu Lorenzo de maestro Luca, wife of Tuciolo di Merolino de Cartariis gave, *pro anima*, four florins to her servant Angelutia and one to Ceccolella Palotie, the nurse of her children.<sup>77</sup> Very common among bequests of this sort was money explicitly intended to augment the dowries of the girls in question. A fish-seller commonly known as Piczo of S. Angelo did this in 1392 when he left 50 *lire provisini* to his *famula* Nana.<sup>78</sup> Similarly, a butcher named Michele di Andreotio gave his *famula* Masica 30 florins for her dowry *pro anima*, as well as another five florins and a tunic worth nine *lire provisini*. He left Rita del fu Ruspa 25 *lire provisini* for her dowry *ad laudem Dei* but gave another 50 to Divitia del fu Ruspa for her dowry and the same amount to an unnamed daughter of the dead Giovanni Piccholino of Burgo Sant'Agata for the same purpose without any

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<sup>76</sup> The relationships between servants and their employers could take a number of forms. On one hand, these were members of the family; but on the other hand, they could also be a source of danger. The tie was a ubiquitous one, however, and often related to broader notions of governance and public authority. See Dennis Romano, *Housecraft and Statecraft: Domestic Service in Venice, 1400-1600* (Baltimore: The Johns Hopkins University Press, 1996).

<sup>77</sup> ASC, Sez. 1, 649/1, fols. 7v-9r.

<sup>78</sup> BAV, SAP, I/15, fols. 3v-6v.

hint of spiritual benefit.<sup>79</sup> Employers leaving bequests to their employees was not unusual and was, sometimes at least, simply a case of paying back wages.<sup>80</sup> Such gifts might even be contingent bequests meant to ensure good service until the testator's death. Thus, servant status on the part of the legatee was not enough to make a bequest spiritually beneficial, but neither, as we have already seen, was the act of supplementing a dowry. Some cases were while others were not, and we must understand their distinction as derived not from the recognizable category of master to servant giving, but from some other source. These bequests, like those made to family, clergy, or widows, were understood as *pro anima* for some reason other than their inclusion in categories traditionally recognized as suitable objects of pious giving.

In fact, the largest category of pious bequests to individuals is the most frustrating on its face, precisely because the recipients do not seem to figure among traditional recipients of pious giving. We are speaking here of bequests stated to be *pro anima* that are given to people that are not immediately identifiable as relations, as paupers, debtors, widows, clerics, or servants. These are bequests to neighbors and local tradesmen for which the motivation cannot be readily discerned from the testaments in question. When she made her testament in 1364, Donna Agnes di Bucio del fu Ancellocti Ficci of Sant'Angelo, wife of Matteo Baccari, gave bequests to seven individuals beyond her own lineage group. Of these, five bequests were *pro anima*. Two of those five went to women who were to go on local pilgrimage to the thresholds of the saints. The rest, however, had no such clearly pious definition. Lucia Galgarii received two florins, Donna

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<sup>79</sup> ASC, Sez. 1, 785/6, fols. 118v-121r.

<sup>80</sup> On this, and on servants leaving money to their employers as a way of turning the tables, see Benadusi, "Investing the Riches of the Poor."

Andreotia di Nicola di Paolo three, Perna, wife of Cecco di Giovanni Nistii, five.<sup>81</sup> Matteo Baccari himself similarly left a cloak to a tanner named Renzo di Stefanello *pro anima*.<sup>82</sup> It is sometimes assumed that women were more likely to do this, especially in making bequests to other women.<sup>83</sup> Agnes would be a fine example, as would a woman named Mattea who left four of her six individual bequests *pro anima*, all of them sums of 20 *solidi provisini* left to other women.<sup>84</sup> Yet Nuccio de Bulgaminis, whom we have already met, left 15 individual bequests, to both men and women, all stated to be *pro anima*. Recipients included butchers, small scale merchants, a cheese-maker or vendor, men and women of the urban nobility, a priest, the heirs of a blacksmith, and several men and women with no identifying markers whatsoever beyond their given names.<sup>85</sup> Nuccio was not making these bequests due to a lack of heirs; he had a son and four daughters. Most people who gave these kinds of bequests tended not to give so many (though some certainly did), but the mix of recipients is entirely characteristic.

As we have seen, these bequests are quite common, but they do not seem to be directed systematically to traditional recipients of pious giving. When they do go to recipients who fit into those categories, such as widows and paupers and clerics, the documentary context of the individual bequests indicates that the legatees receive their *pro anima* bequests for reasons other

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<sup>81</sup> BAV, SAP, I/2, fols. 58r-60v. Bequests for the recipient to go on pilgrimage, either local or to distant places like the Holy Sepulcher or the pilgrimage of Santiago in Iberia, were not terribly common, but not unheard of in Roman testaments. See, for example, BAV, SAP, I/2, fols. 68r-70r; BAV, SAP, I/2, fols. 83r-84r; BAV, SAP, I/18, fols. 47v-48v.

<sup>82</sup> BAV, SAP, I/3, fols. 99r-104v.

<sup>83</sup> See, for example, Brentano, *Rome before Avignon*, p. 285; Lori Sanfilippo, “Morire a Roma,” 608-609; Benadusi, “Investing the Riches of the Poor.”

<sup>84</sup> ASR, CNC, 1236, fols. 154v-155v.

<sup>85</sup> ASC, Sez. 1, 649/6, fols. 5r-6v.

than their membership in these traditional categories. Bequests like this are not unique to Rome, but no real attempt to explain them has ever really been undertaken. My own explanation is specific to Rome, but has the potential for wider application. One clue to understanding the bequests under consideration might lie in the evidence of testamentary gifts of the sort listed above, and recorded in the protocols of Roman notaries, but made by non-Roman immigrants. An excellent example is Rosa (perhaps Rose) the cheese-maker, wife of an Englishman named John, who in 1363 left two florins each to two different Englishmen named Robert, another named Richard, and an English maker of paternosters named Simon. All of these bequests were stated to be *pro anima*.<sup>86</sup> Similarly, in 1369 a priest named Paolo from Albano Laziale left several such bequests of both cash and clothing to several other people who hailed from the same town.<sup>87</sup> Likewise, Caterina, a noblewoman from Tivoli who had married the Roman noble Andrea di Nero de Rayneriis, left multiple bequests to other Tiburtini and Giuzio del fu Larguzio di Oddone di Alberto gave multiple bequests *pro anima* to men and women from his home town of Castrum Toffia.<sup>88</sup> What is clear from these bequests is that men and women who immigrated to Rome, or who were bound to immigrant communities by marriage, as may have been the case if Rosa's name was not Rose, often signaled their shared identity with their fellows, their sense of society or community, by means of *pro anima* bequests to one another. Some of these bequests were to clergy, or to widows, but these were not the crucial categories at work here. What mattered was a sense that the testator and the legatees were, together, parts of a single whole, a distinct kind of relationship signaled by the pious nature of the bequests. *Pro anima*

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<sup>86</sup> BAV, SAP, I/1, fols. 141r-142r.

<sup>87</sup> BAV, SAP, I/5, fols. 46v-48r.

<sup>88</sup> BAV, SAP, I/16, fols. 59v-60v and ASC, Sez. 1, 649/4, fols. 5r-7r, respectively.

bequests to individuals, then, can be taken as signaling such distinction among the dense thicket of social ties in which each individual was embedded.

### 3.5 *The Testament as a Technology of Community*

The distinction signaled in the anomalous charitable giving of Roman testaments, and quite possibly in the similar gifts of testators in other Italian cities, was the distinction of kinship, the mutuality of being that came from mingling assets in a world where *familia* was identified with *substantia*.<sup>89</sup> I say kinship rather than fictive kinship deliberately. In a world that knew all manner of non-biological routes to kinship, including marriage and adoption, as well as many forms of pious fraternity, it seems arbitrary to pick a single such route and refer to it as fictive. That said, the sense of mutual being that lay at the heart of kinship, whether biological or not, was not necessarily something experienced on a daily basis. Nevertheless, it would have come to the forefront during the consideration of the webs of testamentary obligations that often entangled multiple generations of a given family and in the powerful articulation of the social self embedded in the acts of giving and receiving. In establishing one's last will and remembering those of the dead who had gone before, just as in the moment of reflection on a saint during their feast, or on Christ during the revealing of the host, an alternative mode of being

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<sup>89</sup> On *familia* and *substantia*, see Kuehn, *Heirs, Kin, and Creditors*, pp. 20-21. See too the discussion in Giovanni Rossi, "I fedecommissi nella dottrina e nella prassi giuridica di ius commune tra XVI e XVII secolo," in *La Famiglia nell'Economia Europea Secc. XIII-XVIII (atti della "Quarantesima Settimana di Studi" 6-10 aprile 2008)*, ed. Simonetta Cavaciocchi (Florence: Firenze University Press, 2009), pp. 175-202. Rossi suggests that during this period economic relations rather than sentiment took pride of place in the establishment and articulation of kinship ties. Biology was still crucial, since the wealth of the lineage was meant ideally to be passed along the male line, but the idea that sharing substance could mean a kind of familial tie was very much present in this world. See too, Christiane Klapisch-Zuber and Michel Demonet, "'A uno pane e uno vino': The Rural Tuscan Family at the Beginning of the Fifteenth Century," in *Women, Family, and Ritual*, 36-67. For the legal principle in question, see Bartolus of Sassoferrato, *Commentaria in primam infortiati partem* (London: Fradin, 1555), D.28.2.11.

was evoked. One's place as a member of a *societas* was called to mind and a community articulated that extended unbroken beyond the grave and into the realm of purgatorial progress toward salvation. The currents of constant exchange, of gifts, prayers, coin, and human concern, flowed across the threshold of a door between worlds that was now thrown widely open. The ties that bound the members of such communities together had no need for, and indeed were stronger than the ties of citizenship in a particular commune; they transcended those ties just as they transcended the mortal world.

It might be argued that Rome's *pro anima* bequests were moments of accidental distinction in the testator's speech, or the notary's pen, that they do not indicate any truly considered sense of pious difference for these bequests. But it must be admitted that this argument is no more or less likely than the opposite, that all freely given bequests were deemed beneficial to a testator's soul even if testamentary language only sometimes mentioned that fact, an alternative that would leave untroubled the interpretation that the use of the language of *pro anima* giving conferred distinction on the bequest and on the relationship that it marked.<sup>90</sup> When Nicola Marronis gave his nephews sums to distribute as they wished, noting in one of the two cases that the gifts were meant to be salutary for the giver's soul, the differing language, with a specification of *pro anima* efficacy only in the second case, might seem to be trumped by the parallel nature of the gifts, suggesting the tantalizing possibility that all giving, as long as it was not profligate, was in the end good for the soul. But neither of these arguments is totally convincing, not least because the possibility of a more generous interpretation of charity does not erase the strategic value of a more limited one in a world where all such definitions were very much up for debate. In short, we must take seriously the possibility that behind *pro anima*

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<sup>90</sup> Epstein suggests this possibility in his examination of Genoese testaments; see *Wills and Wealth in Medieval Genoa*, p. 126.

bequests to third parties there lay a clear understanding of their distinctive special nature. In documents where every word and clause was carefully chosen and arranged, it would be bizarre for the use of *pro anima* distinction to have been tossed about thoughtlessly. The decision to label any particular bequest *pro anima* must, therefore, have been a considered one; it was consciously strategic.

The fundamental strategic consideration of all testaments was shaped by their role within the temporal economy and was itself an expression of concern for the endurance of the *substantia* and *persona* of the kin-group over time. The greatest threat to this endurance was contingency in the form of plague, war, political strife, and the like. Close on the heels of these threats came the internal threats of familial strife, which the plasticity of the kin relationship was usually able to absorb. Roman testators often, if not always, defined their families in patrilineal terms, drawing on the broader kin group to ensure stability within the privileged line. But in the face of an uncertain fourteenth-century world, afflicted with so many calamities, they also exploited the plasticity of kinship to stretch its logic and its model of social solidarity beyond the boundaries of common descent or matrimonial connection. A variety of assumptions at work in Roman testamentary practice make clear that this temporal economy was also of critical importance for the generation and maintenance of community. Among these assumptions are the common notion that circulation of coin among kin could generate spiritual profit even without clear “charitable” acts being evident, and that this same logic about the circulation of wealth could be and was extended to individuals outside lineage groups, generating critically important webs of what has been somewhat misleadingly called fictive kinship. This peculiarity operated within a set of assumptions that rendered it natural but also served as a valuable means of generating and maintaining community. If the most natural form of *societas*, of association, was

that of kinship and lineage, the logic of that form could be extended to create new societies, even a new community. Recognition of such strategies at work in Rome bring it in line with similar developments elsewhere, such as the Genoese *alberghi*.<sup>91</sup> By acting along these lines Romans leveraged the potency of the testament as a technology of community creation and maintenance, displaying publically the special ties between themselves and all those who might be understood as kin, or at least as kin-like. Just as foreigners often shared such a kin-like connection with their fellow immigrants, Roman testators evoked solidarity with their professional and neighborhood associates by emphasizing the particularly sacred nature of bequests made to them.

But the world of the late Middle Ages was no longer primarily characterized by the economy of the gift, even if its logic endured in such potent ways. It was an economy of coin, of the market, and of debt. Even if all urban denizens of this world lived in a sea of small-scale credit and debt, these relations could still be powerfully destabilizing. But there existed within the institutions of the temporal economy mechanisms for stabilizing relationships destabilized by debt, even if this function of those institutions has not often been recognized. This is to be expected. After all, all such economic relations, all such social relations, played out within the same temporal economy as testamentary management of patrimony and care of the soul. It is no less necessary, and no less distorting, to expect the ties of credit and debt to manifest a bifurcation of the temporal economy into terrestrial and spiritual spheres. All debts had to be paid, but neither giving nor receiving that payment took the actor outside the sacred temporal regime of earth and purgatory.

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<sup>91</sup> See Diane Owen Hughes, "Toward Historical Ethnography: Notarial Records and Family History in the Middle Ages," *Historical Methods Newsletter* 7.2 (1974): 61-72; "Urban Growth and Family Structure in Medieval Genoa," *Past and Present* 66 (1975): 3-28; Cecelia Hewlett, *Rural Communities in Renaissance Tuscany: Religious Identities and Local Loyalties* (Turnhout: Brepols, 2008).

## **Chapter 4 – For His Soul and Those of His Dead**

On October 11, 1403, a small group gathered in the choir of the church of Sant'Angelo in Pescheria. There, as the bell tolled, they solemnly admitted that 36 years earlier the much-esteemed doctor of law, Matteo Baccari, had attempted in his will to establish in the church a chapel dedicated to Saints Cosmas and Damian. Furthermore, they testified that “the chapter of this said church...had promised to the executors of the dead Dominus Matteo that masses would be celebrated there at least twice each week for his soul and those of his dead.” And yet, “from that time until the present, the aforementioned stipulation and promise has not been enacted or kept by the canons and chapter of the church, nor is it to be hoped that it will be kept, for which reason their souls are burdened and oppressed.”<sup>1</sup> The confessing group included the canons, whose names were listed, Matteo’s daughter Mattea, and a group of prominent witnesses: the noble men Nuccio Gibelli, Nicolo Torderii, and Giovanni Ponziani, as well as Angelo of Viterbo, the chaplain of Nuccio’s own, adjacent chapel. The proceedings were recorded for posterity by the notary Antonio Scambi, who had served in the same capacity for Matteo himself many times and was the recipient of one of the unusually familiar bequests the great man had made to family and close friends: a single chicken, given in remembrance of friendship and good

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<sup>1</sup> BAV, SAP, I/22, fols. 55r-60r: “Et dicti canonici et capitulum tunc dictae ecclesiae pro sese ipsis et eorum in dicta ecclesia successorum promisserunt dictis tunc executoribus dicti quondam Domini Macthei perpetuo in dicta cappella facere celebrari missam ad minus bis in edomata pro anima sua et suorum et anno quolibet in festo dictorum sanctorum Cosme et Daminai in dicta cappella facere celebrari missam sollempnem ut de predictis patet instrumentum scriptum manu mei eiusdem notarii. Et a dicto tempore usque nunc ex certis causis non sint facta nec servata predicta ut super promissa per dictos canonicos et capitulum dictae ecclesiae nec [sperat] in futuro servari posse cuius causa gravavetur et gravate sint animae ipsorum ipsis omnibus prenomminatis partibus.” The original will was recorded by Antonio as well: BAV, SAP, I/3, fols. 99r-104v.

service. Antonio had been given his chicken, no doubt, but the matter of Matteo's chapel foundation had not been so faithfully executed. The question of why this lapse had occurred was left studiously unanswered in this document, though Antonio, as we shall see, no doubt knew. The larger questions of why Matteo's daughter, herself now a widow after having been married many years to the noble Colutia Capudzucca, felt the need to take this action, and what the place of such a chapel was in the local world of a Roman neighborhood, remain to be answered.

Cosmas and Damian, to whom the Baccari chapel was dedicated, were third-century martyrs of Diocletian's persecutions, a fact that calls to mind the prominent place of the cult of saints and martyrs in Rome. In attempting its foundation Baccari was trying to join an already remarkable array of medieval burial spaces and monuments that peppered Rome's ecclesiastical spaces and participating in a long-standing Roman engagement with the city's martyrs, beginning of course with Peter and Paul, as the foundation of its political power and importance.<sup>2</sup> The papacy might have had a privileged claim on the martyred apostles, but the sacred dead were many and readily available to declare the legitimate power and prominence of Rome's varied elite. Although curial patronage in Rome declined markedly during the period of the Avignon papacy, artistic commissions, especially devotional ones, did not. Images certainly remained an extremely important part of local devotion, not only images of the Virgin as in the Araceli, but also the Veronica and other images of Christ, especially that around which Rome's greatest

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<sup>2</sup> Brentano's remains among the very best evocations of the idealized Rome and the relationship between both its imperial and sacred history and its medieval claims to power and prominence by popes and commune alike, *Rome before Avignon*, p. 68, 73-90. See too the powerful moment of the translation of the skulls of Peter and Paul, recorded by Scambi and discussed in Maire Vigueur, "Arti o rioni?"

confraternity was organized.<sup>3</sup> But just as the calculated design of Rome's ecclesiastical structures had long given voice to papal ideology, so did the appropriation and construction of private spaces inside those churches articulate another ideology, that of Rome's medieval political elites, both baronial and otherwise.<sup>4</sup>

The articulation of ideology in construction, art patronage, or the appropriate of sacred space for private use was never merely theoretical; it was an active intervention.<sup>5</sup> In the case of private chapels like Baccari's, the surviving Roman evidence concerning these chapels indicates their utility as a valuable means of generating and managing community. This utility emerged from the fact that chapels, like the testaments explored in the previous chapter, were institutions that operated explicitly on both sides of the temporal economy of earth and purgatory.

Theoretically, this economy was something to which everyone had access, but the fact that establishing and maintaining a chapel required a significant outlay of funds means that they served as important markers of distinction. So a chapel was, as has long been recognized, a marker of status as well as a memorial.<sup>6</sup> But more than this, as an institution that perfectly

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<sup>3</sup> For the virgin, see Claudia Bolgia, "The Felici Icon Tabernacle (1372) at S. Maria in Aracoeli, Reconstructed: Lay Patronage, Sculpture and Marian Devotion in Trecento Rome," *Journal of the Warburg and Courtauld Institutes* 68 (2005): 27-72. Brentano notes the importance of images of Christ, both in art and in other ways, in *Rome before Avignon*, pp. 265-6.

<sup>4</sup> For a discussion of recent work on the role of ecclesiastical structures as articulations of papal ideology, see Dale Kinney, "Rome in the Twelfth Century: Urbs Fracta and Renovatio," *Gesta* 45.2 (2006:1999-220).

<sup>5</sup> My arguments about Roman chapels, presented in this chapter, follow my method of hewing close to the archival documents relating to them. As I revise this work for eventual publication, it is my intention to engage more thoroughly with the history of art and architecture in Rome in order to supplement the inevitable lacunae in the notarial sources.

<sup>6</sup> Cohn, *The Cult of Remembrance*, summarizes this perspective well. See too, Jill Burke, *Changing Patrons: Social Identity and the Visual Arts in Renaissance Florence* (University Park: Pennsylvania State University Park, 2004).

embodied the overlap of the terrestrial and the spiritual spheres of the temporal economy, chapels sat at the center of the pious and economic activity, as well as the social strategies of lineage groups. They were a place where terrestrial coin could become spiritual currency and, to some extent, vice versa. The main beneficiaries of a chapel and its prayers were, of course, the members of the family that patronized it. However, this chapter will show that by extending these benefits to select others, Romans with the means to do so created a new way of signaling both their own social rectitude and their solidarity with friends and allies. To demonstrate this, this chapter will explore first the nature of both spiritual and financial debt and its social repercussions, then the institution of the chapel and local baronial models, and finally the evidence related to chapels that pertained to the non-baronial political elite of Rome. It has long been recognized that chapels addressed the debt of sin, but this chapter will show that the chapels of these non-baronial elites were concerned with other kinds of debt as well, and that in their concern with debt they gave rise to a way of demonstrating elite social identity and rectitude that far outlasted the Roman commune.<sup>7</sup>

#### *4.1 Debts, Economies, and Social Life*

In late medieval Europe, relations of debt and credit were inescapable elements of urban life. This is not so simple a statement as it might seem. The forms of credit relationship that were available varied considerably. Some extensions of credit were transactional and perhaps

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<sup>7</sup> Dante refers repeatedly to sin as a debt, for example in *Purgatory*, X, 106-108, but he was hardly the originator of the idea. In the Christian tradition it is primarily associated with Paul and it has roots in a far older, Jewish tradition. See *I Timothy* 2:5-6 for the Pauline language and, for an account of the origins of this view in Judaism and its rise to dominance in both early Christianity and Second Temple Judaism, see Gary A. Anderson, *Sin: A History* (New Haven: Yale University Press, 2009).

impersonal, but others could be relational, involving mutually extended credit that remained constantly available. The former cases were short-term exchanges often geared towards profit, which might be seen as usurious, the second were long-term exchange relations that evoked, replicated, and sustained the social order. Most obviously, merchant bankers in allied firms enjoyed such long-term credit/debt relations, but so did members of neighborhood networks. In fact, the extension of small credit seems to have been a quotidian thing and a state of indebtedness to have been entirely normal. This was not necessarily a generator of anxiety because, as one study notes, this “was a casual regime in which time was not yet calibrated, a world of business free from the host of collection devices employed today to exact payment of outstanding debts. Time was not yet money.”<sup>8</sup> Though this extension of credit often followed ties of *amicizia* or perception of honor, it has also been suggested that “the culture of debt was a culture of honor, shame, and humiliation.”<sup>9</sup> Thus, despite the relative normalcy of such relations, the extension of credit and pressure to pay debts could result in socially disruptive conflicts involving either the courts or other methods of pressing for debt payment in cases of delinquency. When public authorities became involved, the result was often institutionalized

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<sup>8</sup> Richard K. Marshall, *The Local Merchants of Prato: Small Entrepreneurs in the Late Medieval Economy* (Baltimore: The Johns Hopkins University Press, 1999), p. 75. Marshall notes that the most common extenders of small loans were shopkeepers rather than pawnbrokers. This is a valuable addition to those studies of credit that focus on more affluent actors like the merchant banking companies of Florence. For these, see John F. Padgett and Paul D. McLean, “Economic Credit in Renaissance Florence,” *Journal of Modern History* 83.1 (2011): 1-47. Padgett and McLean distinguish between transactional, impersonal credit relations and ongoing relational ones. The latter depended on ties of *amicizia* and perception of honor among other crucial factors.

<sup>9</sup> Daniel Lord Smail, “Violence and Predation in Late Medieval Mediterranean Europe,” *Comparative Studies in Society and History* 54.1 (2012): 7-34, p. 34.

predation, specifically the seizure of goods by public officials, with the accompanying public humiliation.

In the case of Rome, the city's statutes give us some sense of what debt could mean. In cases of small change, less than one hundred *solidi*, one could not pursue one's debtor in the courts as far as the debt itself was concerned, though one did have the option of taking legal action against them *per pignorum captionem*, by using whatever had been given to the creditor in pawn or security for the debt as leverage.<sup>10</sup> In such cases any legal finding could be delivered orally, with no need of a written record.<sup>11</sup> In cases where the debt was larger, however, the accused was summoned before a judge. If he failed to appear then the creditor could seize from his goods items estimated to be worth the amount owed; should the debtor persist in contumacy, the creditor could sell those goods. The debtor might, in some cases, be able to recover his goods but he could not recover any profit the creditor had made on them in the meantime.<sup>12</sup> If it happened that the debtor had many creditors, any one of them could lay claim to his goods, with their order of priority being determined by who had the oldest and strongest claim.<sup>13</sup> If a debtor was *diffidatum* or proven to be in the wrong but remained at large, officials known as marshals (*marescalci*) were obliged to seize him at the first opportunity. They could carry out this seizure anywhere within four miles of the city and their zeal for doing so was encouraged with cash incentives.<sup>14</sup>

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<sup>10</sup> Re, *Statuti*, I.XIII.

<sup>11</sup> Ibid., I.XV.

<sup>12</sup> Ibid., I.XVIII.

<sup>13</sup> Ibid., I.CXI.

<sup>14</sup> Ibid., III.XCIII and XCV.

Debt was understood legally to be any case in which one ought to take some action, often but not exclusively the transfer of wealth, while debts that were somehow enforceable were understood to be *obligationes*. Thus, any legally binding document, including testaments, could generate such obligations. When Francesca, daughter of the deceased Tucio Baccari and widow of Lello di Donna Lorenza, made her testament on October 17, 1392, she called particular attention to a valuable belt (*scayale ad filum*). This belt, she said, had been given in her name to her current husband, Andrea della Valle, at the time of their marriage. She stated that this belt was to be sold and the price used to commission a silver chalice for the use of the church of San Nicola in Carcere Tulliano, where she elected to be buried. Near the end of her testament, Francesca stated that she had very few possessions in Andrea's house, dutifully listing those that remained.<sup>15</sup> A few days later Francesca modified her testament with a codicil, in which she specified that the silver belt in question was, in fact, still being held by her husband despite not having been included in the earlier list. It would need to be retrieved from him so that her bequest could go forward for the good of her soul and those of her dead.<sup>16</sup> Three days later, on October 29, Andrea himself appeared at the home of the notary. He demanded a public document be made in which he stated that Francesca had died that very day and that her body lay at that moment in his house. He noted that the cost of her funerary necessities was going to fall on him and that he would seek to recoup those costs from her heirs.<sup>17</sup> He also protested, in a separate document, that the costs of Francesca's funerary proceedings should, in fact, be borne by her son

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<sup>15</sup> ASC, Sez. 1, 785/8, fols. 125r-126v.

<sup>16</sup> ASC, Sez. I, 785/8 fols. 127v-128r.

<sup>17</sup> ASC, Sez. I, 785/8, fol. 130v.

from her first marriage, the legal expert Giorgio dei Pierleoni, whom she had named as her heir and who he claimed ought to look to her needs since she had been his mother.<sup>18</sup> We hear nothing more about this messy situation for nearly three years. Then, on August 22, 1395, we find that Andreas appeared before several representatives of the *Felix Societas* in order to make an official statement. In the intervening years, it seems, Andrea had not released to the canons of S. Nicola the ten florins that should have come from the sale of Francesca's belt. The canons had grown tired of waiting and brought the case to the court of the *Societas*, which had in turn seized Andrea, demanded that he release the money and, when he refused, imprisoned him. Andrea noted that had suffered greatly from this and been pressed to release the funds by his jailors. Finally, standing before them, he declared that contrary to the claims of his dead wife's testament and codicil he had had none of her property in his possession at the time of her death. Nevertheless, he declared that he would give up the sum in order to avoid another round of imprisonment, though he specified that the notary was to record that he did this under duress.<sup>19</sup> Andrea was a scion of a powerful *bovattiere* family, yet even a relatively small debt such as this one was enough to result in his seizure and imprisonment at the hands of the *Societas*. We can well imagine what humiliations a lesser man might have faced in such circumstances.

Given the possible trials and tribulations that could stem from contentious debt relations, it stands to reason that Romans who sensed their creditors growing impatient might go to great lengths to protect their property. Particularly illustrative is the case of Vello di Jacobo Materie, a member of a prominent Sant'Angelo family who nevertheless found himself in dire straits due to his debts. The Materie family were *bovattieri* of some substance as well as being important

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<sup>18</sup> ASC, Sez. I, 785/8, fol. 131r.

<sup>19</sup> ASC, Sez. I, 785/10, fol. 87r-v.

members of the Confraternity of the Savior and public figures.<sup>20</sup> On September 2, 1369, Vello employed Antonio Scambi to make him a document that looked for all the world like a testament, the making of which was witnessed by Nuccio Gibelli as well as by members of the powerful Pappazuri and Muti families.<sup>21</sup> In it he declared that not only was he suffering from a serious infirmity, he was also afflicted by many violent disagreements (*brigas*) and mortal enmities (*inimicitias capitales*). As a result he claimed to fear that he might fall into poverty, establishing himself legally as a *vir vergens ad inopiam*.<sup>22</sup> Thus, while still in his right mind, he transferred various mobile and immobile riches irrevocably to his wife Catherina. He also provided for the dowries of his daughters Maria and Jacobella, giving them each 600 florins, which he left for them in Catherina's keeping along with 200 oxen that he estimated to be worth another 900 florins. He also left them residences in one of his houses and a substantial sum for providing Catherina with necessities for the remainder of her life. In the months and years that follow, Nuccio Gibelli repeatedly acted as a procurator for Vello, delivering payment on outstanding debts and receiving documented acknowledgements of those payments from Vello's

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<sup>20</sup> Vello's relative Antonio was a notary who served the commune by traveling to Velletri and drawing up the guidelines for the election of that town's podestà. He is also listed on various occasions as being one of the *hostiarios* of the Confraternity of the Savior, men who were officially tasked with the guardianship of the precious image around which that confraternity was organized. For the first, see Giorgio Falco, *Studi sulla storia del Lazio nel Medioevo*, vol. I (Rome: Società alla Biblioteca Vallicelliana, 1988), pp. 316-320. For the second see BAV, SAP, I/3, fol. 84v and I/4, fol. 15r. See as well, Lori Sanfilippo, *Roma dei Romani*, pp. 98, 112, and 115.

<sup>21</sup> BAV, SAP, I/5, fols. 91v-93r.

<sup>22</sup> For an important study of this legal category and its use to protect dowries in late medieval Italy, see Julius Kirshner, "Wives' Claims against Insolvent Husbands in Late Medieval Italy," in *Women of the medieval world: essays in honor of John H. Mundy*, eds. Julius Kirshner and Suzanne F. Wemple (Oxford: Blackwell, 1985), pp. 256-303.

creditors.<sup>23</sup> As late as 1394 we find Nucio acting as testamentary executor for one of the Materie.<sup>24</sup>

Despite the potential for humiliating legal action and known instances in which even powerful men found themselves jailed or forced to resort to elaborate legal schemes to protect their property, we cannot assume that all or even most relationships of credit and debt came to such ends. The surviving protocols of Rome's notaries, as is the case for many cities, contain a very high number of *instrumenta depositi*, instruments of deposit, which record the transaction of wealth between parties with the understanding that the wealth was to be returned either after a set period or whenever the depositor should call for it. These brief, extremely formulaic documents conceal a wide range of economic relations, an ambiguity that was recognized even by Rome's statutes, which signaled that a deposit might or might not be considered a loan or *mutuum*.<sup>25</sup> Deposits might also be used when it was necessary for a legal adult to hold funds for a minor heir or when, as we shall see shortly, the incomes of a private chapel had to be collected and held during periods when the chaplaincy was vacant. In many such cases, it is entirely likely that outstanding debts might never be repaid. Indeed, forgiving those debts as a form of testamentary piety was, as we have already seen, a common act of wealthier testators.<sup>26</sup> As has been observed in other contexts, the reality of Roman life was that individuals, normally identified primarily as representatives of a lineage collective, lived within a dense web of ties, some of which were

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<sup>23</sup> See, for example, BAV, SAP, I/5, fols. 120v-121r and I/7, fols. 46v-47r.

<sup>24</sup> The testament was Antonio di Cola Materie's. For Nucio's action as executor, see BAV, SAP, I/17, fols. 48v-49r.

<sup>25</sup> See, for example, Re, *Statuti*, LXVII; Re, p. 45, which treats the rights of creditors who, in the case of loan or deposit were negligent for long periods in seeking payment of outstanding debts.

<sup>26</sup> For debt forgiveness as a common form of testamentary piety, see chapter 3.

familial, some of which were extensions of the logic of kinship beyond biological or matrimonial ties, and some of which were constituted by credit extended and received. Sometimes creditors acted purely for gain, their deposits likely masking interest bearing loans. Other times, however, webs of credit and debt could be more or less permanent, signaling both solidarity and hierarchy, as well as encouraging social cohesion. In order to appreciate the real potency of such ties, and the importance and means of maintaining them without being perceived as a sinner, however, it is necessary to recognize the relationship between terrestrial debts and the greatest debt of all, the debt of sin, within the larger temporal economy.

#### *4.2 The Debt of Sin*

The ancient notion that sin is a kind of debt owed to the divine and this idea was common to theological discourse in the late Middle Ages as well. Debts to a divinity are, of course, impossible to pay because of the fundamental inequality of the parties involved. In the Christian context, it is only through Christ's redemptive act of cosmic debt-forgiveness, embodied in the crucifixion, that the debt of sin could be paid. Nevertheless, the notion of sin as debt meant that it was easy for medieval people to think of divine law in much the same terms as old medieval law codes; each infraction carried with it a specific debt, one which the logic of the penitential rendered payable in spiritual coin.<sup>27</sup> We have no greater witness than Dante who, in the tale of his travels through purgatory, speaks of the eagerness for prayers that characterized the souls he found just outside its gates. In his account, before beginning one's purgation, one had to linger in

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<sup>27</sup> The law codes of the Germanic kings, the penitentials of the high Middle Ages, and the temporal economy all share the approach to sin as calculable in terms of debt. In addition to these long-standing models, the hyper-calculability of purgation also reflects an ever-increasing sense of the abstractability and calculability of the world in the late medieval period. See Kaye, *Economy and Nature in the Fourteenth Century*.

a kind of ante-purgatory. The dead Manfred explains to Dante, “one who dies in contumacy of Holy Church, even though repentant at the end, must still endure outside this wall – for every year he spent in his presumption – thirty, unless that sentence is reduced by holy prayers.”<sup>28</sup> Later, Virgil informs the representative of one group of shades who had inquired regarding Dante, he should “report to those who sent you: this man’s body is true flesh...it may profit them to do him honor.”<sup>29</sup> Soon enough, Dante found himself mobbed like some kind of celebrity: “One goes in front, one grabs him from the back, and, at his side, another calls himself to mind.” The appetite for prayers in ante-purgatory was truly great and all the more so because many, like Dante’s dead friend Belacqua, were forced to wait outside unless they were lucky enough to be “helped by prayers that rise from a heart that lives in grace.” After all, “What good are those that go unheard in Heaven?”<sup>30</sup> Belacqua was in no hurry to move towards the entry to Purgatory proper because he, like the desperate shades that crowded around Dante, knew that he was unlikely to find his debt reduced by prayers from the mortal world. The purgatorial process was exacting, and most suffered through it without the aide of a steady flow of spiritual currency. This was one reason that a private chapel was so desirable.

Though the phenomenon was not precisely new, the creation of private chapels increased markedly in the late thirteenth century and continued to grow through the late fourteenth.<sup>31</sup> These institutions were defined by their function rather than their form but, from the time of the Fourth Lateran Council, they did require certain elements in order to serve as a place for saying mass: a

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<sup>28</sup> Dante, *Purgatory*, III, 136-141.

<sup>29</sup> Ibid., V, 32-36.

<sup>30</sup> Ibid., IV, 130, 133-135.

<sup>31</sup> For the following see Cohn, *The Cult of Remembrance* and Burke, *Changing Patrons*.

monolithic altar, two candles, a chalice, and a *titulus* or dedication to a specific saint or sacred mystery.<sup>32</sup> Beyond the provision of these necessities, chapels were the site of extensive art patronage, including sculpture, panel painting, and fresco, as well as the textile arts involved in the making of altar cloths, chasubles, and other priestly raiment. Due to the importance of this kind of patronage for the functioning of private chapels, and their association with specific families, it has long been understood that these were institutions geared towards visual display to a broad lay audience for the purpose of status and memorialization. In the medieval period, even when they constituted discrete private spaces, private chapels were often more or less accessible to worshipers who were present there.<sup>33</sup> As will be shown here, the Roman documentary record pertaining to chapel foundations and day-to-day functioning suggests that in addition to being memorials to be observed by an audience, chapels were also vital generators of spiritual currency as well as being, in a manner of speaking, exchange tables where gold and grain could be turned into grace, generating the prayers so badly needed by the dead. This was at least potentially true of chapels everywhere, but surviving sources in Rome reveal that there chapels served to both confer critical distinction upon their patrons and also to stabilize their social identity and relations in a rapidly changing political and social world. Chapels did not emerge as a novel technology of community *ex nihilo*, however; the institution derived its formal characteristics from long-standing practice.

The proprietary, or privately owned chapel sits at the nexus of the terrestrial and spiritual worlds, at the center of the temporal economy of the medieval world within which all testators operated and all Christians lived. It is indicative of the crucial role of the intersection of religion

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<sup>32</sup> From Burke, *Changing Patrons*, p. 122.

<sup>33</sup> *Ibid.*, p. 121.

and economy as a driver of history throughout the Middle Ages. The question of proprietary ecclesiastical institutions, which is what private chapels were, lay at the heart of one of the most famous conflicts of the high Middle Ages, the Investiture Controversy, a debate that ultimately came down to the questioning of the right ordering of world as understood by intellectuals and enacted by power-wielders. Just as the debates between emperor and papacy over universal authority, or between bishops and secular lords over local control of religious institutions were debates over the right order of things, an insight famously and dramatically articulated by Tellenbach, so too were the chapels of the late medieval laity arguments about the right order of things. In this sense, they cannot be separated from the broader transformation, pervading all of Western Christendom in this period, regarding the moral character of wealth in a money economy.<sup>34</sup> In all instances, this sea change in the medieval world seems to have moved inexorably, if not directly, first toward the careful delineation of licit versus illicit economic relationships, then toward the steady acceptance of coin and the importance of earthly wealth, and finally toward the sacralization of economic exchange and of secular life that is the hallmark of the late medieval world and of much Protestant thought in subsequent centuries. Even as theologians and other theorists were working these ideas out in their writings, the laity were making their own interventions in the debate in the form of actions.<sup>35</sup> By the final centuries of the medieval period, the private chapel, due to its unparalleled role in bridging heaven and earth, had come to embody the transition from initial crisis of the faith to the sacralization of the things once deemed profane, as well as the old economic order and the new. We first find them,

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<sup>34</sup> On the broader controversy, see Tellenbach, *The Church in Western Europe*. For the question of money and anxiety over the morality of profit see Little, *Religious Poverty and the Profit Economy in Medieval Europe*.

<sup>35</sup> Giacomo Todeschini, *Franciscan Wealth*.

unsurprisingly, in the hands of the most powerful, Rome's barons. The chapels that most concern us here, those of Rome's non-baronial elites, drew their inspiration from these older institutions, though not to the extent that has often been assumed.

#### *4.3 Roman Barons and Their Chapels*

On June 25, 1387, the powerful baron Landulfo Colonna, acting as executor for his dead cousin, Cardinal Agapito Colonna, came to an arrangement with the canons of the great basilica of Santa Maria Maggiore in Rome.<sup>36</sup> Agapito had specified in his testament that his executors were to sell off enough of his possessions to purchase sole ownership of some immobile property whose revenues were to be used to support two chaplains to serve at one of the church's altars, which stood under a well-known image of the Virgin.<sup>37</sup> These chaplains were to be given at least 40 florins annually. Furthermore, 20 florins were to go to the canons of the church, who were then bound to celebrate, annually on the date of Agapito's death, an anniversary mass for his soul and those of his parents. With Agapito now dead, the canons had become an annoyance to Landulfo and the other executors due to their frequent requests that the terms of the testament be fulfilled. Landulfo, either unable or simply disinclined to fulfill them promptly, agreed that the canons should have their 20 florins annually and that they should therefore begin immediately to celebrate the required anniversary mass, "for the honor of lord Landulfo himself and the memory of lord Agapito." As for the property and the chaplains it would sustain, all agreed that Landulfo

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<sup>36</sup> For Agapito, see Marc Dykmans, "Colonna, Agapito" in *Dizionario Biografico degli Italiani*, vol. 27 (Rome: Istituto della Enciclopedia Italiana, 1982), pp. 256-260.

<sup>37</sup> The testament can be found in BAV, SMM, cart. 70, n. 144.

should have eight years to fulfill this part of the bequest.<sup>38</sup> These Colonna negotiations with the canons of S. Maria Maggiore remind us that although private chapels were increasingly common in this world, they were not a given, even for the most powerful elites. Instead, the precise relationship of family, church, and chapel could vary considerably.

It is likely that the Colonna wielded some measure of influence over chapels in other Roman churches as well. For an example of how this might have looked, we need only turn to their greatest rivals, the Orsini. Some key differences should be noted at the outset. The Orsini and the Colonna families were both subdivided into various branches, as were most baronial families. The various Orsini lines, however, had more of a presence in Rome and were commonly known by the neighborhoods that were home to their main fortresses: e.g. the Orsini of Campo dei Fiori or the Orsini of Monte Giordano. The Colonna family branches, however, tended to be identified with their territorial holdings rather than a particular neighborhood. Thus, while one branch, the Colonna of Palestrina, was powerfully present in rione Monte, its members were hardly ever identified as being “of” that rione. The Orsini, of course, had many family branches known by territorial holdings as well, but the distinction between the two with regards to their Roman identity is clear.

Orsini control over their chapels often looked very much like lordly control over proprietary churches in the high medieval period. For example, on April 2, 1394, we see Poncello Orsini granting the chaplain of the church or chapel of San Nicola de Curia (the notary here indicates uncertainty as to the institution’s exact status) the right to exchange some agricultural land and the rights to the waters on that land as well with the prominent grocer, Martino Bondi, who would in turn grant some of his own property to the chapel. The exchange

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<sup>38</sup> ASC, Sez. 1, 785/3 fols. 139v-142v.

was made because local strife had made it impossible for the chaplain to exploit the income of his land in order to sustain himself and the chapel. Poncello's approval was necessary because the Orsini held the *ius patronatus* over the chapel and its properties.<sup>39</sup> This was a legal relationship between a lay donor and a particular ecclesiastical institution. Originally related to the construction of churches that conferred upon the donor the right to elect the priests serving in the church he endowed. This same logic operated in the relationship of a chapel founder and the church in which the chapel was housed.<sup>40</sup>

Unsurprisingly, the Orsini were not content to exercise power over chapels in lesser churches. Like the Colonna, they sought association with Rome's great basilicas, especially the basilica of San Pietro itself. As early as 1320, for example, Bertoldo Orsini, then prior of S. Nicola, asked to be interred in the chapel of Sant'Angelo, located in the basilica. His mother had already been entombed there and he asked that his own body be placed opposite hers. He added, with a splash of the ostentatious humility so typical of medieval elites, that his burial in one of Rome's greatest churches should be "in a humble and lowly place" behind the altar.<sup>41</sup> Orsini association with this chapel continued in 1335 when Bertoldo's brother, Napoleone Orsini, left 100 florins to the basilica for his soul and remission of his sins. In return, he requested that he be entombed in the chapel of Sant'Angelo along with his mother and brother. Furthermore, he left an annual income of 100 *lire provisini* in return for which two priests were to celebrate two daily masses. This bequest, he specified, should be fulfilled by his heirs in the form of a piece of

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<sup>39</sup> BAV, SAP, I/17, fols. 16v-19v.

<sup>40</sup> Burke, *Changing Patrons*, pp. 101-102. It is striking that, just as medieval cities were societies made out of societies, urban churches seem to have rapidly become churches made out of smaller churches, at least in the sense that a private chapel was effectively a small church.

<sup>41</sup> BAV, ACSP, Caps. 25, Fasc. 309, n. 1.

property that would reliably generate the required income. He left a separate sum, 20 *lire provisini*, in return for an annual anniversary mass for himself.<sup>42</sup> It may seem surprising that such a powerful family should have been content to be buried and have masses celebrated for their souls in a chapel that they did not fully control. But the motivation for this was simple. The benefit of such positioning within the basilica was evident but the cost of control was high, even for one of Rome's greatest lineages. Even this cost, however, did not stop the Orsini forever. On August 19, 1337, Gentile del fu Francisco di D. Matteo Orsini left the astronomical sum of 6000 florins to the basilica in order that a chapel might be constructed therein. The choice of saint to whom the chapel would be dedicated was of no concern to Gentile, who left the matter in the capable hands of his executors, but he did specify that the chapel was to have two priests to serve perpetually as chaplains and that they were to be there *ad representationem* for his brothers Raynaldo and Giordano. Twice daily these chaplains were to celebrate mass for his soul, those of his brothers, his father, and his mother. Gentile himself was to have the benefit of an anniversary mass each year *cum vigiliis precedentibus matutinis missa sollempni*, for which twelve florins were to be distributed among the canons and *beneficiati* who attended it as was customary.<sup>43</sup>

The Capocci family was another baronial lineage exemplary for its capacity to attract bequests over more than a century from folk not associated with the family itself.<sup>44</sup> The family first rose to political prominence in the late twelfth century but did not enter the College of

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<sup>42</sup> BAV, ACSP, Caps. 64, Fasc. 181, n. 4.

<sup>43</sup> BAV, ACSP, Caps. 71, Fasc. 182, n. 5.

<sup>44</sup> For information on the Capocci family see Carocci, *Baroni di Roma*, pp. 333-342; Carlo Cecchelli, *I Margani, I Capocci, I Sanguigni, I Mellini* (Le Grandi Famiglie Romane IV) (Rome: Reale Istituto di Studi Romani, 1946); Maire Vigueur, *L'altra Roma*, especially p. 209, where he argues that they were middling barons.

Cardinals until the mid-thirteenth, when they were rewarded for their loyalty to the papacy with the advancement of Pietro Capocci to that rank. The family established a presence in the great basilica of Santa Maria Maggiore quite early, creating a famous tabernacle and a family chapel there in the thirteenth century.<sup>45</sup> The Capocci managed to renew their presence in the College of Cardinals over a century later, with the rise of Nicola Capocci, who in turn established in Santa Maria Maggiore a chapel dedicated to San Lorenzo.<sup>46</sup>

The latter chapel provides an excellent example of the capacity of such institutions to pull in resources from outside the family and generate networks of patronage over other such chapels within the lesser churches of the city. On March 30, 1390, Dioteaiuti di Stefanacio of rione Trevi made a testament that left, along with many other bequests, 10 florins for repairs to be made to the *casale Cerbarii*, which pertained to the Capocci chapel of San Lorenzo in the basilica of Santa Maria Maggiore. The chapel, the testament specified, was that pertaining to D. Nicola Capucie.<sup>47</sup> During this time, we know the name of at least one of the chaplains, Luca di Andrea, who witnessed a pious donation *causa mortis* in this same year.<sup>48</sup> Ten years later the same man made a testament. In it, again alongside several other bequests, he left a silver chalice worth 25 florins to the lord cardinal de Capuccini's chapel of San Lorenzo. In this second testament the

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<sup>45</sup> Most of the information for the family chapel is now lost due to the disappearance of the testament of the cardinal. See Agostino Paravicini Bagliani, *I Testamenti dei cardinali del Duecento* (Rome: Società Romana di Storia Patria, 1980). However, the tabernacle is better studied, despite being no longer extant. See Julian Gardner, "The Capocci Tabernacle in S. Maria Maggiore," *Papers of the British School at Rome* 38 (1970): 220-230.

<sup>46</sup> For information on one of the properties that supported this chapel, see BAV, SAP, I/24, ff. 116r-v.

<sup>47</sup> ASC, Sez. I, 785/6, fols. 75r-77r.

<sup>48</sup> ASC, Sez. I, 785/6 fol. 149r.

chaplain of this chapel, Angelo di Simone, was named among the executors.<sup>49</sup> In the same year another chaplain of the Capocci chapel was elected by Donna Giacomina, wife of the prominent Riccardo Sanguigni, to be chaplain of her own newly established chapel to San Girolamo in Santa Maria Maggiore, with the understanding that the friars of Santa Maria Nova would select its chaplains in the future.<sup>50</sup> On August of 1403, Donna Nicolosa of Trieste, in a kind of testamentary bequest that was steadily growing in popularity during this period, left a house and some goods for the perpetual use of a group of female paupers living under the directions of another woman. In case the group no longer resided together at the time of her death, Nicolosa allowed that the bequest should go instead to Giovanni di Pietro of Assisi, chaplain of the chapel of S. Lorenzo in S. Maria Maggiore, who was to use it to house honest catholic women.<sup>51</sup> When the Spanish merchant Giovanni di Alfonso, who was dwelling in rione Sant'Angelo, made his will in 1405 he left 20 florins with which a chalice or humble possession was to be bought for the use and comfort of the chaplains of the same chapel. He also left Antonio, one of the chaplains and a former familiar of the priest Giovanni di Ferando, a new *cioppam de clariolo* and 4 florins.<sup>52</sup> In the same year, Antonio was named testamentary executor of Antonio di Andrea di Angelo, *barberius* of rione Monti.<sup>53</sup>

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<sup>49</sup> ASC, Sez. 1, 785bis/3 fols. 30v-34v.

<sup>50</sup> ASC, Sez. 1, 785bis/3 fols. 36v-38r.

<sup>51</sup> ASC, Sez. 1, 785bis/5 fols. 49v-52r. For more on Donna Nicolosa and her house, see chapter 4.

<sup>52</sup> ASC, Sez. 1, 785bis/6 fols. 117r-119v.

<sup>53</sup> ASC, Sez. 1, 785bis/6 fols. 108r-109v.

The control of private chapels by Rome's baronial elites mirrored their influence over many other aspects of Roman society. Their influence stretched all the way down to relatively small churches over which they held sway. But the identity of their own lineages and the burial of their members were reserved to the greatest churches in Rome, basilicas like San Pietro and Santa Maria Maggiore. These were the churches privileged by non-Romans as well and by occupying them the barons were communicating a certain status not only (or perhaps even primarily) to their fellow Romans but also to Christendom. Their control over these institutions built up gradually over time, beginning with donations, a growing tradition of family burial in a particular place, and finally the acquisition and control of a private chapel. To the extent that these chapels seem clearly to be tools of status display and memorialization, they corroborate the reading of chapels that is most common in current scholarship. Perhaps, for Rome's barons, things ended there: after all, many barons may have shared Francesco di Giovanni Romani Bonaventura's ambiguous relationship with the idea of being *indebite et contra iustitiam* with others.<sup>54</sup> But for Rome's non-baronial elite, whose social and economic outlook has been shown to have been so different from that of Francesco, it seems likely that debts and the chapels that were built to address them had a very different valence.

#### *4.4 The Chapels of the Non-Baronial Elite*

We are now in a position to better understand what a chapel could mean to non-baronial elites like the Baccari and their peers, not because their chapels were mere imitations of the baronial form, as has previously been assumed, but because they operated on the same fundamental principles despite marked differences. These chapels sat most commonly in

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<sup>54</sup> See chapter 2.

neighborhood and parish churches, where elite families acquired them through a gradual process similar to that seen in the emergence of baronial chapels. They were staffed by chaplains and generated prayers for their founders and their families, as baronial chapels did. Indeed, this concern is far more visible in the surviving sources pertaining to nonbaronial chapels, as well as more contested. But just as the chapels of the barons ultimately reflected the economic order within which the barons conceived themselves as operating, so too those of Rome's non-baronial elites did the same in relation to their founders. The distinction was formally invisible but deeply important. Ultimately, Rome's nonbaronial elites would turn their chapels into generators not only of spiritual currency, but of social currency, transforming them into novel technologies of community creation and cohesion.

The chapel of Matteo Baccari can now return to center stage, illustrating some of the key differences between the chapels of men like him and the barons. The failure of Matteo's chapel began soon after his death, which occurred in June of 1368.<sup>55</sup> By October of the same year, because Matteo's original bequest was deemed inadequate to sustain the clerics necessary for his new chapel, his widow Agnes and his executor Nicolo Tordonerii were compelled to give a house and three pieces of land to the canons of Sant'Angelo in Pescheria.<sup>56</sup> After this there is no surviving mention of Matteo's chapel until his daughter stepped in to remedy matters formally in 1393 and effectively in 1403. This failure is difficult to understand; Matteo was a rich man who should have been able to provide for his chapel adequately. His testament provided 700 florins for the marriage of each of his daughters, dowries commensurate with those of all but the richest

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<sup>55</sup> On this date we know him to be dead because of a post-mortem inventory of his goods. BAV, SAP, I/4 fols. 97v-98v. Prior to this, his last public act had been on May 25, when he had sold a large number of properties to Nicola Tordonerii. BAV, SAP, I/4, fols. 79r-80r.

<sup>56</sup> BAV, SAP, I/4, fols. 118v-120v.

of Rome's urban nobility. 400 florins were specified for use in establishing his chapel, which was to be located in the spot where his family were traditionally buried. To sustain the institution, he left lands and properties that he had near the edge of Trastevere.<sup>57</sup> These endowments were likely supplemented in a later testament, which does not survive. The lands and properties that made up his patrimony were also not insubstantial and he has been considered a kind of new man among Rome's *bovattieri*, along with associates like Nuccio Gibelli.<sup>58</sup>

That the failure of Matteo's chapel should have resulted from inadequate financial provisioning is made even more baffling when one considers that testamentary chapel foundations by his contemporaries seem not to have had such problems, despite starting with far less in terms of start-up money. In 1369, the baroness lady Anastasella, daughter of Urso di Andrea Orsini and wife of Giovanni di Sciarra of the Prefects de Vico, left a mere 100 florins for a chapel in the place – we don't know where – that her mother was buried.<sup>59</sup> In the same year, one of Rome's wealthiest *bovattiere*, a man with strong Orsini ties (Raymondo and Giordano Orsini are named as his executors), left five pieces of land located outside the Porta San Paolo, and 200 florins for buying other pieces of property, in order to establish his chapel in his parish

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<sup>57</sup> He states that they are in Septingiano. This reference is likely to the neighborhood around the church of Sancti Iacobi Septigiani, now the church of S. Giacomo alla Lungara, near the Porta Settimiana in Trastevere. In the inventory taken shortly after this will was made, Matteo declared himself to possess six pieces of land there, with vines, worked at that time by a man named Giacomo from rione Arenula, who paid an annual census of six lire provisini. BAV, SAP, I/3, fols.129r-130r.

<sup>58</sup> See several mentions of his wealth, though no extensive treatment, in Lori Sanfilippo, *Roma dei Romani*. It is difficult to discern precisely how new to the scene the Baccari were. They seem to have sat on the cusp between the nobility and the wealthier non-noble guildsmen. The earliest records of the family's existence are uncertain. See Collins, *Greater than Emperor*, pp. 182-184.

<sup>59</sup> BAV, SAP, I/5, fols. 98v-99r.

church of Santa Maria de Campitello.<sup>60</sup> Both of these testators were very wealthy, probably wealthier than Matteo, and both had ties to the Orsini, either by blood or otherwise, which would certainly have increased their clout. In neither case do we know with certainty that the chapels they intended to establish were ever created. Nevertheless, there seems no reason to assume their failure.

Regardless of the explanation upon which we might settle, the initial failure of Matteo Baccari's chapel points to a key difference between the chapels of men like him and those of the barons. That difference lays in the fact that these institutions, though formally comparable, differed drastically in terms of the logic that undergirded them. The chapels of the barons were rooted in the world of castles and they operated like castles, prominent points within a larger web of power within which baronial identity was imbedded. Like castles, they were sustained by the wealth of their founders and by being positioned in a prominent place that allowed them to extract from others incomes that also sustained them. The Baccari chapel, conversely, operated in the world of the *casale* and was to be sustained like a *casale*, by means of careful cultivation over time. It is likely true that the impulse of a fourteenth-century urban elite to establish a chapel was sparked, at least in part, by imitation of the barons; but imitation is not replication. These later institutions were both representative of a different world, reflective of different economies, and constitutive of a different kind of community.

#### 4.5 *The Surviving Sources*

We know relatively little about the chapels founded in Rome during the fourteenth century. Usually, all that survives is a passage or two in a testament. These foundation clauses

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<sup>60</sup> BAV, SAP, I/5, fols. 81v-85v.

are generally fairly simple, but we should not take this to mean that they were not taken seriously; indeed, this simple contractual language was commonly carved in stone and displayed prominently in the church, as one example surviving in the Roman church of Santa Prassede shows. For all their apparent simplicity, certain conclusions can be drawn from these foundation clauses regarding the establishment, location, dedication, and common concerns associated with chapels. Most common to these clauses is the actual bequest of both money and property for the establishment and sustenance of a chapel. The value and productive capacity of the property bequeathed is harder to determine. As we saw in the case of the Orsini, Romans seem to have preferred to establish chapels in churches where their families were already being buried, or had been for at least a generation or two, and most frequently the churches in question were their parish churches.<sup>61</sup> Another possibility, particularly for guildsmen, is a preference for churches with strong associations with a particular trade. Their chapels were often given a *titulus* that mirrored common family names. The single greatest concern that emerges in these basic foundations is that the functioning of the chapel might lapse due to the laziness, incompetence, or lack of a chaplain. A regular volume of masses, usually two or three per week, tended to be requested, usually followed by statements to the effect that inadequate chaplains must be replaced.

Though most chapels only come to our attention by means of the limited information available in testamentary foundations, sometimes the founders of a chapel furnished more detail. When Nicolo del fu Gocio Galgani of rione Sant'Angelo, a member of the urban nobility, made his will in 1383 he declared that should his chosen heirs die before they could inherit, then his

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<sup>61</sup> Cf. Cohn, *The Cult of Remembrance*, which argues that in precisely this period chapel foundation seems not to have been limited to such churches.

wealth was to go to establish a chapel in the church of Santa Maria de Maxia. For the establishment of this chapel he left his half share of a *casale* that stood outside the Porta San Giovanni: his share of its incomes was to be used to sustain the operations of the chapel. He also left the casale *Lo Pallomaro Roscio*, located outside the same gate and of which he was sole owner. Knowing that the abbot of the monastery of San Gregorio might be inclined to acquire the latter *casale*, he allowed that it could be sold to him for 500 florins, should the abbot so wish, and that this income was to be invested in the acquisition of another piece of immobile property to sustain the chapel. Such an acquisition was not to be rushed; the money was to be held by some worthy person until such time as an appropriate opportunity should arise. Along with these primary sustaining bequests, Nicolo left a bevy of houses, a smithy, and several parcels of vineyard for the same purpose.

Nicolo also provided details concerning how his chapel was to function. He declared that a good and worthy priest was to be found to serve as chaplain, that he was to have a servant (*famulus*), and that he was to say mass daily for Nicolo's soul and the souls of his dead. Should the chaplain be remiss in any of this, he was to be cut off from the fruits of the properties affiliated with the chapel. Whenever it became necessary that a chaplain be elected, that process was to be handled by the prior and Olivetan brethren of Santa Maria Nova, who were enjoined to find a new chaplain within one month of the office falling vacant for any reason. Having provided for the long-term endurance of his new institution, and hoping to ensure the continuous accrual of spiritual capital from his investment, Nicolo declared that during this interim two fifths of the chapel's incomes were to sustain the chaplain's servant and the chaplain himself (apparently an erroneous provision that would likely have been removed in subsequent drafts, given that the trigger was the lack of a chaplain in the first place). One fifth of the chapel's

incomes were to go to the prior, brothers, and chapter of the church of Santa Maria so long as they fulfilled the chaplain's duties to say mass during this time. A fifth of the wealth was to go for the sustenance (*pro vita*) of another priest to be chosen, named, and confirmed by the eldest of Nicolo's lineage and by the abbess, nuns, and convent of the monastery of Santa Maria de Maxis (who were forbidden to interfere in the selection of the primary chaplain). The second priest was to perform divine services and celebrate masses and reside in the cloister of said monastery. This priest was to be selected within one month of Nicolo's death; if this timeframe was not respected, or if the priest selected refused the post, the incomes set aside for him were to go instead to Santa Maria Nova. Nicola declared that the remaining fifth of the chapel's incomes was to be distributed by the friars of Santa Maria Nova to the paupers of the Hospital of San Spirito in Saxia. In an attempt to secure this patrimony permanently for the chapel, Nicolo declared that anything sold illegitimately would *ipso facto* become the property of the Basilica of San Pietro. A reasonable man, Nicolo did allow that the property could be rented by the prior of Santa Maria Nova and by the chaplain, without fear of molestation.<sup>62</sup>

There is a sense of personal control in Nicolo's chapel constitution that we do not see in most testamentary foundations. Nicolo's act, however, is still nested within the internal logic of a testament as a technology of the temporal economy. The establishment of his chapel is entirely contingent upon the lifespan of his heirs, and it is not at all clear that the chapel was ever actually established. Nicolo clearly saw its establishment as an investment of last resort. The establishment of such an institution was only necessary if no members of his family survived to continue the active cultivation of his patrimony and its conversion into both terrestrial and spiritual goods. But these concerns lead inevitably to others. Who was to choose the new

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<sup>62</sup> BAV, S. Angelo in Pescheria, I/13 fols. 45r-50v.

chaplain? Who was to control the chapel's incomes in the meantime? How might such moments be prevented from leading to a permanent loss of control? How was control over an institution that was intended to function in perpetuity to be maintained given the extreme uncertainty of lineage continuity? Most testamentary foundations do not explicitly address any of these concerns. In a few cases, however, documents survive which do address, in considerable detail, the many complexities of establishing and maintaining a chapel over time. One such document was that produced by Matteo Baccari's daughter regarding her father's chapel; another pertains to the adjacent chapel of Nuccio Gibelli.<sup>63</sup>

Just as not all testamentary chapel constitutions were sparse, not all detailed constitutions were testamentary acts. The longest and most detailed documents pertaining to the constitution of new chapels were recorded as separate acts in their own right. Among the most detailed of these is that created by the canons of Sant'Angelo in Pescheria and Nuccio di Pietro Gibelli on July 30, 1372.<sup>64</sup> Nuccio was one of the most prominent of Rome's affluent fish-sellers and an important member of the *ars pescevendolorum* as well as a member of the Confraternity of the Savior. He figured prominently in communal affairs during his long life and seems to have gained steadily in status so that, in his later years, he came to be recognized as a member of the urban nobility. For all this, Nuccio's life was very much rooted in his own *rione* and oriented around his parish church, Sant'Angelo in Pescheria. It was in this church, which was also the primary church of his guild, that Nuccio's father had chosen to establish an altar dedicated to

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<sup>63</sup> This activity was surely not unique to Sant'Angelo in Pescheria, or to the *rione*. Here we are benefitting from the survival of a long run of documents pertaining to a single neighborhood that resulted from the strong association of a single notary with a single church. There is no reason to assume that the actions found therein are not representative of other *rioni* of Rome.

<sup>64</sup> BAV, SAP, I/7, fols. 71v-76v.

Santa Maria Annunziata. The chapel was located “in the nave of the altar of the apostles of said church,” flanked on one side by the stairs leading to the rooms of the canons and on the other side by the chapels of men with whom he had passed his entire life, the prominent Vallati family and the tomb of the Materie family, whose ties with him have already been discussed.

The canons and the chapter of the church had been holding, since Nucio’s father’s death, eight pieces of contiguous land located outside the Porta San Paolo in a place called *Mons Castangiolo*.<sup>65</sup> They now released this land, which they had held in trust but which had been bequeathed by the dead Pietro to this chapel. Nucio, in turn, recognized his obligation to release 300 florins for the sustenance of the chaplain, which wealth was to be invested in a piece of immobile property. In the interim, Nucio put at the chapel’s disposal the incomes of one quarter of each of two different *casali*. A worthy and sufficient chaplain was to be selected by Nucio or by his heirs and then confirmed by the canons, who were to investigate his life, customs, knowledge, and competence. Should it happen that Nucio and his line die out, the selection of the chaplain was to be carried out by the abbot of the monastery of SS. Alessio and Bonifacio.

Care was taken to prevent the control of the chapel by the canons of the church that housed it. Nucio stipulated that by no means could the chaplain be one of the canons. Should the chapel fall vacant due to the absence or death of the chaplain, the canons were required to notify him within 8 days, and the clock for the selection and approval of a new chaplain was to begin retroactively from the first day of the vacancy. Nothing was gained, then, by delaying the notification. The canons had the right of investigation and approval of an appointed chaplain but they were required to carry out the investigation within 30 days of the nomination and, should

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<sup>65</sup> It is unclear whether Mons Castagnola has any relationship to the settlement discussed in chapter one, called Monte Castagna, whose church Francesco di Giovanni Romani Bonaventurae destroyed. See chapter 2.

they refuse to examine and confirm the candidate, then the right to do so was *ipso facto* to shift to the church's titular cardinal or to his vicar. Only in the case that Nuccio, his line, and the abbot all failed to make a nomination would the right to pick the chaplain fall to the canons whose power would in that case be checked by the transfer of the right of ultimate approval to the cardinal. If the canons too neglected this duty then the cardinal would select, and presumably approve, the chaplain. While the chapel stood vacant its incomes were to go to the paupers of the *Raccomandatores* of Our Lord Jesus Christ.

Nuccio's chaplain was, at least economically, independent of the church that housed his chapel. Once he was confirmed the chaplain was required to give precisely one florin to the canons (assuming the approval process was not derailed) "as a sign of said confirmation"; no more and no less was to be given. If he died in office, any chapel incomes in his possession, rather than reverting to the church, were to be given to "some worthy person" for safekeeping until a new chaplain was in place. That said, there were various constraints placed upon the chaplain's behavior. He was not to hold any other benefice in the city. The cost of celebrating mass at the required times was his to bear and he was also to supply his own garments. He was to make his personal residence in the church and to pass the night there. The canons and chapter were required to give him a room to himself for this purpose. He was also required to be in the choir of the church, together with the canons and any other chaplains in order to participate in the divine offices, including matins or lauds, conventual mass, and vespers. Failure to attend any of these would cost him three *denari*. On feast days the fine for absence doubled and then quadrupled. Any money collected in such fines was to be given for use of the chapel and the *camerarius* of the church once Nuccio or the abbot of SS. Alessio and Bonifacio had given their approval. Should the clerics and canons of the church go *ad letanias* or in procession he was

expected to accompany them. He was forbidden to sell, donate, or otherwise alienate the property of the chapel to any individual or group unless given special license by the canons and the vicar of the church and Nucio or the abbot. Should sale be attempted without approval it would be *ipso facto* null and void and the chaplain immediately deprived of his benefice.

Tellingly, though the canons had some small influence over the selection of the chaplain, they had no right to discipline him. Should he be remiss in any duty and be dismissed, he had the right to appeal for reinstatement, at which time the Guardians of the Confraternity of the Savior were to conduct an inquisition into his service and determine whether it met with the requirements now being set forth. They were, in the interim, to hold all incomes in safekeeping for the next chaplain though if one was not selected in a timely manner the hospital of the Confraternity would keep all sequestered incomes.

The chaplain had a number of duties. He was to celebrate mass, a minimum of four times weekly, for the soul of Nucio, as well as Nucio's father, mother, and his other dead. On the feast of the Annunciation of the blessed Virgin Mary he was to celebrate mass, vespers, and vigils with wax candles and lamps lit and with all necessary solemnities. The canons were also asked to participate; should they do so, the chaplain was to pay two *soldi* to each canon that attended the first vespers, vigils and mass from beginning to end. This payment was specified as being alms (*pro elemosina*). All of these clauses point to a profound overlap between concern with the right comportment of a cleric and concern with control over the staffing and incomes of the chapel. In short, the private realm in which the chapel figured as an asset of the lineage and the public one in which it had to reflect a rightly ordered Christian society were intimately linked. To some extent, we see here a concern with properly ordered public religion, something very like civic religion but without any emphasis on the commune, or the citizen status of the involved parties.

We might profitably understand this as an exercise in social, rather than civic religion. At any rate, once the clauses described had been laid out, the canons and Nucio, standing in the choir of the church, officially agreed to them and their agreement was witnessed by Antonio Scambi, the notary who recorded them and by several prominent Sant'Angelo men: Andreotio Graziani, Pierpaolo Ponziani, Tozzolo Deodatucii the fish-seller, and Petrucio di Cecco Pareti, another notary.

We may wonder whether it was common practice to include a pared down version of a chapel constitution in one's testament and then create a more detailed constitutional document like Gibelli's separately. It is entirely possible that this was a common practice but it seems not to have been a universal one. After all, this class of testators was new to chapel-making and seems to have handled it on an evolving, ad hoc basis that is strongly indicated by the large variation in the complex levels of contingency for which any given chapel foundation accounted. Indeed, if we return to the chapel of Matteo Baccari, we find that his initial foundation survives solely in his testament, which was very likely the only such document he made. Only when his daughter stepped in decades later to finally start the chapel running was a constitutional document similar to Gibelli's produced for the Baccari chapel. Matteo's testament records only the minimum information. His chapel was to be in the place where his family dead were buried in Sant'Angelo in Pescheria, and it was to have a priest who would say mass in it weekly. He left certain lands and rights to sustain it. When Mattea finally put the chapel into working order years later, her instructions were far more detailed.

Mattea Baccari's intervention in the matter of her father's failed chapel began with her testament, which she created on August 5, 1393.<sup>66</sup> She was by then already a widow. Mattea

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<sup>66</sup> BAV, SAP, I/16, fols. 36r-37v.

gave a house to the chapel that stood next to one already supporting it. She said that the chaplain was to be chosen by her executors: Nicolo di Nello di Giovanni Cenci, Giorgio Malgonis, the notary who made the document, Antonio Scambi, and servant of the monastery of San Lorenzo in Panisperna. After the death of these executors, the task of selecting the chaplain was to fall to her cousins Pierpaolo, Giovanni, and Lorenzo, the sons of Matteo Baccari's dead nephew Mascio. Once that generation of the Baccari family was dead the responsibility was to fall to the prior of the Olivetans in Santa Maria Nova, in whose church and company the testament was made. The chaplain was to say masses a minimum of four times weekly for her soul and she was to be buried there upon her death.

Mattea's first intervention seemingly failed as well, since it was not for another ten years that Mattea and the canons of Sant'Angelo in Pescheria would officially create the constitutional document that would mark the true beginning of the Baccari chapel, in which the canons would admit to failing to provide the masses promised to Matteo. Matteo's original bequest of a house and Mattea's supplementing of this with another were duly noted. Then Mattea shifted the *jus patronatus* of the chapel, and the responsibility for choosing the chaplain to herself, to be followed upon her death by Antonio Scambi the notary, and then by Antonio's son Lorenzo, and finally by the Guardians of the Confraternity of the Savior. After this the canons were to approve the nominee within thirty days, with the responsibility shifting to the cardinal or his vicar should they fail to do so. She and the canons agreed that a room should be set aside for the chaplain's residence and Mattea provided up to 50 florins for its preparation. It was agreed that no canon of the church or holder of another ecclesiastical benefice in the city could serve as chaplain and that they were bound "under the virtue of holy obedience" (*sub virtute sanctae obedientiae*) to treat

the chaplain graciously and to give him the incomes that rightfully pertained to his office. The chaplain was to celebrate a solemn mass on the feast of Saints Cosmas and Damian, with chanters (*cantoribus*), as well as lights of oil and wax. He should do so on both the vigil and the feast day itself and the canons were to participate as well, for which participation the chaplain would pay them each 17 *denari provisini*. The chaplain would reciprocate by being present in all such events carried out by the canons, as well as participating in all funerary processions and services. He would be fined for failure to do so. This was in addition to his responsibility to say mass six times weekly – clearly including the two masses called for in Matteo’s will and the four in Mattea’s – for the Baccari souls, again with candles and other illuminations. This was followed by clauses detailing the standard punishment of ejection from office for failure to perform these duties, for trying to sell chapel property, or for failing to care properly for it, as well as the standard protection for the chapel’s incomes in times of vacancy. Mattea also noted that while she might enjoy the usufruct of the houses donated to the chapel during her life, she would provide it with 30 florins yearly, paying installments of ten florins at a time on the Feast of the Nativity, of Easter, and of the Assumption of the Virgin.

Why had the Baccari chapel failed to function previously? Had the canons been siphoning off the incomes of Matteo’s donated house? Had they been refusing to cooperate in the selection of chaplains? Had Mattea’s use of the houses in question not been counterbalanced by her provision of money? Or was it some combination of these things or something else entirely? Private chapels sat at the intersection of many realms. They were institutions of religion that could change earthly wealth into spiritual currency and they were lay controlled spaces nestled within ecclesiastical walls. Beyond simple concerns of upkeep costs or possible embezzlement, they embodied the tensions inherent in late medieval urban religion. In this context, lay intrusion

into the realm of the clergy was a matter of great clerical concern. As the fish-sellers and other prominent members of rione Sant'Angelo began staking claims to these spaces inside their parish church, it is not hard to imagine the canons dragging their feet.<sup>67</sup> It is impossible to answer such questions with certainty. Clearly, though, years and years worth of prayers meant to speed Matteo and his dead family through purgatory had not been said. As a result, these unfortunates had sat, like Belacqua and Manfred, in the antechamber of purgatory, passing thirty years for every one spent unrepentant. But this was not the only cause for concern. Just as the practice of civic religion served both God and the commune, so too did these chapels serve both the souls of the patron and the society of which they were a part, even if that society was not explicitly associated with the commune. What is not usually apparent about these private chapels is that they were not merely generators of spiritual currency but generators of social currency as well.

#### *4.6 Debts, Chapels, and Social Currency*

The private chapels of Rome's elite operated within the same temporal economy as all the other terrestrial and spiritual economic institutions of their day. In their position at the center of this economy, operating on the threshold of purgatory and the mortal world, they both embodied that economy and operated as a kind of currency exchange table between worlds. The currency of prayer was not a currency of the market; one could not buy grain with it. Instead it was a spiritual currency distributed to the dead (and sometimes, as we will see, to the living), rendering legible the continuity and cohesion of the lineage throughout time and across the threshold of death. But it was also a form of social currency, a non-monetary currency which

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<sup>67</sup> The concern of the clergy with the intrusion of lay pious institutions into the clerical realm is well-known from other contexts. See, for example, Henderson, *Piety and Charity*.

served not as a repository of calculable value used to purchase but as a means of articulating and affirming the rightness of the social order that produced it.<sup>68</sup> It was also infinitely replicable and, as Dante demonstrates, universally desirable. The possibility of extending the use of this new currency, of extending the benefits of the chapel beyond the lineage as part of a larger social strategy, must have been all too apparent.

This is, in fact, precisely what happened. Nuccio Gibelli made this explicit in his own constitutional document, in which he declared that his chaplain was expected to say mass, as frequently as was done for the Gibelli family, for the souls of any from whom the chapel patron had profited inappropriately.<sup>69</sup> The potential culpability stemming from profit-seeking and possibly usurious lending practices (or from other economic malfeasance) was balanced by benefits to be conferred on the souls of those wronged, even as they were conferred on the kin of the patron. Those who had suffered from illegitimate or unfair financial relations with the Gibelli might not have been able to take their new spiritual coin to the market, but the gift of it served to counterbalance, for the Gibelli, the potentially socially destabilizing effect of predatory lending by demonstrating the fundamental rectitude of the chapel's patrons.<sup>70</sup> Like all social currency, the point was the affirmation or rearrangement of social relations by means of its circulation. Unlike normal social currencies, it was invisible, limitless, and practically useful. By means of

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<sup>68</sup> On social currency and its relationship to the social relations of debt, see Graeber, *Debt*, pp. 129-131. These ideas will be explored in more detail in the conclusion of this study.

<sup>69</sup> BAV, SAP, I/7, fols. 71v-76v: "Item, quod dictus cappellanus eligendus et qui per tempora fuerit in dicta cappella tenetur et debeat continue ibidem celebrare missam et ad minus missas in edomata quattuor pro animabus ipsi Nucci patris et matris sue et suorum ac etiam pro animabus illorum a quibus indebite aliquid habuerit."

<sup>70</sup> This instance is powerfully evocative of the analogy between medieval chapels and the insights of anthropologists studying exchange in other places, especially Bloch and Parry, *Money and the Morality of Exchange* as well as Munn, *The Fame of Gawa*.

this innovation, the chapel, already so valuable for a host of reasons, became in addition an important and new means for creating and sustaining social ties that circumvented the legal authority of the commune in the policing of debt and the power of the church in the generation and use of spiritual capital.

The complementary double of social currency, used as it was in the Gibelli case, is its use to stabilize social relations destabilized by the patron's own debts. We see it from time to time in the testamentary evidence with which such constitutional documents were closely tied. The prominent miller Tucio Tordonerii, close associate of both Gibelli and Baccari, seems never to have established a chapel but he did follow the Roman custom of establishing an anniversary mass. As was increasingly the case with Roman elites, he asked that this be carried out by the Confraternity of the Savior who, in return for his 50 florin bequest, were to perform the anniversary mass in the usual fashion for Tucio and for all those who had some claim on him, meaning both those he might have wronged somehow, as in Gibelli's case, and his creditors.<sup>71</sup> This same strategy is visible in the testamentary act of Pietro di Romano Bonaventura de Venturinis, one-time archdeacon of Reims and first cousin once removed of Francesco di Giovanni Romani Bonaventura, whose confessional will we have seen.<sup>72</sup> As we have already seen, Pietro was a baron far more implicated in the social world of Rome's non-baronial elite than his forebears had been. In his testament of November 10, 1374 he provided for 100 florins to be distributed to paupers and for masses to be sung not for his own soul but for those of the

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<sup>71</sup> BAV, SAP, I/8, fols. 30v-32r: the anniversary is requested "pro anima ipsi tucii et illorum pro quibus ipse tucius tenentur in ecclesia ubi corpus eius sepellveritur." The precise relationship between the verb tenentur and the illorum pro quibus is not entirely clear, but I believe my translation captures the sense of the phrase.

<sup>72</sup> For Francesco, see Ch. 2. For Pietro, see Carocci, *Baroni di Roma*, p. 351, note 28.

priors of San Genesio, as well as for a woman named Aloise of Sant'Anazario. This, he said, was because he was indebted to them.<sup>73</sup> The wealthy *bovattiere*, Piermatteo del fu Giacobucio Judicis Angeli of rione Campitelli attempted to settle his debts with testamentary acts in the same way. In his August 8, 1383 testament, he declared that he had obtained a donkey from one of the residents of his Casale de Castia. Similarly, he had a cow from a man in Castrum Trapanice. He had since sold the cow and perhaps also the donkey and in neither case could he remember the identity of the original owners. He instructed his executors that sums equivalent to the value of the beasts were to be made available to anyone who came forward claiming that they were the rightful owners. If no one came forward, then the amounts were to be raised, e.g. from seven florins to twelve in the case of the donkey, and these sums were to go to paupers for the souls of the rightful owners, whoever they may have been.<sup>74</sup> A chaplain might even sell property pertaining to his chapel, if he had the power to do so, in order to raise liquid capital for the chapel only to have the same property returned as a pious testamentary bequest that could raise spiritual capital for the testator.<sup>75</sup> In all these cases, debts of various kinds were paid not in specie or in kind but in spiritual coin. This strategy was complementary to that seen in the Gibelli chapel. Between the two cases we see that the strategy of using a private chapel to both reinforce one's own rectitude and stabilize relations destabilized by debt or financial wrongdoing was

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<sup>73</sup> BAV, SAP, I/8, fols. 84v-89v: "in quibus quidem centum florenos dictus dominus petrius asservuit fuisse et esse superdictis priori et dominae aloise debitorem." The recipients are referred to as the priors of "sancti genesis avinonens dyocesis et dominae Aloise de Sancto Anazario." If Sant'Anazario corresponds to S. Nazario then it is probable that this is a reference to the town in the Veneto, north of modern-day Bassano del Grappa. The other location might then be Santo Genesio Atesino, or Jenesien, located in South Tyrol just north of Bolzano. None of this explains the fact that the priors are said to be "sancti genesis avinonens dyocesis."

<sup>74</sup> BAV, SAP, I/13, fols. 55r-58v.

<sup>75</sup> BAV, SAP, I/20, fols 33v-37r.

widely seen as desirable. Anyone wealthy enough to establish a chapel, or even a similar but more modest institution generative of prayers, could avail themselves of this strategy, one that must have been highly desirable in a world where the composition of Rome's elite insider group was shifting and representatives of a new social order, based in novel ideas of legitimate power and wealth, was emerging.

Roman sources show that debt, both that of sin and that deriving from social and economic relations, was a crucial concern of the private chapel. The chapels of the non-baronial elites who dominated Rome politically for the later half of the fourteenth century were formally imitative of the chapels of their baronial predecessors, which reflected the economic order of which the barons were part, but functionally innovative in ways reflective of a new socio-economic order, operating like testaments by extending the benefits of kinship beyond the kin group. Just as gifts for one's soul could create kin-like distinction among the social relations articulated in a testament, so too the extension of the benefits of a family chapel to non-kin could be a key means of strategically evoking and maintaining social solidarities, or of expressing the fundamental rectitude of one's social position by performing acts of exchange indicative of morality.<sup>76</sup> Understanding this, and particularly the chapel's function as a kind of *banca di*

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<sup>76</sup> In this sense I argue that medieval urban dwellers, who lived in a kind of archipelago of neighborhood zones, operated in a manner analogous to the Gawa Island people, who used various kinds of exchange to transmit an identity throughout an inter-island network despite the fact that they often themselves remained in one place. Munn, *The Fame of Gawa* argues that by so doing the Gawa use exchange within a system of "intersubjective spacetime" in order to create positive value associated with themselves and sustaining of the overall social order. Tellingly, they characterize the social order in which they operate as sustained by the balancing of opposites (e.g. weightiness and lightness or mobility and immobility), with negative value generated only when imbalance occurs. The balancing of exchanges driven by profit and those aimed at stability by medieval chapel patrons can be fruitfully considered as a similar exercise, one that assures the fundamental rectitude of both rather than making up for one by means of the other.

*cambio*, an exchange table between the terrestrial and spiritual economic spheres, allows us to see the private chapel as a technology of community, a means of managing existing social ties and demonstrating the legitimate character of one's social place.

#### 4.7 The Fate of the Chapels of Sant'Angelo in Pescheria

In the years following Mattea's constitution of the Baccari chapel, this new institution took its place alongside the other chapels of Sant'Angelo in Pescheria and the Baccari, along with the Gibelli and the Vallati families, resumed their normal place together at the center of the world of their rione and neighborhood. The first task that fell to Mattea, now the holder of the *ius patronatus* of a functioning chapel, was to name a chaplain. She did so in short order. On October 21, 1403 she testified to the goodness and sufficiency of Monaldo di Dominico di Pietro of Sinegallia in the Marche and named Nuccio Gibelli, here labeled *nobilis*, and Cola Tordonerii as her procurators for the purpose of presenting him to the canons, which Tordonerii did two days later. This presentation was witnessed by, among others, Angelo of Viterbo, then chaplain of the Gibelli chapel, a well-known figure who appears frequently in the testaments of the residents of Sant'Angelo.<sup>77</sup> On October 31, Gibelli appeared before the canons in his role as executor of the testament of Cecco Vallati, noted the absence of the current chaplain of the Vallati chapel to Santa Caterina, Nicola de Barlletta, and elected Antonio di Giovanni di Bartolomeo de Fundiis in his place.<sup>78</sup> By mid-November, his choice was approved by the

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<sup>77</sup> BAV, SAP, I/22, fol. 66r; BAV, SAP, I/22, fols. 67v-68r. It has already been noted in chapter 3 that local chaplains like Angelo seem often to have had strong ties to the neighborhood people. If these chaplains were present primarily as the operators of institutions like Gibelli's chapel, which stood at the center of the local temporal economy and could be a way of connecting oneself to a powerful local family, these affective ties make a great deal of sense.

<sup>78</sup> BAV, SAP, I/22, fol. 68v.

canons.<sup>79</sup> Antonio went quickly to work: we find him, on November 21, renting a portion of a casale pertaining to the chapel and a number of vineyards in the vicinity of Ostia, for one year, to Gregorio Vallati for a sum of 20 florins payable half on the Feast of the Nativity and half on the Feast of the Assumption of Mary.<sup>80</sup> The chapels of Sant'Angelo in Pescheria functioned without significant changes until June of 1407, when Angelo of Viterbo, having become prebendary of the Roman church of San Nicola in Carcere Tuliani, was forced to vacate his post. Gibelli promptly nominated Giovanni di Martino of the Kingdom of Portugal in his place.<sup>81</sup> There was similar turnover in the Baccari shrine, and in March of 1408 we find that the chaplain is Giovanni of Rodio, who appears as a witness to a *compromissum* made by the canons as part of an ongoing legal dispute.<sup>82</sup> Giovanni left his post in January of the following year to become prebendary and archpriest of San Fabiano of Aquila, leading Mattea Baccari to elect in his place Benedetto di Alfonzo, a Castilian. Nuccio Gibelli bore witness to this nomination.<sup>83</sup> The close relationship between the Gibelli and Baccari chapels became even more apparent when, on June 6, 1409, Gibelli's Portuguese chaplain remitted his rights as chaplain and stepped down, only to

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<sup>79</sup> BAV, SAP, I/22, fol. 69r.

<sup>80</sup> BAV, SAP, I/22, fols. 69v-70r.

<sup>81</sup> BAV, SAP, I/21, fol. 9v.

<sup>82</sup> BAV, SAP, I/24, fols. 40r-41r.

<sup>83</sup> BAV, SAP, I/25, fols. 23r-v. The nomination was quickly approved: BAV, SAP, I/25, fols. 23v-24r.

take up the same post in the Baccari chapel on June 21, due to the death of Benedetto di Alfonzo.<sup>84</sup>

Nucio Gibelli's long life came to an end sometime after this, but his chapel continued to act on his behalf and on behalf of his family and their creditors. The fifteenth century, however, did bring change. To be sure, the Sant'Angelo chapels continued to function as intended, generating prayers in the service of their patrons, the lineages of those patrons, and those to whom these benefits were extended as social currency. We see Nucio's daughter, Angelotia, leave two pieces of vineyard, for her soul and those of her family, to the chapel in her testament of July 5, 1422.<sup>85</sup> But by the 1440s, these chapels began to be absorbed by others. On October 10, 1445 Lello di Giovanni Gibelli (his name now bearing the thoroughly ennobled spelling of de Ibellis) declared in his testament that his mother Francisca had herself made a bequest of a house located on the Street of the Jews to a chapel of Santa Maria Maddalena, located in Sant'Angelo in Pescheria. In a familiar example of serial bequests within a family, Lello made the necessary bequest in his own testament and noted that should anyone attempt to alienate the house, it would instantly become property of the Confraternity of the Savior. This new Gibelli chapel was to be managed by his heirs, by Antonio Sanguinei as an alternative heir, and by the Guardians at last resort, "just as the chaplain of the chapel of the Annunciata, located in said church, is bound to do."<sup>86</sup> The notary who recorded this act was Giovanni di D. Angelo Vallati. It seems the old

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<sup>84</sup> BAV, SAP, I/25, fols. 58r-v; BAV, SAP, I/25, fols. 59r-v. The remission and nomination were witnessed by a Baccari, Pierpaolo del fu Mascio, increasing the odds that this was an entirely above board transition. He was approved in his new position on the same day as his nomination: BAV, SAP, I/25, fols. 60v-61v.

<sup>85</sup> ASC, Sez. 1, 785bis/8, fols. 81r-83v.

<sup>86</sup> ASR, Ospedale SS. Sanctorum, Cass.415, 65G for the complete testament; see too Cass. 416, 65G; ASR, Ospedale SS. Sanctorum, Cass. 413, 1.

ties between local families were still going strong. Like them, the Gibelli chapels seem to have continued to operate, at least into the late sixteenth century. In 1452, Lello's widow, Giovanna, endowed yet another chapel in Sant'Angelo, simply described in the notes of the Confraternity of the Savior as being dedicated to "the apostles," with 500 florins.<sup>87</sup> On September 10, 1589, the Confraternity of the Savior saw to the nomination of a new chaplain to oversee the old Gibelli chapel of Santa Maria Annunziata.<sup>88</sup>

It was, of course, impossible that all the families with chapels in Sant'Angelo should expand their holdings there as the Gibelli did, but many of the changes that we see in the case of that family touched the others as well. Aside from the Gibelli additions, other new chapels appeared. In 1433, for example, the Confraternity of the Savior gained the *ius patronatus* of the di maestro Luca family's chapel to S. Paolo.<sup>89</sup> Ultimately, due to the lack of infinite space, new institutions began to absorb older ones. By at least the seventeenth century, when most of the surviving copies of the Confraternity of the Savior's records were created, the new Gibelli chapel of the Magdalene was understood to contain Nuccio's older chapel to the Annunziata. A newer chapel dedicated to the Crucifix, similarly, contained Matteo Baccari's chapel to SS. Cosmo and Damiano, and the Vallati chapel to San Paolo had been absorbed into one dedicated to the Trinity.<sup>90</sup> Eventually the older chapels disappear from the sources, leaving only the newer additions. There were limits to perpetuity.

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<sup>87</sup> ASR, Ospedale SS. Sanctorum, Cass. 413, 1.

<sup>88</sup> ASR, Ospedale SS. Sanctorum, Cass. 416, 66A.

<sup>89</sup> ASR, Ospedale SS. Sanctorum, Cass. 415, 64A.

<sup>90</sup> ASR, Ospedale SS. Sanctorum, Cass. 416, 64Fd-Fe. The Gibelli chapel also contained one dedicated to S. Giacomo Trafferita, which had been transferred to Sant'Angelo from S. Maria in

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Vallicella. It is possible that these later documents were created to create a sense of continuity leading up to the contemporary state of affairs in the church. Even if that is the case, which I doubt, we can safely conclude that these chapels operated for several generations, easily into the late fifteenth and early sixteenth century.

## **Chapter 5 – The Houses of Women**

“And he answered me: ‘It is my Nella  
whose flooding tears so quickly brought me  
to drink sweet wormwood in the torments

With her devoted prayers and with her sighs,  
she plucked me from the slope where one must wait  
and freed me from the other circles.

So much more precious and beloved of God  
is my dear widow, whom I greatly loved,  
the more she is alone in her good works.”

Dante, *Purgatory*, XXIII, 89-93

To walk down the winding streets of a fourteenth-century Roman neighborhood was to pass the houses of women. These houses are this dissertation’s third case study, along with testaments and private chapels, of Roman community building via the mechanisms of the temporal economy. But this mechanism is different from the others because, rather than being a legal and documentary practice or a micro-institution within a church, it was comprised of a small society all its own; it was made up of women who were able to leverage the importance of this mode of life to achieve considerable autonomy for themselves. This was easiest for women Romans described as honest, a term common in surviving notarial documents that refers to women who upheld proper virtue and, in particular, who were chaste. Women of ill repute, especially those like concubines whose form of life did not conform to standard familial or religious expectations and who legal authorities, therefore, commonly grouped with prostitutes, found it far harder to leverage the structures of the temporal economy, though they did try. The stigma associated with forms of life not privileged by law and religious doctrine led medieval authorities to assume that any right thinking woman would desire to be part of the virtuous group and would only jeopardize that position as a result of misguided volition, i.e. sin, a personal

disorder perhaps compounded by factors like poverty. Scholars have tended to replicate this assumption, framing women in more marginal positions, like concubines or widows, primarily as victims who were forced by social and economic constraints into the forms of life they led.<sup>1</sup> We have already seen, however, that the category of family was a flexible one, one that could be leveraged in a wide variety of ways to advance various social strategies. This was no less true for women than men.

Some of the houses of women that dotted Rome's neighborhoods were home to widows and unmarried daughters whose menfolk were dead; others were the dwellings of paupers of Christ, or female pilgrims and other foreigners brought together both by piety and the need to survive. These women, living collectively, came to their ways of life by a variety of paths that held for them a variety of uses and meanings. But the repetition of the form of female communality points to something held in common, a shared stake in a mode of life enabled and sustained by Rome's temporal economy, giving access to the autonomy born of the same confluence of legal norms, notarial practice, and Christian spirituality that we have returned to again and again. As was the case with so many elements of daily life, the blurring of earthly and purgatorial concerns within the temporal economy allowed Romans to transform a social obligation, the sustenance of women left behind by the death of husbands and fathers, into a pious act that produced not only short-term spiritual gains, but also functioned as a spiritually profitable long-term investment. Women who operated within the bonds of marriage and maintained the ties established by it even in widowhood were potentially valuable to their

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<sup>1</sup> Carol Lansing, "Concubines, Lovers, Prostitutes: Infamy and Female Identity in Medieval Bologna," in *Beyond Florence: The Contours of Medieval and Early Modern Italy*, ed. Paula Findlen, Michelle M. Fontaine, Duane J. Osheim (Stanford: Stanford University Press, 2003), pp. 85-100; Maria Serena Mazzi, *Prostitute e lenoni nella Firenze del Quattrocento* (Milan: Saggiatore, 1991).

families long after their nuptials had served to tie two lineages together. In this value lay power ready to be exploited by women who knew how. And once the men were gone and the house was truly one of women, these groupings of widows and unmarried daughters became increasingly indistinguishable from those of female paupers of Christ: both were female spaces, both were prominent objects of pious attention, and both were highly productive, or perhaps high yielding, institutions of the temporal economy. In a world where men might bemoan the wanton sexuality of women, as Dante's friend Forese did after speaking so glowingly of his own widow Nella, these women were undeniably "precious and beloved of God"; but they were also precious to both their kin and those with whom they established kin-like ties. In both cases, the salient characteristic of such women was their honesty, which is to say their chastity.

This chapter surveys the Roman evidence to suggest that women in many different forms of life may have enjoyed more social stability and autonomy than is commonly recognized and that the differences between some of those forms, especially the forms of collective life available to women, may have been less dramatic than is sometimes assumed. By examining the extent to and means by which women in Rome were able to benefit by placing themselves on this particular nexus of the terrestrial and the spiritual sphere, this chapter suggests a new way of considering Rome's place in the study of late medieval female sanctity. It argues for the prominence of a mode of pious life that did not necessarily require association with the friar-confessors of the mendicant orders, and will attempt to demonstrate the utility of the structures and institutions of the temporal economy beyond the confines of the male-dominated lineage. In so doing, it will demonstrate how two of the most important elements of late medieval piety – the notion of purgatory and the rise to prominence of various kinds of holy woman – overlapped with and sustained one another in the world of the Italian communes. The potency of this form of

life for women was reinforced by the potency of women's tears for the salvation of souls. The form was particularly robust in Rome because, as the last two chapters have attempted to demonstrate, Romans were particularly inclined to leverage the mechanisms of the temporal economy in creating and sustaining social solidarities. That the houses of women were particularly significant in this process is clear from Rome's place in the history of female sanctity, and the place of one particular house, that of Francesca Romana, as the focus of a show of social solidarity that first made the longevity of the community surrounding Rome's late fourteenth-century ruling group apparent to historians.

### *5.1 Rome and the Historiography of Female Sanctity*

The explosion of specifically female forms of religious life in the high and late Middle Ages is by this point a topic nearly as venerable as the women themselves have long been held to be. Beginning as early as the twelfth century, women joined their male coreligionists in embracing a wave of spiritual innovation associated with the apostolic life.<sup>2</sup> The presence of women in both mixed and single gender groups in all arenas of this spiritual upheaval—the Cistercian reform, the rise of lay preaching and voluntary poverty among those deemed heretics, the emergence of the mendicants, and the creation of distinct urban communities of the pious, including both the beguines and other groups—is well documented and studied.<sup>3</sup> This rich and

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<sup>2</sup> The literature on this movement is vast. See, at least, Grundmann, *Religious movements in the Middle Ages* and Little, *Religious poverty and the Profit Economy*; André Vauchez, *The Laity in the Middle Ages: Religious Beliefs and Devotional Practices*, trans. Daniel Bornstein (Notre Dame, University of Notre Dame Press, 1993).

<sup>3</sup> On the Cistercian reform, women, and the beguines, see Ernst W. McDonnell, *The Beguines and Beghards in Medieval Culture: With Special Emphasis on the Belgian Scene* (New Brunswick, NJ: Rutgers University Press, 1954); Anne E. Lester, *Creating Cistercian Nuns: The Women's Religious Movement and its Reform in Thirteenth-Century Champagne* (Ithaca:

varied phenomenon provided women both with an opportunity to control their own destinies and take a creative role in the transformation of the pious life, as well as with new dangers and forms of institutional oppression, not in the least due to their common reliance upon male clergy as sources of legitimacy and support.<sup>4</sup> Italy was particularly rich with these women from the twelfth century onward, with many cities adopting these new local saints into expanding urban pantheons and various local powers, from the mendicants to communal or seigniorial governments seeking to associate themselves with these pious women. Though it has not enjoyed much attention in the broader study of female sanctity, Rome too was a city frequented by some of the most famous saintly women in this period as well as being home to more local variants. This fact has allowed certain misleading assumptions to take root, particularly the notion that all

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Cornell University Press, 2011); and Walter Simons, *Cities of ladies: Beguine communities in the medieval low countries, 1200-1565* (Philadelphia: University of Pennsylvania Press, 2001). On women and the mendicant orders see Maiju Lehmijoki-Gardner, *Worldly Saints: Social Interaction of Dominican Penitent Women in Italy, 1200-1500* (Helsinki: Suomen Historiallinen Seura, 1999) and her "Writing Religious Rules as an Interactive Process: Dominican Penitent Women and the Making of Their 'Regula'," *Speculum* 79.3 (2004): 660-687; Daniel Bornstein and Roberto Rusconi (eds.), *Women and Religion in Medieval and Renaissance Italy* (Chicago: University of Chicago Press, 1994). On women and other religious movements, including the topic of heresy, see Dyan Elliott, *Proving Woman: Female Spirituality and Inquisitional Culture in the Later Middle Ages* (Princeton: Princeton University Press, 2004); John Van Engen, *Sisters and Brothers of the Common Life: The Devotio moderna and the World of the Later Middle Ages* (Philadelphia: University of Pennsylvania Press, 2008).

<sup>4</sup> For the classic work on medieval womens' piety, see Caroline Walker Bynum, *Holy Feast, Holy Fast: The Significance of Food to Medieval Women* (Berkeley: University of California Press, 1987); as well as her *Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion* (New York: Zone Books, 1991). For an important critique, see Elliott, *Proving Woman*. For another take on the importance of the tie between ostensible saint and confessor, see John W. Coakley, *Women, Men, and Spiritual Power: Female Saints and their Male Collaborators* (New York: Columbia University Press, 2006).

the saintly women who established themselves in Rome were indicative of a single phenomenon, despite acknowledgement that each fit slightly differently into the local landscape.<sup>5</sup>

The first figure is perhaps illustrative of one of the reasons for Rome's neglect as an area of inquiry in the study of female sanctity, due to her anomalous and seemingly retrograde characteristics. Margarita Colonna (c. 1254-1280), a representative of one of the city's most powerful baronial families, embraced a religious life early, traveling to chapels and hospitals and seeing to the restoration of the various churches associated with her great lineage. Later in life she created a kind of religious community of women and lived a quasi-monastic cloistered life, despite her attachment to the less monastic Franciscan piety of her day. In 1297, Boniface VIII suppressed a shrine, created to honor her after her death, as part of his personal war with the Colonna. This suppression successfully quashed any ambition that great family might have had for her canonization. Never having reached that lofty status, Margarita has not garnered much attention by scholars and Rome has enjoyed no place in the study of thirteenth-century urban holy women.<sup>6</sup>

After Margarita's life and the fall of Boniface VIII, we enter into the period of the Avignon papacy, and Rome's further isolation in the field of civic piety. Those saints that visited the city in the fourteenth century and have captured the attention of scholars were not Romans but foreign women of renowned sanctity that served the absent papacy in a quasi-prophetic role. Birgitta of Sweden, a royal saint, came to Rome envisioning streets of gold but instead found a ruined city further damaged by Urban VI's heavy imposts on the local clergy. Her life centered

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<sup>5</sup> On this point, see Esch, "Tre sante ed il loro ambiente sociale a Roma."

<sup>6</sup> On Margarita, see Bianca Lopez, "Between Court and Cloister: The Life and Lives of Margherita Colonna," *Church History* 82.3 (2013): 554-575.

on the Orsini zone of Campo dei Fiori and the church of S. Lorenzo in Panisperna. She lived in the heart of the city, often dwelling with cardinals and dining with great men like Cardinal Albornoze or the Colonna, Pope Martin V, who was born Oddone Colonna, recalled her presence at a family dinner when he was just a child. The Orsini too were her close associates; she even healed the widow of Matteuccio Orsini who was her close neighbor. Birgitta's Rome, therefore, was the Rome of the baronial and curial elite, despite the fact that she walked the city's streets regularly on her travels from church to church.<sup>7</sup>

When Birgitta died the pope, who had come to value his association with this saintly woman, found a replacement in Catherine of Siena. Catherine lived in Rome during the final year and a half of her life, after the bulk of her interventionist mission to the world had come to an end, when she was wracked with ill health due to constant fasting.<sup>8</sup> Catherine's famous confessor and the author of her *vita*, Raymond of Capua, had been a part of the Roman fabric earlier in his career; we find him, for example, acting as executor of the testament of a local woman during his time at the helm of the Dominican community in S. Maria sopra Minerva.<sup>9</sup> But by the time Catherine settled in Rome he was elsewhere, serving the pope in other capacities. Catherine, meanwhile, lived a circumscribed life in Rome, dwelling not far from the Vatican and doing her best to avoid the city's tumults, which she understood, in her visionary manner, as

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<sup>7</sup> On Birgitta, see Bridget Morris, *St. Birgitta of Sweden* (Woodbridge, Suffolk, UK: Boydell Press, 1999).

<sup>8</sup> On Catherine's interventionist spiritual mission, see F. Thomas Luongo, *The Saintly Politics of Catherine of Siena* (Ithaca: Cornell University Press, 2006), on her situation in Rome, see along with Esch, G. G. Meersseman, "Gli amici spirituali di S. Caterina a Roma alla luce del primo manifesto urbanista," in *Bullettino Senese di Storia Patria* 69 (1962): 83-123.

<sup>9</sup> For example, ASC, Sez. I, 649/10, fol. 33v.

demonic assaults.<sup>10</sup> Catherine generated very little local following, though she may have been the object of pious attention.<sup>11</sup>

Scholars of female sanctity have found in Rome no figure comparable to Catherine until the appearance of Ceccolella Bussa, better known as Francesca Romana. Even this is a stretch. Living her entire life in the world of Rome's non-baronial elite, and particularly the community of *bovattieri* and fish-sellers of which both her own family and that of her Ponziani husband were part, Francesca's saintly profile and cult differed from those of Birgitta or Catherine. Like them, she amassed a circle of followers and associates in Rome. But unlike them, or the more cloistered Margarita Colonna, Francesca's following was densely rooted in the neighborhood and daily lives of her family and their associates, an intimacy that would survive her death for generations. Rather than serving as a political saint, a prophet for politically ambitious popes and barons, Francesca's pious life was more modest. She was a healer, but one that stepped in only when doctors had failed, making her a competitor with other alternative sources of healing, such as herbalists and sorceresses. It would be easy to assume that the embrace of Francesca's piety, and the continued association with it by her family and close associates, is an example of the kind of imitation of their betters that has been argued to have prevailed among this same social group in other contexts. But just as has been shown to be the case with the private chapels of this particular kind of Roman, the cult of Francesca Romana makes far more sense if understood in the terms of the world in which it operated, in the terms of the temporal economy. The precise

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<sup>10</sup> Raymond of Capua, *The Life of Catherine of Siena*, trans. Conleth Kearns, O.P. (Washington, DC: Dominicana Publications, 1994), pp. 320-321.

<sup>11</sup> This is Esch's suggestion in "Tre sante ed il loro ambiente sociale a Roma".

place of women like Francesca in that economy is clear if we consider a roughly contemporary case, that of Margery Kempe.

There is no rich trove of evidence for the world of Rome's late medieval pious women, but we do have at least one source that points the way toward a potential solution, the famous book of Margery Kempe. Margery, an illiterate but garrulous Englishwoman with mystical proclivities, whose story was preserved in a book she dictated to various clergy, passed approximately a year in Rome on the return leg of her journey to the Holy Land. Arriving in Rome safely due to the generosity of a local noblewoman, Margery attempted first to do what we have seen many immigrants did in Rome; she availed herself of the local community of her conationals, the English inhabitants of the city. Unfortunately for her, Margery ran afoul of a local priest, much esteemed in Rome, whom she implies had a sexual interest in her. When she rejected his advances, he slandered her to such an extent that she was cast out of the Hospital of the English where she had been living. She eventually gained a new supporter, a German priest named Wenslawe. Seeking a penitential mode of life, she began to work as servant to an impoverished local woman. Eventually she became so enthusiastic that she gave away all her worldly goods, passing only a few hours wondering how to sustain herself before she began to cobble together a patchwork quilt of supporters. The same noblewoman with whom she had traveled to Rome fed her once weekly with her own hands and provided victuals for two more days each time. Another man fed her twice weekly and begged her to be godmother to his child. A pious woman fed her every Wednesday. On other days (though it seems there weren't many unaccounted for) Margery begged door to door. Eventually her reputation for piety grew so great that the Hospital of the English asked her back. She gladly accepted and seems to have remained there until her return to England. All these complex social negotiations took place quite

expeditiously; the entirety of Margery's stay in Rome lasted for less than a year, from fall of 1414 until mid-spring of 1415.<sup>12</sup>

The fundamental difference between Margery's experience in Rome and that of Birgitta or Catherine was one of support structures and the lived experience they created. Catherine and Birgitta were papal saints, relying on pan-European institutions like the papacy and the mendicant orders to provide them with the support they needed. Margery, on the other hand, relied on ad hoc exploitation of local networks in order to survive, local networks that were largely the instantiation of the temporal economy within the quotidian fabric of Roman life. It is not adequate to suggest that the willingness of local folk to support such a woman was due to some desire to imitate their betters and acquire a kind of miniature saint of their own. Their motivation was entirely different, the pious pragmatism of the temporal economy rather than the pious politics of papal power. The ease with which Margery was able to avail herself of this support suggests that sources of it were readily available to those with a will to look. Rome's neighborhoods were full of individuals and families that were eager to invest in a woman like her. In this way, despite the fact that she was an immigrant to Rome like Birgitta and Catherine, Margery's experience is closer to Francesca Romana's, with the difference that Francesca had a built in network of kin and kin-like ties and Margery had to cobble hers together from national connections and gifts from local individuals seeking recipients for their charity. The strategy gave Margery immense flexibility and autonomy during her Roman sojourn. By utilizing it, she was participating in a mode of life that had been developing in Rome over the course of the previous century. It was hardly the only means by which women in Rome were able to seize a

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<sup>12</sup> For all of the above, *The Book of Margery Kempe*, trans. B. A. Windeatt (New York: Penguin Books, 1985), pp. 114-136.

measure of autonomy for themselves, but because of the leverage it gave women within the context of the temporal economy, it was one of the best, as we will see. Most women did not actively claim a special association with holiness, falling instead, it is commonly understood, into one of two categories: the good and honest woman (daughter, wife, or widow) or the dishonest woman of *mala fama* (concubine or prostitute). But all such roles, and those more similar to Margary's certainly, had some degree of connection with Rome's temporal economy, a fact that complicates this well-known binary.

### 5.2 Wives, Widows, and Daughters

When we encounter Roman women in the sources, they are most often identified as a wife, a widow, or a daughter. These were the licit relational categories for a laywoman, statuses that enjoyed a particularly privileged place in the nexus of law, piety, and documentary practice that comprised the temporal economy. Though they could legally be denied a share in their natal family's patrimony due to the dowry they received upon marriage, wives in particular had certain rights that they could expect to see fulfilled.<sup>13</sup> When it came to testamentary legacies to wives, Rome largely followed a recognizable pattern. Men would list the dowry and the sum of their wedding gift to their spouse and return this sum either in cash or property. The non-dotal personal property brought by the wife (*paraphrena*), which sometimes comprised substantial immobile property. Household goods (*massaritia*) were usually also bequeathed to them. The church frowned upon the remarriage of widows, and men took measures to encourage theirs not to remarry by offering them guardianship of any children and dominion over all property, as

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<sup>13</sup> This legal principle, *exclusio propter dotem*, has been carefully studied in the Florentine context in Thomas Kuehn, *Law, Family, & Women*, pp. 238-257.

well, usually, as some form of regular support.<sup>14</sup> In order to gain these enticements, women had to remain honest and chaste, and not remarry. If they wished to do otherwise, they were usually limited to their dowry and marriage gifts (though some husbands did recognize the desire to remarry and offer some supplemental cash bequest even in this case). But for all these legal rights, wives, of all the licit categories under discussion here, were perhaps the least privileged in terms of the temporal economy because their social and legal status did not shade as easily into a holy one.

This is not to say that wives could not also leverage the structures of the temporal economy to carve out an autonomous space for themselves, beyond that granted to them by fathers or husbands. A particularly striking example of this is the English cheese maker named Rose, first encountered in our discussion of the testamentary practice of Rome's immigrant communities, who used various notarial forms, and particularly her testament, to impose her will on her abusive husband, John.<sup>15</sup> We first see her on July 19, 1363, when she annulled a donation of a house and its goods that she had made *inter vivos* to John at the time of their marriage. The house seems to have been part of Rose's dowry but "on account of the many wounds that her

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<sup>14</sup> These patterns were identified in thirteenth-century Genoa by Epstein, *Wills and Wealth in Medieval Genoa*, pp. 103-117.

<sup>15</sup> Rose's testaments, cited below, give extensive evidence of ties to the English community, including not only her husband, but her godfather Richard, an oblate named Robert, and the well known Hospital of the English in rione Arenula. For these reasons, I suspect she was also English. Harvey has argued that Rose was Italian. See her *The English in Rome*, pp. 97-98. This is perhaps due to the fact that she is consistently called Rosa Casarola, a very Italian sounding name, in the protocols of Scambi. However, Rosa is not a common name for a woman in Rome during this period, and I take Casarola to be Rose's primary or first profession, a cheese maker, rather than a family name, which it would be unusual for a non-elite person to have. It would also be strange for an Italian woman of some means to be married into and so intimately bound up with a community of English foreigners. Finally, in her most fully named appearance (see below), she is called Rosa Ubertini Anglica Casarola, which I take to be Rose, daughter of Hubert, the English Cheesemaker.

husband continuously inflicted upon her, and the many threats he made against her” she was now reclaiming it.<sup>16</sup> When she made her will on July 30 of the same year, this language was repeated; she again annulled all donations to her husband, citing her earlier act, and similarly declared void any right he might claim to her other possessions. She also gave substantial legacies to a servant, Giovanni Bramante, including dwelling in and usufruct of a house, as well as several pieces of equipment for the production of flour, all of which was to go for her soul to the monastery of San Andrea and Gregorio, or to San’Andrea de Biberatica after John was dead.<sup>17</sup> Giovanni was also among the executors of this and each of her subsequent testaments. In fact, Rosa made another testament in October of the same year, repeating all of this.<sup>18</sup> Finally, on January 11, 1367, we find her, now named as Rosa Ubertini Anglica Casarola, making the last of her surviving testaments. In it we learn that she has been separated from her first husband (though he seems to still be living, for she again annuls her gifts to him) and is now married to Giovanni Bramante.<sup>19</sup> Over the course of several years, Rose used a variety of means to separate her substance from that of her husband and associate it instead with Giovanni Bramante. If the famous legal maxim, *familia, id est substantia* held true, then we can see that Rose was already dismantling her familial ties with John long before she left him for Giovanni. The structures of the testament allowed her a way to mark out the flaws in her marital union and her preference for Giovanni

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<sup>16</sup> BAV, SAP, I/1, fols. 121v-122r; “propter multa vulnera quae continue dictus eius maritus dictae Rosae inferebat et minas quas continue facit.”

<sup>17</sup> BAV, SAP, I/1, fols. 141r-142r.

<sup>18</sup> BAV, SAP, I/1, fols. 173v-174v.

<sup>19</sup> BAV, SAP, I/3, fols. 9r-10r.

publically and autonomously, without the ecclesiastical sanction necessary for the annulment of her marriage, something she obtained only later.

Occupying a far more prestigious place in the temporal economy than the status of a married woman were the licit roles available to women prior to and after marriage: that is, life as a chaste virgin or widow, which required women to resist the temptations of the world without the authority or security that came with being a wife. This seems counter-intuitive. Though widows and unmarried daughters could also expect certain rights, they do seem to have had less social standing and legal power than did wives. Unmarried women could expect support (*alimenta*) from their natal family prior to marriage as well as a reasonable dowry. But in terms of the nexus of legal norms, documentary practice and religious piety that comprised the temporal economy, these women had more leverage.

The church's preference for widowhood over remarriage meant that women who had married once could resist pressure to remarry, if they faced any, without having to step outside the realm of acceptable behavior. They could also expect support from their natal families in the case that little or none was forthcoming from the estate of their deceased spouse. The net result of this was that women left behind by dead husbands and fathers often found themselves living collectively in houses provided by testamentary bequests made by these men. A perfect example is the bequest that Francesco Pucii, a prominent notary, made in July of 1369. Francesco declared that his wife Margarita was to have housing for her entire life in a dwelling that would also be home to their daughters, Succiola and Jacobella, and a granddaughter named Perna. The daughters and granddaughter were all currently married but were guaranteed housing in the house in the case that they were widowed, became pregnant (outside of wedlock or in the closing days of their husband's life, presumably), or were expelled from their marital home by their

husbands for any reason.<sup>20</sup> Matteo Baccari did the same for his daughters, Matteola and Symonetta, and his second wife (Symonetta's mother) Agnes.<sup>21</sup> We see, in fact, this same pattern repeated again and again. Houses of women left behind, all of them unmarried women or widows, were a common sight in the Roman neighborhoods, and one that shaded easily into the sphere of the holy, especially as the endowment of houses for women to live collectively became a more common element in Roman testamentary practice in the fifteenth century.<sup>22</sup>

Of the women dwelling in these houses, widows were particularly important, as Dante's Forese reminds us, because a widow was "alone in her good works" and so God loved their "prayers and sighs" more than those of others.<sup>23</sup> Widows, usually paired with orphans, long enjoyed favored status as an object of Christian charity and, with the emergence of the temporal economy as the notion of purgatory evolved, their potential for association with holiness had only grown. We have already seen the degree to which pious gifts to women, often widows, were a common form of testamentary piety in Rome. The efforts of Roman men to secure their salutary prayers often went beyond the simple granting of power and property that we might

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<sup>20</sup> BAV, SAP, I/5, fols. 72v-75v.

<sup>21</sup> BAV, SAP, I/3, fols. 99r-104v.

<sup>22</sup> On this phenomenon, see Anna Esposito, "Uomini e donne nelle confraternite romane tra quattro e cinquecento." Dealing here with fifteenth-century Rome, Esposito notes a significant growth in the popularity of the Third Orders and of the practice of *bizzocaggio*. She finds houses of such women increasingly common as objects of charitable giving, along with various other kinds of *domus pauperum*. These women, widows and the unmarried for the most part, were not constrained to a cloistered life, and were able to operate in concrete ways to help their neighbors and at the same time to have an intense spiritual life. These *bizzoche* came from all areas of the social spectrum and from all of Rome's *riioni*. She sees them as having been an imitable model for Roman women. The evidence presented here suggests that their presence predated any significant association with the third orders. Instead, we should understand that women doing things like this probably came first and the mendicants scrambled to control the phenomenon.

<sup>23</sup> Dante, *Purgatory*, XXIII, 89-93.

expect. It was common for children to be threatened with exclusion from inheritance if they did not give proper respect to their widowed mother or step-mother.<sup>24</sup> When a goldsmith named Giovanni made his testament on March 27, 1403, he declared that any of his children who failed to properly honor his widow Giovanna would be afflicted with his paternal curse.<sup>25</sup>

The unmarried women who persisted in that state and dwelled in these houses of women left behind did so both by compulsion and by choice. When Eunofrio del fu Jacobo di maestro Luca, a Sant'Angelo notary, made his testament on June 18, 1363, he noted the possibility that his daughter, Antonia, might “persist in virginity”, and provided that the same housing made available to her in her potential future widowhood should also be available to her in that case. If his wife had any daughters after his death and they too desired to follow this form of life, the provision was also to pertain to them.<sup>26</sup> The nobleman Giovanni di Palutio di Giovanni di Paolo, also known as Giovanni di Donna Saxa, also had a daughter who was seemingly reluctant to marry. This daughter, Angelotia, was given a dowry to provide for her transition into a monastic life but, if she was for some reason unable to become a nun, Giovanni also provided that she was to have housing in one of his properties and all the necessities of life as long as she remained honest. Giovanni had two other daughters, Rita and Jacobella. In the same testament he required that one of them was to become a nun as well, as were any other daughters as yet unborn. In

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<sup>24</sup> See, for example, the testament of the nobleman Antonio di Paolo Poli of rione San'Angelo (BAV, SAP, I/13, fols. 39r-41v) and the nobleman Lello di Petrucio di Palutio of Campitelli, who provided housing with his widow not only for his own daughter but for any granddaughters who might find themselves in need (BAV, SAP, I/20, fols. 26r-32v).

<sup>25</sup> BAV, SAP, I/22, fols. 28r-29v: “et qui contra facerit reliquid sibi suam paternam maledictionem.”

<sup>26</sup> BAV, SAP, I/1, fols. 84v-86r; see too his second testament, made later the same year, BAV, SAP, I/1, fols. 94v-96v.

short, he was planning on marrying off only one of his daughters to a terrestrial husband. The rest would either marry Christ or live collectively with Angelotia. Here we run into difficulty. It is often hard to discern between daughters who, like Eunofrio's, seemed intent to "persist in virginity" and daughters who, like Giovanni's, were possibly being made to accept the nunnery or the family's house for women so that one of them could be given a larger dowry (Giovanni declared the dowry of any daughter permitted to marry to be three times the sum granted to the others). Regardless, it is clear that unmarried daughters not uncommonly came to live in a house set aside for them, where they often lived alongside their widowed mothers or stepmothers. It is also clear that special measures were sometimes needed to protect these women from potentially violent male kin. Giovanni's son Palutio, a convicted murderer, was threatened with exclusion from inheritance if he contested the testament or harassed the daughters or Giovanni's widow in any way.<sup>27</sup>

The houses of women left behind were, therefore, characteristic of late medieval Roman neighborhoods as they appear in our surviving sources. The women who inhabited them were persisting, many by choice, in statuses that shaded easily into the realm of the holy. By following this mode of life, these women often achieved autonomy for themselves: freedom from the obligation to marry or to remarry, and freedom from the economically destabilizing interference of their male relatives. These freedoms were protected by the last wills of their dead husbands and fathers partly out of legal obligation and the exigencies of family honor but also, and this better explains the sometimes emphatic nature of the protective clauses, due to the fact that a house of women left behind was an asset; by their prayers and sighs, these women would speed their male relations through purgatory. Not only did the male line therefore have an

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<sup>27</sup> BAV, SAP, I/20, fols. 4r-6v.

interest in sustaining these houses, so too did webs of neighbors and friends who would leave money in their testaments, and give support as gifts while still alive, and thereby garner spiritual profit for themselves as well. The acts establishing these houses, often testaments, normally stipulated that the right of the women to dwell in them was contingent on their continued honesty. Their honesty stemmed from their continued association with family honor, their sexual purity, and acceptance of male protection and support. Women whose conduct did not merit this status and support had far less privileged access to the potential for extra-marital autonomy embedded in the temporal economy, and could not count on the sustenance Roman society offered to women whose forms of life resonated more readily with their interest in using the mechanisms of the temporal economy to manage their own social world.

### *5.3 Concubines and Prostitutes*

Speaking to the Franciscan inquisitor Fr. Simone di Filippo of Spoleto on July 15, 1334, a young nun named Ceccharella, dwelling in the monastery of Santa Scolastica in Rieti, told a tale worthy of Boccaccio. While working as a servant girl in the house of a local woman, she had been accosted by a local holy man named Paolo, now under investigation for heresy, who was also living there at the time. He had attempted to test her obedience by getting her to remove her clothes and lie down with him. She had resisted, firmly believing what he asked of her to be a sin. Her mistress later assured her that she needn't be concerned because Paolo had been granted a vision from God permitting him to do such things. Ceccharella seems to have been somewhat skeptical about all this, as we can imagine the inquisitor also was. Paolo had previously lived as an anchorite in Rieti and clearly continued to claim a privileged relationship to the holy. His successful adoption of such an identity gave him a power over young women that he seems to

have used with enough frequency to attract Fr. Simone's attention.<sup>28</sup> In this, Paolo was probably not particularly unusual. The libidinous priest was such a prominent archetype in the medieval world that he needs no introduction, and his victims among women were surely numerous. But as familiar as we are with such figures, at least as common were women who maintained relationships with priests over the long term, for whom those priests sometimes jeopardized their own careers, in the practice commonly known as clerical concubinage.<sup>29</sup>

Clerical concubinage is hard to track outside the realm of investigation and punishment. We find records of it, for example, in episcopal visitations and in the records of ecclesiastical courts. For Rome, in this period, no such sources exist. But we are not without hope. There are times when clerical concubines emerge from other sources, especially when we consider that the mention of a servant girl in a document was often an oblique reference to a concubine. This is especially probable when the behavior of the cleric in question seems to corroborate this

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<sup>28</sup> The inquisitorial notebook is BAV, Vat. Lat. 4029. Ceccharella's testimony is the first to be recorded, and begins on fol. 3r. For a much more detailed treatment of this source, see Robert Brentano, *A New World in a Small Place*, pp. 233-274.

<sup>29</sup> See the essays in Helen Parish, *Clerical Celibacy in the West, c. 1100-1700* (Burlington, VT: Ashgate, 2010) and Michael Frassetto (ed.), *Medieval Purity and Piety: Essays on Medieval Clerical Celibacy and Religious Reform* (New York: Garland Publishers, 1998); for work that normalizes clerical concubinage, see Daniel Bornstein, "Parish Priests in Late Medieval Cortona: The Urban and Rural Clergy," in *Preti nel medioevo, Quaderni di storia religiosa* 4 (Verona: Cierre Edizioni, 1997), 165-193; Jennifer Thibodeaux, "Man of the Church, or Man of the Village? Gender and the Parish Clergy in Medieval Normandy," *Gender and History* 18.2 (2006): 380-399; Michelle Armstrong-Partida, "Priestly Wives: The Role and Acceptance of Clerics' Concubines in the Parishes of Late Medieval Catalunya," *Speculum* 88 (2013): 166-214; Marie Kelleher, "'Like Man and Wife': Clerics' Concubines in the Diocese of Barcelona," *Journal of Medieval History* 28 (2002): 349-360; and Roisin Cossar, "Clerical 'Concubines' in Northern Italy," *Journal of Women's History* 23 (2011): 111-132, and Janelle Werner, "Promiscuous Priests and Vicarage Children: Clerical Sexuality and Masculinity in Late Medieval England," in *Negotiating Clerical Identities: Priests, Monks and Masculinity in the Middle Ages*, ed. Jennifer Thibodeaux (Basingstoke: Palgrave Macmillan, 2010), pp. 159-181.

reading.<sup>30</sup> For example, when a priest named Francesco, who was the rector of San Peregrino and a chaplain in the Basilica of the Prince of Apostles (a.k.a. San Pietro), made his testament on August 11, 1335, we see a series of telling bequests. Alongside a number of innocuous provisions, we find 50 solidi provisini left to one Ysabella of Sicily, along with everything she deemed to be her property from among Francisco's personal effects.<sup>31</sup> This woman clearly lived so intimately with Francisco that the lines of property between the two of them were blurry. When Mattuccio di Lello Cacatiempora, *beneficiatus* of San Pietro, made his testament on April 13, 1386, he left the care of his bastard son Sylvestro to his sister, who he also named as his heir. This might have been innocent enough; perhaps Sylvestro was conceived before Mattuccio entered the clergy, a common event. But this possibility is wiped away when we find that he also left to his sister the care of the womb of his servant Caterina, if she was pregnant and gave birth. Caterina was permitted to look after the children as well, if she remained an honest and good woman. If she didn't, she was to be given some money and sent on her way.<sup>32</sup> When Bernatro Dominici, canon of San Pietro, made a testament in 1414, he left to one Vannotia, who he named as his servant, several houses with their household goods (*massaritia*), several credits owed to him (some sizable), half of another woman's dowry to which he had some right, and funds to go on pilgrimage to the Holy Sepulchre (for his soul, of course). Furthermore, she was to feed paupers on his behalf. Finally, he named her one of his two executors.<sup>33</sup> Clerical concubinage was not rare, not even in Saint Peter's own basilica, and despite the efforts of canon law to

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<sup>30</sup> For this claim, see Thibodeaux, "Man of the Church or Man of the Village?", p. 388.

<sup>31</sup> BAV, ACSP, Caps. 65, Fasc. 353, n. 2.

<sup>32</sup> BAV, ACSP, Caps. 65, Fasc. 352, n. 5.

<sup>33</sup> BAV, ACSP, Caps. 55, Fasc. 199, n. 3.

restrict the capacity of priests to normalize these relationships by adapting the forms and practices of the temporal economy to suit them.

Concubinage was, of course, not limited to priests. Lay people too engaged in various kinds of union outside the bounds of formally recognized marriage. The legal authorities of the late medieval period tended to place women into one of two groups: honest women such as wives, virgins, and chaste widows; and women of ill fame, concubines and prostitutes in particular. The logic behind these categories presumed that women should desire to be in the former category and that the later was a result of sinful female volition, perhaps compounded by some other factor like poverty. This is a bias that endured for some time among historians as well, taking the form of the assumption that women who were concubines or prostitutes were also inevitably victims. Women who entered into such relationships were assumed to have done so due to a lack of other options. They may have been too poor to muster a dowry or they may have been peripheral members of the community like recent converts or foreigners. Frequently they seem to have been domestic servants of some kind, as Ceccharella was. But these women were not necessarily simple victims of economic inequality and male exploitation; they and their partners could also endeavor to present their union as licit in as many ways as possible, including through the structures of the temporal economy.

As with the clergy, we find records of laymen providing for concubines and their children in the event of their own deaths. When the cheese maker Giovanni di Symeone of Rocca della Botte made his testament on July 17, 1390 he left most of his property and his body for burial to the church of Santa Maria Nova. But he made an exception for a house, domestic goods, and linens that were to go to his concubine Rita, as long as she remained chaste and honest.<sup>34</sup> At

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<sup>34</sup> ASC, Sez. I, 785/6, fols. 110v-111r.

nearly the opposite end of the economic scale, the nobleman Lello di Petrucio di Palucio of rione Campitelli made a codicil on January 25, 1409, in which he noted that one of his bastard sons, Pietro, was to get a house to himself while the other, Antonello, was to live with their mother, his concubine Jacobella. The sons were also left 500 florins between them, with Pietro being granted an additional 200 and Antonello 100.<sup>35</sup> What is clear here is that in many concubinage relationships, association between the partners was understood to endure beyond the death of one party, under restrictions essentially identical to those we find in traditional marriages. Men would not infrequently provide for their concubines much as they did their wives. Like widows, concubines could become caretakers of their partner's soul. Of course, conflict between a dead man's official family and his concubine, as well as his illegitimate children, was always a possibility. Constantia, the concubine of don Nicola Buccamati, ended up in arbitration with his daughter Lella, though over what we do not know.<sup>36</sup> And, in general, concubines enjoyed less leverage than widows did when it came to inheritance or the execution of *pro anima* bequests. Widows had the law on their side when it came to their status; concubines did not. Nevertheless, it is clear that when we find concubines in our sources, we are not necessarily dealing with victims, or women that were being exploited in some way. We are often dealing with families, with kinship that is being crafted through notarial mechanisms despite the insistence of the law that no such relationship was present.

Clearly then, women did not always drift into concubinage as a status of last resort. Nor, once in such a relationship, was their role as passive as that implied by the testaments and other

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<sup>35</sup> BAV, SAP, 1/25, fols. 21r-22v.

<sup>36</sup> ASC, Sez. I, 763/1, fol. 21r-v.

such documents within which we commonly find them. Granted, legal protections enjoyed by women in more licit relationships were never to be theirs, but they could often enjoy a kind of social stability as a result of their extra-marital union. This was true of the concubines of priests as well as those of laypeople. Furthermore, many such relationships seem to have endured for long periods of time, making it likely that women chose them for reasons other than desperate pragmatism. They may, for example, have been born of genuine affection and a desire to circumvent obstacles to marriage or as a stopgap measure meant to lead to marriage. In either case, relationships of concubinage often need to be understood as relationships women chose, rather than as a fate that was thrust upon them.<sup>37</sup> This interpretation is corroborated by a series of rare and suggestive sources recorded in the protocols of Antonio Scambi, which document the dissolution of several concubinage relationships.<sup>38</sup>

In the autumn of 1367, after many decades of absence, the papal see was officially returned to Rome from Avignon by Urban V. Urban's official arrival in Rome in October was

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<sup>37</sup> See James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987). The phrase "lay concubinage" captures a range of behaviors, from simple sexual relations to alternative forms of marriage. See, for example, Carol Lansing, "Concubines, Lovers, Prostitutes". See too, Gene Brucker, *Giovanni and Lusanna: Love and Marriage in Renaissance Florence* (Berkeley: University of California Press, 1986). It is important but difficult to parse the distinction between the business of prostitution and various kinds of relationship legible as concubinage. By the fourteenth and fifteenth centuries, prostitution was becoming more clearly defined and limited (though rarely eliminated) by municipal statutes. On the topic, see Rosella Rinaldi, "'Mulieres publicae'. Testimonianze e note sulla prostituzione tra pieno e tardo Medioevo," in *Donne e lavoro nell'Italia medievale*, ed. Paola Galetti, Bruno Andreolli, and Maria Giusepi Muzzarelli (Turin: Rosenberg & Sellier, 1991), pp. 105-125 and Mazzi, *Prostitutes and Lenoni*. Very little evidence for prostitution survives for fourteenth-century Rome, however, making it hard to know how clearly delimited these two categories were there.

<sup>38</sup> The only other historian to have noted the existence of these documents is Isa Lori Sanfilippo, who surveyed them in her study of the church of Sant'Angelo in Pescheria, "Un 'Luoco Famoso' nel Medioevo, Una Chiesa Oggi Poco Nota. Notizie Extravaganti su S. Angelo in Pescheria (VI-XX Secolo)," *ASRSP* 117 (1994): 231-268.

cause for great hopes on the part of many Romans. In his testament of September of that year, Matteo Baccari had declared that money was to be left for bells to be made and rung in the event of the pope's return.<sup>39</sup> The event seems also to have resulted in efforts to clean up the act of some of the local clergy, particularly those associated with Baccari's own parish church, Sant'Angelo in Pescheria. Sometime prior to November, the pope issued a decree in which he declared that the canons of that church were to end their practice of concubinage under threat of excommunication.<sup>40</sup> For this reason, on November 15, 1367, at least four different clergymen associated with the church officially renounced their concubines. The prior, Stefano Scaccia, declared his desire to be obedient to the command, though no mention of a concubine is made in his document and his obedience may have come in the form of compelling that of others.<sup>41</sup> On the same day, under the watchful eye of both Andreotio Gibelli and Nicola Tordoneri, among others, the canon Paolo Fuscarelli publically expelled his concubine Caterina from his house, declaring that he would have naught to do with her from that time forward and that she should depart his house, which she then did of her own free will.<sup>42</sup> On the same day, two canons of the Vallati family, Paolo and Gregorio, did away with their concubines Dunzia and Tanzola in the same way.<sup>43</sup> Four days later, Nicola di Pietro di Giovanni, again a canon, expelled his concubine Agnes. His delay relative to the others is noteworthy, as is the presence of the prior, Stefano, among those who witnessed this renunciation, which had perhaps required a bit more arm-

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<sup>39</sup> BAV, SAP, I/3, fols. 99r-104v.

<sup>40</sup> Thus far, my attempts to locate this order have turned up nothing.

<sup>41</sup> BAV, SAP, I/3, fol. 138v.

<sup>42</sup> BAV, SAP, I/3, fol. 138v.

<sup>43</sup> BAV, SAP, I/3, fol. 139r.

twisting than those of the other canons.<sup>44</sup> At first glance, the men seem to be the active agents in the dissolution of these unions, but that was likely not the case.

These clerical renunciations are brief, heavily abbreviated documents, fitting two to a page in Scambi's already small protocols. But they astonish for their rarity, bearing witness as they do to the renunciation of a clerical concubine, an event normally be known to us only after the fact from the records of ecclesiastical courts. In each of these unusually visible cases, the clergymen in question had expelled their concubines from their homes in full view of multiple notaries and other witnesses. They did so while verbally declaring the nature and finality of the act. But it is within the realm of possibility that Caterina, Dunzia, Tanzola, and Agnes may also have played active roles in their own renunciation by these clergymen. Their compliance of their own free will is recorded, but the abbreviated nature of these documents, which were rough sketches rather than final drafts, makes it hard to discern how much role they played in the ritualized act that dissolved their relationships. Perhaps these women were the kinds of women on the margins that we are told often fell into concubinage relationships with clergymen. But they may also have been women who entered into their relationships by choice, perhaps due to sincere affection. It may also be that these renunciations were, like so much public ritual behavior, more *pro forma* public theater than sincere act; these concubines may have walked out the front door and right back around to the back. This seems to have been the case given the fact that many of them reappear later, officially as servants, in documents pertaining to the same canons.<sup>45</sup> Whether real and lasting or obligatory shams, we should not discount the possibility that these renunciations were understood not as unilateral but as mutual.

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<sup>44</sup> BAV, SAP, fol. 141v.

<sup>45</sup> Lori Sanfilippo, "Un 'Luoco Famoso' nel Medioevo," notes this.

Evidence that the dissolution of concubinage relationships should be understood this way comes in the form of another such act, dating to just over a year after those of the Sant'Angelo in Pescheria canons. On December 15, 1368 the notary Nicola di Lello di Martino of rione Campitelli and his concubine Vannotia dissolved their union, declaring that, for the good of their souls, they wished to obey a papal *banditum* ordering that no one was to have a concubine. The two stood publically, likely in the doorway to Nicola's house, and declared to one another, "Go forth and carry out your affairs freely and as a free person, and no longer shall I call you friend (*amicus*) or concubine (*concupina*).” They further promised one another that they would never henceforth enter into the same sin and that they wished to be entirely free and absolved from it.<sup>46</sup> This example is odd, because Nicola seems not to have been a cleric or to have had any official tie to Sant'Angelo in Pescheria. It is possible that he and Vannotia simply believed that the higher form of life to which the canons of that church were called by the pope would also benefit their souls. Either way, it is clear from this document that when the two of them dissolved their relationship, they did so mutually and declared that to be the case publically. It is no stretch, then, to assume that the concubines of the canons, whose union dissolutions closely parallel this later example even in their abbreviated form, had a similar amount of agency in the ending of their own relationships. In the dissolution of concubinage ties, as in their establishment, we should understand women to have been often acting of their own free will rather than as passive victims of abandonment.

Women became concubines for many reasons and each case was probably different in the details. But it is not necessary to generalize overly much in order to come to certain conclusions

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<sup>46</sup> BAV, SAP, I/4, fol. 159v; “Facias et vadas libere pro factis tuis tamquam libera persona et ulterius non sese nominet amicus et concupina etc.”

about the relationship between concubinage and the temporal economy that encompassed all aspects of life in late medieval Rome. The men and women who engaged in these relationships often did so mutually, perhaps more so than did some husbands and wives. In at least some cases, and we must remember that this was not always true for married couples either, they endeavored to maintain their tie even after death so that, even if she could not weep a widow's holy tears, a concubine could still do deeds pleasing to God in the service of her husband's soul.

But if all testaments were documents anticipating contestation, those that acknowledged a concubine were even more so. Furthermore, neither Roman civil law nor the more recent opinions of canon law were willing to concede much power to a concubine, which made the exploitation of the technologies of the temporal economy particularly difficult in these cases, despite their ready adaptability in others. Clearly, if we wish to understand the difficulties that came with being a concubine, we cannot be satisfied the trope of victimhood or with the notion of *mala fama*, something that might have had more theoretical substance than it did reality in daily life. Instead, we must consider that just as the intersection of Christian piety, legal theory, and notarial practice created a potent means of generating and maintaining ties between those whose associations were privileged by one or more of these frameworks, the same normative nexus could be an enduring obstacle to those one or more of them disdained. This was certainly true, in the case of concubinage, for canon and civil law, as well as Christian spirituality. It was not necessarily true for notarial practice. In fact, contractual relations with set terms and periods were, at least sometimes, established between lovers by means of a notary, though no such case survives for Rome.<sup>47</sup> The potential of the synergy between piety, law, and notarial practice was easier to unlock for women whose modes of life bordered or embraced the realm of the holy. The

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<sup>47</sup> See Brundage, *Law, Sex, and Christian Society in Medieval Europe*, pp. 444-447.

honest wives, widows, and daughters of Romans were one set of examples, but there were others as well.

#### *5.4 Healer and Holy Woman: The Case of Alegranza of Catania*

Based on the cases of the saints mentioned earlier, it is tempting but not quite right to say that Rome was a magnet for the saintly and prophetic women of the late Middle Ages. Not quite right because those women that came and became saints, Birgitta and Catherine, did so at the behest or with the cooperation of ecclesiastics with an interest in their presence. Others, like Margery Kempe, likely walked the same streets as unknowns, all record of them, unlike that of the loquacious Margery, lost. Women who came to Rome without papal or other clerical connections had to find a way to make their own way. One thing they were able to rely on, especially in a city where the association of great local powers with prominent holy women made such things a marker of status and where the temporal economy was the focus of important acts of community evocation and management, was the flow of resources available to women living a holy life. One such case, almost entirely unknown until now, is that of the healer Alegranze di Rogerio Anici, from the city of Catania in Sicily.<sup>48</sup>

The fourteenth century was a difficult time for practitioners of the medical arts. The learned doctors of the late Middle Ages stood helpless in the face of the monstrous mortality associated with the Black Death. Long a prestigious profession, associated with both power and privilege, now the ranks of educated doctors were becoming depleted, not merely due to the

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<sup>48</sup> The only scholar to note Alegranza's existence to date has been Isa Lori Sanfilippo, who discusses her briefly as one of few medical practitioners for whom we have records in fourteenth-century Rome. See, *Roma dei Romani*, pp. 417-418. Lori Sanfilippo, whose interests lay elsewhere and who does not seem to have been aware of the testamentary bequests to be discussed here, does not mention Alegranza's role as a holy figure.

plague's virulence but also because in its wake the sons of doctors began to drift into other, less disgraced fields of study.<sup>49</sup> Of course, when a medieval person became ill, a learned doctor was only one of the people to whom they might turn. There were also empirics, medical practitioners who lacked a university education, herbalists and so-called cunning folk, conjurers, and saints.<sup>50</sup> As the prestige of medicine declined, opportunity grew for those with experience in healing and a will to travel. This window of opportunity certainly drew ambitious men to cities in need of their services, but women like Alegranze could also exploit it.

It is by no means clear how many female practitioners of medicine there were in the fourteenth century. The range of medical practice of which medieval folk availed themselves, and the fact that it included those who worked from an oral rather than textual tradition of medicine, seems to favor at least the possibility of a great many female practitioners whose names are lost to us.<sup>51</sup> Francesca Romana famously stepped in to heal the sick where doctors had failed, but a woman did not have to be a saint to be a healer; they could also carry the title *medica*. A great many of these, in Italy, seem to have come from the south, with twelfth-century Salerno in particular having a reputation for its female medical practitioners. These women are

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<sup>49</sup> Katharine Park, *Doctors and Medicine in Early Renaissance Florence* (Princeton: Princeton University Press, 1985).

<sup>50</sup> For this wide-ranging selection in the early medieval period, see Valerie Flint, "The Early Medieval 'Medicus', the Saint, and the Enchanter," *Social History of Medicine*, 2.2 (1989): 127-145. A similar range of practitioners could still be found in Italy during the early modern period, though female practitioners faced new dangers in the later period; see David Gentilcore, *Healers and Healing in Early Modern Italy* (Manchester: Manchester University Press, 1998).

<sup>51</sup> Aside from a few prominent examples from much earlier, it is not at all clear how many female practitioners there were. The debate over this issue, for the earlier period, is well addressed by Patricia Skinner, *Health and Medicine in Early Medieval Italy* (Leiden: Brill, 1997), especially pp. 88-91. See too, Joseph Shatzmiller, "Femmes médecins au Moyen Âge. Témoignages sur leurs pratiques (1250-1350)," in *Histoire et Société. Mélanges offerts à Georges Duby* (Aix in Provence, Université de Provence, 1992), pp. 167-215.

represented in our records by the famous author of at least parts of the Trotula, Trota of Salerno, by a woman named Anna de Balusano, who was a *medica* in the same period, and by Maria Incarnata, who was granted a license as a surgeon in the Kingdom of Naples in 1343.<sup>52</sup> Though any sense of their numbers is impossible, we continue to see, from time to time, examples as late as the fourteenth century. Alegranza was one of these.

When she first comes into view, on September 15, 1365, Alegranza is identified as a *medica*, and as the wife of Filippo the Sicilian, now dwelling in rione S. Angelo. She had recently purchased a parcel of vineyard and other cultivated land from Lello di fu Bucciarello, otherwise known as Tortoru of rione Colonna. The land lay on the property of the church of SS. Lorenzo and Damaso; and the canons, in this document, gave their assent to the sale as long as their annual allotment of must and grapes continued to be paid at harvest time, along with a share of grain grown on the land.<sup>53</sup> We next find Alegranza on September 2, 1367, as the recipient of a bequest of two florins in the testament of Nicola Buzzacchi, fish-seller of rione S. Angelo.<sup>54</sup> Nicola lumped this bequest in with several to nuns, hospitals, and the like but without specifying if they were meant as *pro anima* bequests. His wife was more explicit, leaving one florin to

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<sup>52</sup> For Trota of Salerno, see Monica Helen Green, *The Trotula: A Medieval Compendium of Women's Medicine* (Philadelphia: University of Pennsylvania Press, 2001) and her *Making Women's Medicine: The Masculine the Rise of Male Authority in Pre-Modern Gynaecology* (Oxford: Oxford University Press, 2008). For Anna, see Skinner, *Health and Medicine in Early Medieval Italy*, p. 84; for Maria see Katherine L. Jansen, Joanna Drell, and Frances Andrews (eds.), *Medieval Italy: Texts in Translation* (Philadelphia: University of Pennsylvania Press, 2009), pp. 324-325.

<sup>53</sup> ASR, CNC, 849, fols. 266r-268r; Mosti, *Il Protocollo Notarile di "Anthonius Goioli Petri Scope" (1365)*, pp. 199-200.

<sup>54</sup> BAV, SAP, I/3, fols. 88r-89v. The notary renders her name as Alegraze Sicule but the rione is the same as the one she inhabited with her husband only two years earlier, making it likely this is the same woman.

Alegranza for the good of her soul in her own testament on August 13, 1370. It is here that Alegranza is first identified as a *pizoca*, a lay holy woman.<sup>55</sup> Though she was now apparently living as a kind of holy woman, Alegranza was not the passive recipient of alms. Nor was she a widow. Though her husband makes no appearance in the testaments, he and Alegranza appear together again on October 22, 1376, granting one another consent to receive 40 florins in deposit from one Donna Constantia, to be paid back 10 florins at a time, at the time of the grape harvest, over four years.<sup>56</sup> After this, Filippo disappears from the record, never to be seen again. On February 13, 1380 we find Alegranza, having apparently relocated to rione Trevi (perhaps after Filippo's death), making procurators of two notaries, Mattias di Bartolomeo and Stefanello di Cecco di Lomolo Caputgalli. In the absence of her husband, Alegranza was identified in this instance simply as being formerly of Sicily and as a *medica*.<sup>57</sup> During the 1380s, we find Alegranza, often now identified by her father's name rather than her husband's, engaging in two land transactions, both involving plots of agricultural land, and a deposit for the sum she made by the sale of one of these. This sale was made to one Lorenzo Pocie, likely a relation of the notary whose notebooks preserve the testaments of Nicola Buzzacchi and his wife Caterina.<sup>58</sup>

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<sup>55</sup> BAV, SAP, I/6, fol. 64r-v. The rione remains the same, and I suspect a shared pious interest in Alegranza on the part of both husband and wife, making the case that this is still the same woman.

<sup>56</sup> BAV, SAP, I/9, fol. 40r-v. Filippo is here called "Lippo Alto Passo", the combination of a short name and a nickname. The document specifies that after the deposit is made, Constantia will make an instrument of sale for some vineyards outside the Porta S. Paolo, in a place called La Penna. Presumably, this is a kind of roundabout sale. The reasons remain obscure.

<sup>57</sup> ASR, CNC, 475, fol. 353r-v; *Un notaio romano del Trecento*, p. 259.

<sup>58</sup> ASR, CNC, 476, fols. 76r-77r, fols. 436v-437v, and fols. 437v-438r; *Un notaio romano del Trecento*, p. 472, 576-577. The second of these documents is a sale by Alegranza to one Lorenzo di Lello Poccia. The notary of the testaments was Antonio di Lorenzo de Scambis, who was commonly referred to as Antonio Impoccia. He named his own son Lorenzo. Given the tendency

Nor did Caterina forget the *pizoca* to whom she had bequeathed that pious florin. She married twice more, once to Paolo di Lello di Giovanni di Stefano, alias Albo, a notary of rione Sant'Angelo, and once to Cecco Ceconis, a fish-seller like Nicola had been, also of Sant'Angelo. During each marriage she remade her testament, never forgetting Alegranza and giving us a few more valuable clues. On September 2, 1389, she left three florins for her soul and that of her first husband Nicola, to Alegranza, who she now identified as residing in rione Campomarzio and associated with the Franciscans.<sup>59</sup> The lay holy woman and healer seems to have become some manner of tertiary. Finally, on March 16, 1393, Caterina left two florins to Sorella Alegraza, again for her soul.<sup>60</sup> Thanks to continuous support from local families and their networks, a foreign woman who came to Rome as a healer navigated the varied field of pious forms of life, ultimately living out her final days in Franciscan circles.

The Romans who bettered their souls by offering support to Alegranza, and those with whom she transacted as an economic actor in her own right, were artisans and notaries, the rising non-noble elite whose networks of pious giving and private chapels made the Roman temporal economy so vital. The testaments from which Alegranza benefitted were produced by Caterina di fu Lello Brischi during each of her three marriages to men from rione Sant'Angelo, two fish-sellers and a notary. Caterina was part of the dense neighborhood network, the broadly defined kin-like group, that we have repeatedly seen circulating resources among one another in service of their souls and even establishing private chapels to generate spiritual capital with which to

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of families to recycle names, and the orthographical liberties taken with names, including Antonio's, I suspect these two men were related, which suggests Alegranza was moving within a network of family and client relations.

<sup>59</sup> BAV, SAP, I/14, fols. 34r-36r.

<sup>60</sup> BAV, SAP, I/16, fols. 15r-16v.

bind themselves together as a group. Indeed, Nicola Buzzacchi, Caterina's first husband, was buried in a family tomb in Sant'Angelo in Pescheria, directly adjacent to the chapel of Matteo Baccari. But Caterina's connection to this network, and therefore Alegranza's, was by no means so simple as this. Her second husband is largely lost to us but he was a local notary, likely known to all. Her third, Cecco Ceconis, was a longtime associate of her first husband and of his kin.<sup>61</sup> Not long after Caterina's death, which took place shortly after she made her final testament, we find him engaged in an act that shows just how tightly bound this micro-community was and how integral the temporal economy was to making it so. Caterina's will is followed by several documents in which Cecco acts as her executor. His handling of her bequest for a silver crucifix for the church of Sant'Angelo in Pescheria is particularly instructive. In earlier wills, this bequest had been for a silver chalice rather than a cross, and on July 2, 1393, Cecco collaborated with Nicola Tordoneri, who was himself acting as an executor for another local man, Petrucio di Nucio Grassi, alias Pizzo, in order to fulfill bequests by their respective testators. The two men pooled their funds and purchased, from the rector of the church of S. Bartolomeo, located on the nearby Tiber Island, a silver chalice weighing 44 and one half ounces. The terms of the sale were such that Sant'Angelo's canons would have the use of the cup but were forbidden to ever sell it or use it as security for a loan. If they did so, then they were required to provide the executors and the other parishioners of their church with a similar object.<sup>62</sup> Caterina's original bequest,

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<sup>61</sup> Cecco appears constantly as witness and guarantor in documents pertaining to the community of Sant'Angelo's fish-sellers and millers. Perhaps most telling is his appearance alongside Tomasso Buzzacchi, as a guarantor of the peace ending a feud between a fellow fish-seller, Paolo Rosso, and another man. For this feud and its significance, see chapter 5.

<sup>62</sup> BAV, SAP, I/16, fols. 29v-30r. They bought the chalice from Pucio, rector of S. Bartolomeo de Insula Lycaonia. The ties between them were not fleeting. Decades earlier the same priest had born witness to the laudum of a ritualized peace pact involving Paolo Ceconis, a relative of Cecco's. See chapter 5 for these rituals.

which was made to benefit both her soul and that of the dead Nicola Buzzacchi, was fulfilled by her third husband and longtime associate of Nicola's, in collaboration with another longtime associate acting as executor for yet another fish-seller, by obtaining a piece of sacred art that was clearly understood as under the ownership not only of the deceased, via their executors, but of the whole neighborhood. The temporal economy as a prime locus of community generation and maintenance is powerfully at work here and it is within this community that Alegranza, a foreigner but also a healer and holy woman, was able to find support. That this support followed her as she moved about the city, from rione Sant'Angelo to Trevi and then to Monti, is evident not only by Caterina's consistent remembrance of her but also by the people with whom she transacted in those other neighborhoods. Lorenzo di Lello Poccia of rione Trevi, to whom she sold land, was a relative of Antonio Scambi, the notary who recorded the wills of Nicola Buzzacchi and Caterina, and also documented Cecco and Nicola Tordonerii's acquisition of the chalice.<sup>63</sup> Even as she moved about the city over the last quarter of the fourteenth century, Alegranza was tied back to the enduring community of her original Sant'Angelo neighborhood.

The motivation for this aid, on the part of Nicola, Caterina, and others who supported Alegranza but of whom all record has been lost, cannot be known with certainty, but a number of elements about it are clear. This was a woman with healing abilities, likely an herbalist, an empiric, but possibly some kind of spiritual healer, whose services they (and in particular the women among them) sought. She was married when she first arrived but her husband died,

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<sup>63</sup> This relationship is proven by the fact that Antonio di Lorenzo Scambi was also known as Antonio Impoccia whenever we find him as an actor in a document rather than as notary. His son, Lorenzo carried the name as well. Lorenzo di Lello Poccia was also sometimes known as Impoccia rather than simply Poccia, as demonstrated in ASC, Sez. 1, 785bis/5, fols. 11r-13r. Lorenzo was clearly a common given name within this lineage.

rendering a woman already known as a healer and a holy figure even more so by making her a widow. Now her tears, like those described by Dante, would be all the more pleasing to God, and her healing perhaps that much more efficacious. Alegranza was, to the community of rione Sant'Angelo at the very least, a kind of local saint, a proto-Francesca Romana, whose healing powers and sanctity they valued and sustained. It is impossible to know how many women like Alegranza there were in fourteenth-century Rome, but the existence of others should not be doubted.<sup>64</sup> Small wonder, then, that in a city where the greatest powers, the Pope and the great baronial clans, consorted conspicuously with visionary saints like Birgitta of Sweden, the denizens of its many small urban worlds did the same with their own holy women. It was their interest, and their inclination to use the temporal economy as a primary generator and maintainer of communal identity, that enabled a southern Italian *medica* to make a place for herself in Rome. We do not know how Alegranza lived in her guise as a holy figure, but we can guess that in her later days, when she was associated with the Franciscans, and perhaps also earlier, she likely lived collectively in a house of honest women.

### 5.5 *The Honest Women of Rome*

When the noble lady Caterina del fu Pietro di Caro of Tivoli, widow of the Roman nobleman Andrea Nerii de Rayneriis, made her testament on November 20, 1393, she demonstrated the ease with which a woman might shift the focus of a personal piety oriented around penitential women from her first home in a neighboring town to her new life in Rome. Caterina's spiritual roots in Tivoli were deep; she made numerous bequests to churches there.

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<sup>64</sup> The many other women mentioned in this chapter strongly indicate that such skepticism is unwarranted. That the land Alegranza sold to Lorenzo di Lello Poccia was called La Chiusa delle Donne, is definitely provocative, if inconclusive evidence of her association with other women of her ilk.

But we see too that she had been the associate of two women, Granata and Margarita, who lived in a residential house of women associated with the church of San Marco in Tivoli. She left these old partners in piety a florin, as she did a Franciscan tertiary in Rome named Sorella Mattea, perhaps an acquaintance of Alegranza of Catania who would have been her elderly contemporary in the order. Finally, Caterina left, for the good of her soul, the use of an olive grove located in the *tenimento* of Tivoli to one Donna Nicolosa of Trieste, “an honest woman dwelling in the *contrada* of San Marco in the City.” Caterina had found in Rome a new community of women upon which to focus her piety.<sup>65</sup> Concerning Donna Nicolosa, we cannot know much, but what we can learn is powerfully demonstrative of the considerable autonomy women living within the institutions of the temporal economy could enjoy and that they enjoyed it in part due to the kin-like associations of their communal mode of life. Like so many groups that we have met, such women created a kin-like society among societies, one empowered by Roman interest in groups of women like this, and by so doing seized control of their destinies in a manner intended to free them from the meddling of others.

Donna Nicolosa of Trieste was the head of a household made up of penitent women, mostly widows and foreigners, located in rione Pigna, in the *contrada* of San Marco.<sup>66</sup> Their location means that they were living mere steps from the homes of Francesca Romana’s kin and equally close to the eventual location of the building where Francesca and the women who

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<sup>65</sup> BAV, SAP, I/16, fols. 59v-60v. The witnesses of this document include several fish-sellers and one Giovanni di Mascio Baccari, the great-nephew of Matteo Baccari.

<sup>66</sup> Aside from the mention in Caterina’s will, two testaments written by Nicolosa constitute all the evidence that remains of this household of women. The wills were both recorded by the notary Venettini; see ASC, Sez. 1, 785bis/5, fols. 49v-52r and ASC, Sez. 1, 785bis/6, fols. 71v-74v. The inclusion of an inventory is a relative rarity for fourteenth-century Roman wills, and reflects a practice that seems to have been more common in the case of those with authority over an institution rather than those disposing of their own personal patrimony.

followed her would live. It is reasonable, therefore, to expect that they would have been Francesca's most immediate models of the penitent life embraced by so many women of the age. Nor was this a new establishment. Nicolosa had inherited her position, quite literally, from her predecessor, Donna Aloysa del fu Paolo di Bandi of Cipro, widow of Simone of Arezzo. She lived there with a number of other women, who seem to have come to the house in search of shelter that a lack of local connections made more difficult to find. The women clearly thought of the house and its possessions as their common property, and took pains to keep their simple patrimony intact. Their house was full of the items necessary for daily life: bedding, various linens, pots, plates, eating utensils and a grater, barrels of wine and oil, some chests and other bits of furniture. Conspicuously absent is any sign of pious literature of the sort the friars had been encouraging devout lay people to read or of devotional images along the same lines.<sup>67</sup> The absence of standard devotional material of the sort promulgated by churchmen, either texts or images, might seem to imply a house of women using a certain pious identity in order to maintain their collective existence free of scandal or suspicion, but it more directly reflects their interest in autonomy from the meddling of clerics or other outsiders. This impulse on their part is demonstrated by efforts undertaken in two wills made by Nicolosa herself.

When Nicolosa made the first of her two surviving wills, on August 21, 1403, she recalled that she had been entrusted with the care of the house and the things therein by the abovementioned Donna Aloysa. She then named her "heirs", all the female paupers of Christ

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<sup>67</sup> On the friars' efforts, see Katherine Gill, "Women and the Production of Religious Literature in the Vernacular, 1300-1500," in *Creative Women in Medieval and Early Modern Italy: A Religious and Artistic Renaissance*, ed. E. Ann Matter and John Coakley (Philadelphia: University of Pennsylvania Press, 1994), pp. 64-104 and Gabriella Zarri, "La vita religiosa femminile tra devozione e chiostro," in her *Le santé vive: Profezie di corte e devozione femminile tra '400 e '500* (Turin: Rosenberg and Sellier, 1990), pp. 21-50.

then living, and who in the future would come to live in said house. These women were, however, granted no power to demand anything based on the bequests she was about to make. She then noted the location of the house, on the property of one Nicola Griffoli, and inventoried its goods. This done, she named her successor, Donna Margarita di maestro Bartolomeo, a *medico*, from Udine. Nicolosa left this power to Margarita both as an *inter vivos* donation and one made *causa mortis*, the two most common ways to formally make such a gift. In this we see evidence of the impulse to strengthen what was, after all, a rather novel and creative use of the testamentary form. Nicolosa formally forbade Margarita and her successors to sell or otherwise alienate the house or other property, all such efforts being rendered invalid *ipso facto*. Finally, she declared that should Margarita be unable to fulfill her duties, they should fall to a priest named Giovanni di Pietro of Assisi, then the chaplain of the chapel of San Lorenzo in the basilica of Santa Maria Maggiore. Giovanni was to act as defender of the women in any case.

Nicolosa's second will, composed on February 23, 1405, was largely the same but contained a few key differences. Whereas the first will had been created in a public place, namely the gate of the notary's house in rione Monti, the second testament was made instead inside the house she shared with her fellow women. This shift away from the public eye and onto the women's own territory resonated with another difference between the two testaments as well. Gone was Margarita from Udine, Caterina's previous successor, and in her place two women were named: Angela, the widow of maestro Pietro Aratarii from the neighboring rione of Campitelli, and Jacobucia of *castra* Sant'Angelo. Gone too was the presence of any potential clerical defender. Rather than gamble on a single heir to her position, Nicolosa named two, reducing the likelihood that her house and the women therein might fall under the oversight of a clergyman. This effort to limit the likelihood of clerical intervention is equally clear in the rules

laid down by Nicolosa in each of her testaments. First, the house was to serve as a home for any catholic and honest woman that might happen to be in Rome. Second, should any dishonest woman, or a woman suspected of heresy, come to the house, she was to be immediately expelled and her place was to be given to some other catholic and honest woman.

The key to the continued existence of a house of women in rione Pigna, free of both scandal and the guiding hands of the clergy, was the honesty of its inhabitants and their creative manipulation of the practices and logic of the temporal economy. If honest, these foreign widows represented to the urban world of the early fifteenth century what isolated monasteries had been in the earlier middle ages, a generator of prayers more pleasing to God than those of the average person. That value gave these women power over their destinies and perhaps enabled them to act as models to their neighbor Francesca, Rome's homegrown late medieval saint. Yet this same autonomy, so carefully established and maintained, is likely responsible for our ignorance of so many women like Nicolosa and her associates. As the mendicant orders harnessed the image of penitent lay women for their own ends over the course of the fourteenth and fifteenth centuries, we increasingly see the emergence of a narrative in which lay women yearned to live under the rule and in the habit of a religious order. But this narrative may well have been a self-serving one, promulgated by the friars for their own purposes. In Nicolosa of Trieste, as in Alegranza of Catania, we see women who did not conform to this narrative and whom the producers and promulgators of hagiography, therefore, did not celebrate. We should not assume these women to have been few, but rather to have been many, perhaps the plurality of the devout lay women of the later medieval period. They dwelled together in Rome, as they likely did in many places, in houses that bore a marked resemblance to those full of widows and unmarried daughters, women

who were their neighbors and whose home occupied a nearly identical position in the topography of the temporal economy of their neighborhoods.

### *5.6 Conclusion*

Roman women interested in carving out an autonomous space for themselves had a variety of ways to do so, but the structures related to living collectively, whether as women left behind or as paupers of Christ, were the most effective. This was due to the fact that these modes of life, which were not as distinct as they might seem to have been, were also useful to a wide range of Romans, not least as focal points for the religious attention and identity of local communities. This tells us that rather than dividing modes of female life into the honest and the dishonest, we profit by cross referencing these categories with each mode's position relative to the practices and logic of that economy. What we find is that forms of life commonly held to be honest were not precisely equal in this respect, and that the forms that enjoyed greater access to the potential of the temporal economy were those, widowhood and virginity, that might otherwise seem secondary to being a wife and mother. This fact stemmed from the ease with which these modes of life shaded into the realm of the holy. Commonly known forms of holy life, such as those followed by many late medieval women living singly or collectively, likewise sustained themselves in large part due to their position alongside those widows and virgins, as important modes of production in the temporal economy. Even women whose lives did not readily fit these categories can be found, alongside their partners, doing what they could to adapt the practices of that economy to suit their needs. The most important lesson to be learned from this, as was the case with the kin-like webs of connection we saw surrounding lineages and forming communities in previous chapters, is that the temporal economy provided women with

the possibility of autonomy that might otherwise have been out of reach. Their efforts to attain it were buoyed up by widespread interest in the existence of houses of women as recognizable signs of sanctity and the overall rectitude of the community.

The autonomy of collective households made up of women left behind lay in their value as micro-institutions that operated precisely like private chapels, preserving in a very public way the identity and substance of the family while simultaneously producing important spiritual capital that could benefit it and its many kin-like associates. The autonomy of collective households made up of paupers of Christ lay in their ability to attract charitable gifts from Romans who might otherwise have lacked access to such micro-institutions. These two modes of life were more similar than not, sharing an interest in maintaining a female sphere free of interference from the most likely male sources: male kin in one case and male clergy in the other. Between the two of them they created a network of such small female centers that extended wherever the nexus of kinship and property or the intersection of piety and the public sphere existed, namely over the entirety of the city of Rome.

This autonomy serves to modify our understanding of both the roles of women within families and their importance in the transformation of lay piety over the course of the later medieval period. Historians have looked to the family and found increasing emphasis on the patrilineage, with women often painfully caught in the binds of social relations forged between men. But what this chapter proposes is that women left behind as widows were not necessarily caught in, and were certainly not defined by, the double bind of the cruel mother. Furthermore, their young daughters could persist in virginity and take up a mode of life with holy resonances without the need to resort to the monastery or even to the guidance of the mendicant orders. Not only could they do so, but they may well have desired to do so, despite the claims of proponents

of the orders in question. This is the other important change suggested to our understanding of this period. That there was a rise in interest in the holy life on the part of women in the late Middle Ages is apparent. But that interest may have been simultaneous pragmatic and pious, aiming at a form of life that, in its autonomy from the rules and habits of established orders, may have borne far more resemblance to earlier forms of life than to the emerging third orders espoused by the mendicants. Even when such women drifted into those orders, as Alegranza of Catania did, it seems to have been, once again, a practical move rather than one provoked by the burning desire for the mendicant habit.

Just as lineages and their kin-like associates were able to craft a community for themselves by building their own societies within the greater society, so too women, both inside and outside such groups (and at times straddling both worlds), could create societies within societies and by so doing maintain important forms of autonomy in both their modes of life and their roles within the larger economy. As signs of thriving piety within the Roman world, these houses embodied a growing sense of Rome's rectitude, the rightly ordered state of its society, which was diffused throughout the community rather than focused on the commune. Each of these little communities was like a drop of water, their ripples diffusing outward into the broader pool of the city. Like the ripples that spread out from many such drops in a pool, these societies sometimes collided disruptively with one another. Widows and concubines both might find themselves in conflict with the sons and other relations of their departed partners. Houses of pious women might find themselves forced to police themselves to evade the suspicious gaze of the church. In the same way the kin-like associations that grew up around Roman lineages at times came into conflict with one another. The way such conflicts were resolved tells us a great deal about the overall holiness of community in the Roman mind and the ways that Romans

were, once again, able to leverage available legal norms, documentary practices, and religious notions in order to evoke and sustain the social worlds they created. But the means by which they did so demonstrates decisively that by the end of the fourteenth century Rome, and the community of its ruling elite, had utterly transformed. It is to that topic we now turn.

## Chapter 6 – Peacemaking and Community

On a hot August day in the summer of 1364, a grocer named Nuccio stood idly in a piazza in the *contrada* known as Ponte di S. Maria, near the ancient and often damaged Pons Aemilius, just downstream of the Tiber island. The neighborhood was in the *rione* Ripa, bustling with the business of fish-sellers and millers, who operated small fisheries and floating mills along the river's banks, and with a substantial number of Rome's Jews, whose main center of population was in the neighboring *rione* of S. Angelo.<sup>1</sup> It stood roughly equidistant from the main center of population in the Tiber bend and the more sparsely populated and poorer area now known as Testaccio where Rome's *milites* and *pedites*, divided by neighborhood, did battle with bulls and swine in a ritual combat held annually and funded by exactions from those same Jews.<sup>2</sup> This was not the Campidoglio, the center of communal governance and home of Rome's largest market; it was a small center in a city made up of distinct *rioni* and their constituent *contrade*.<sup>3</sup> In a way not so different from village life, it was a place of familiar faces, where one's relationships and business were commonly known.

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<sup>1</sup> For millers and fishsellers see Isa Lori Sanfilippo, *La Roma dei romani*, pp. 320-375; for Rome's Jews, see Jean-Claude Maire Vigueur, "Les Juifs à Rome dans la seconde moitié du XIV<sup>e</sup> siècle: informations tirées d'un fonds notarié," in *Aspetti e problemi della presenza ebraica nell'Italia centro-settentrionale (secoli XIV e XV)* (Rome: Università di Roma, 1983), pp. 19-28, and Anna Esposito, *Un'altra Roma: minoranze nazionali e comunità ebraiche tra Medioevo e Rinascimento* (Rome: Il Calamo, 1995).

<sup>2</sup> Robert Brentano, *Rome before Avignon*: Maire Vigueur, *L'altra Roma*, pp. 140-147.

<sup>3</sup> Maire Vigueur, *L'altra Roma*, pp. 3-21

Nucio was not alone. Nearby stood several of his friends: the butcher Nucio Torre, a blacksmith known as Bischa, Lello di Tucio Factoris, and Oddone de Gavellutis.<sup>4</sup> That Nucio was traveling with such an entourage would hardly have surprised the passing onlooker; in the small community that was medieval Rome everyone would have known that he was embroiled in a *briga*, a violent public dispute, with a powerful fish-seller and moneylender named Paolo Rosso.<sup>5</sup> The tension in the air must have been palpable when Paolo himself abruptly appeared, trailed by another group of men, neighbors and supporters from his own *rione* of S. Angelo: Cecco dei Vallati, a member of a prominent family, and three of Paolo's fellow fish-sellers, Cecco Ceconis, Cecco Zorre, and Thoma Buzzacchi. Upon seeing Nucio, Paolo's hand went quickly to the sword that he wore at his side. As Nucio turned to flee, Paolo, his sword now naked in his hand, shouted after him "Where are you going?"<sup>6</sup> As Paolo gave chase and the folk in the piazza braced themselves for the inevitable clash, a voice rang out. "Oh Paolo," it cried, "we ask you, for the love of us, stop this!"<sup>7</sup> Hearing this, the fish-seller stopped and turned to the one

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<sup>4</sup> Nucio was likely a member of the guild of grocers but the simplified version of his name given in these documents makes prosopographical inquiry difficult. Oddone de Gavellutis' possession of a surname implies the importance of his family.

<sup>5</sup> Paolo Rosso is a relatively well documented figure, appearing often in the protocols of Antonio di Lorenzo de Scambis. Rosso was an important member of the *Ars pescivendolorum*, whose officers counted among themselves many prominent men. Like those of his fellow fish-sellers, Rosso's economic ties stretched beyond Rome's walls, touching many coastal towns, especially Ostia, as can be seen in the list of credits and debts found in his will BAV, SAP, I/3 fols. 10v-13r, and in his widow's efforts to balance them all after his death: BAV, SAP, I/3 fols. 29v-30r, fols. 31v-32r, fols. 33v-34r, fol. 40r-v, fols. 63r-64r.

<sup>6</sup> BAV, SAP, I/2 fol. 115r-v: "quo vadis tu?"

<sup>7</sup> Ibid.: "Paule rogamus te quod amore nostri dimittas hec."

who had cried out. “For the love of you,” he said, “I am content to stop.”<sup>8</sup> The voice that signaled the preemption of incipient bloodshed belonged to either the prominent miller Tucio Tordoneri of rione S. Angelo or to Lello di Donna Lorenza. They were peacemakers, mediators chosen by Nucio and Paolo to end the conflict between them.<sup>9</sup>

The tale just told is not simply an act of historical imagination based on a few lines of speech. The peacemakers had scripted the entire encounter in advance. Earlier that same day they had publicly read the script aloud to the involved parties, their adherents, and, one assumes, passers by, rendering it in the vernacular so it would be understood by all. They did this before the house of the prominent lawyer Matteo de Baccariis, who witnessed the reading along with his brother Luca, his neighbor Nucio Gibelli, and the notary Antonio di Lorenzo de Scambiis.<sup>10</sup> The script for this peacemaking ritual included not only the words to be spoken, but also the actions described above: Paolo’s arrival, the drawing of his sword, Nucio’s flight, and the rest. The reading signaled the end of a period of deliberation and investigation that had been carried out at the instigation of the quarrelling parties. To make sure that the public performance followed the script, one of the peacemakers had been standing near the grocer Nucio as he waited in the

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<sup>8</sup> Ibid.: “amore vostri sum pacatus dimetere”

<sup>9</sup> Given Tordoneri’s close ties to a number of fish-sellers it is likely that he was the mediator chosen by Paolo, while Nucio had selected Lello di Donna Lorenza. For Tordoneri see, Sanfilippo, *Roma dei Romani*, pp. 324-328.

<sup>10</sup> Readers will have already met both Matteo de Baccaris and Nucio Gibelli in earlier chapters. Both men left behind detailed wills as well as documents constituting their family chapels in the important neighborhood church of S. Angelo. In addition, Baccariis was a known collaborator with Cola di Rienzo and was included among the emissaries he sent to Florence in 1347. We cannot make similar claims for Gibelli with any certainty but the fact that he was from the same neighborhood, similarly rich and powerful, and attached to the same church as both Baccariis and Cola, all makes some affiliation highly probable. For de Baccariis see Brentano, *Rome before Avignon*, pp. 42, 182-3; Collins, *Greater than Emperor*, pp. 182-184. For Gibelli see Sanfilippo, *Roma dei Romani*, pp. 362-377.

piazza; the other had entered with Paolo and his band. Weapons now safely stowed away, the two groups approached one another. Nuccio and Paolo, their hands placed on the opened pages of the gospel, exchanged promises of a perpetual peace between them and of forgiveness of all previous injuries. They then exchanged a kiss of peace as was (the notary tells us) the custom of the city.<sup>11</sup>

There are 37 such rituals, produced between 1348 and the 1420s, extant in Rome's archives.<sup>12</sup> By the fourteenth century peacemaking was and had been for centuries an inherently pious act. The idea that peace was holy, that making and keeping the peace was a pious act, has deep roots in the culture of western Christendom, which will not be explored here. In late medieval Italy, it was often associated with mendicant preachers and the broader peace movements associated with them.<sup>13</sup> Local variations in the practice of peacemaking, however, such as the Roman examples studied here, provide important information on the local modulations of that piety.

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<sup>11</sup> This exchange, and the names of the parties that accompanied the two men and acted as guarantors of this peace pact can be found in BAV, SAP I/2 fols. 116r-117v.

<sup>12</sup> I see no reason to assume that fifteenth-century Roman notarial protocols do not contain considerably more of these rituals. For the purpose of this dissertation, however, I have restricted myself to notaries operating in the fourteenth century, extending my gaze to the fifteenth only when the career of the notary in question extended that far or when the notary's protocols had been gathered into a single volume that also contained fifteenth-century documents by others.

<sup>13</sup> On the mendicant preachers see Augustine Thompson, *Revival Preachers and Politics in Thirteenth-Century Italy: the Great Devotion of 1233* (Oxford: Clarendon Press, 1992). On the related phenomenon of peace movements in Italy, see Daniel Bornstein, *The Bianchi of 1399: Popular Devotion in Late Medieval Italy* (Ithaca, NY: Cornell University Press, 1993); Clara Gennaro, "Gli ideali di pace nei movimenti religiosi del '300," in *La Pace nel pensiero, nella politica, negli ideali del Trecento. Atti del convegno del centro studi sulla spiritualità medievale, 13-16 ottobre 1974* (Todi: L'Accademia Tudertina, 1975), pp. 93-112.

Roman peacemaking is powerfully indicative of the transformation of the Roman ruling elite in the latter half of the fourteenth century, and of the profound shift in their priorities and the locus of their shared identity as a community. Furthermore, these Roman rituals had effects beyond their immediate goal of making peace; they served to render some conflicts distinct from others, creating and reinforcing, with each enactment, a particular social order. The distinctive nature of every such ritual would have been visible and intelligible to its audience, which would have been, in most instances, large. Invisible to them but just as real was the cumulative effect of the chosen mechanisms of peacemaking, whereby an elite subsection of the group took shape, rendered distinct by its control over this ritualized peacemaking.<sup>14</sup> This chapter will explore all these topics and attempt to situate Roman ritualized peacemaking within the broader range of peacemaking forms that coexisted with it, bringing to light the ways that certain Romans made and remade their worlds as a place where any one of them could be an agent of divine justice and maintainer of a rightly ordered community, as a place where the directing force of the community came no longer from the communal institutions of the Campidoglio but from a broad stratum of the population, diffused throughout the city's many neighborhoods. The shift in the locus of rightly ordered social governance, so pronounced in these rituals, would have critical importance for the political transformation of Rome from a medieval commune to a city ruled by a papal sovereign.

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<sup>14</sup> My assumption that rituals should be understood as strategic acts that had real effects rather than as cyphers to be read, that they could be, in a way, redemptive, and that they had both immediate effects and invisible, long-term effects is inspired by Bell, *Ritual Theory, Ritual Practice*. I have drawn heavily on Bell's ideas in my analysis of these rituals. Bell's approach to ritual, and my approach to Roman ritualized peacemaking, is rooted in practice theory. See Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977).

### 6.1 *The City as a City of God*

Medieval Rome was often called, by its residents and many others, simply *Urbs*, The City. It is now well known that Italian city-states were, as Augustine Thompson puts it, cities of God. They generated a rich array of devotional practices, were home to pantheons of locally significant saints, and moved through time to the rhythm of their own civic liturgies.<sup>15</sup> This vital, energetic civic spirituality was more than capable of appropriating or eschewing entirely the institutions and models of ecclesiastical administration and the ideologies of popular preachers.<sup>16</sup> There are a great many commonalities among these cities, from anti-heretical statements in city statutes and processions of the commune's most important relics to ways of making peace that were laden with devotional signs.<sup>17</sup> Many of these elements of civic piety have been associated with the mendicant orders, but we should be cautious about ascribing too much responsibility to those groups.<sup>18</sup> Religious ideology and devotional practice were locally generated from common templates in just the same way that local notaries innovated upon the basic models of legal documentary practice that were known to all. Rather than being a

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<sup>15</sup> Thompson, *Cities of God*. On the broad phenomenon of civic religion in Italy, see Herlihy, *Medieval and Renaissance Pistoia*. On civic saints see Diana Webb, *Patrons and Defenders: the Saints in the Italian City-States* (London: Tauris Academic Studies, 1996).

<sup>16</sup> For examples of this see Dameron, *Florence and its Church in the Age of Dante*; David Foote, *Lordship, Reform, and the Development of Civil Society in Medieval Italy: the Bishopric of Orvieto, 1100-1250* (Notre Dame, Ind.: University of Notre Dame Press, 2004).

<sup>17</sup> The studies of Mario Sensi have been particularly important for understanding how private peacemaking functioned within communal Italy. Mario Sensi, "Le paci private nella predicazione, nelle immagini di propaganda e nella prassi fra Tre e Quattrocento," *La pace fra realtà e utopia. Quaderni di Storia Religiosa* (2005): 159-200 and his "Per una inchiesta sulle 'paci private' alla fine del Medio Evo," in *Santuari, Pellegrini, Eremiti nell'Italia Centrale*, vol. 3 (Spoleto: CISAM, 2000), pp. 1455-1492.

<sup>18</sup> Ruiz, *From Heaven to Earth*, pp. 25-26.

monochromatic reflection of contemporary theological traditions, Italian civic religion, or communal piety, was richly capacious and creative.

Like other communes, Rome was run by men in positions of both official and unofficial power, its public life shaped by both communal institutions and local social relations. Romans did not necessarily privilege centralized communal institutions as the preferred locus of good government. Often, they preferred instead a model of diffused governance oriented around the autonomy of individual rioni and neighborhoods, especially when it came to their control of important forms of capital.<sup>19</sup> One such form was the social capital to be gained by autonomous control of the mechanisms of conflict resolution. That this is the case becomes evident through an examination of the primary characteristics of Rome's ritual peacemaking in terms of what it was that they did. Rome's peacemaking rituals were carefully scripted moments, built around a model of confession and just punishment that transformed the warring parties of a vendetta by enabling them to embody, temporarily and for all to see, the rightness of the social order and of their place within it. This redemptive embodiment of exemplary morality by the participants also extended to the broader community, so that the social order itself became the reason for a harmony that did not so much seek to eliminate violence as to give it a right place and manner.<sup>20</sup>

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<sup>19</sup> That late-medieval Rome should be understood as a world oriented around neighborhoods was first argued by Brentano, *Rome before Avignon*. For a more recent treatment of Rome's neighborhood structures, see Maire Vigueur, *L'Altra Roma*. The concern of Roman elites to maintain personal control over the flow of various forms of capital is a central focus of my dissertation.

<sup>20</sup> It is now the consensus view that violence was not understood to be aberrant either in the Italian communes or other medieval societies. For discussion of this see Daniel Lord Smail, "Violence and Predation in Late Medieval Mediterranean Europe," in *Comparative Studies in Society and History* 54:1 (2012): 7-34 as well as his *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca, NY: Cornell University Press, 2003). Regarding the Italian cities, see Andrea Zorzi (ed.), *Conflitti, paci e vendette nell'Italia comunale* (Florence: Firenze University Press, 2009). The classic formulation of this argument is

Of course, the average Roman probably did not go through life in a state of constant worry about the right ordering of the cosmos and his place within it, though some few may well have.

Engagement in ritualized conflict resolution was a strategic decision driven by practical considerations. It had the result of demarcating a set of conflicts that were distinct from others due to their means of resolution, and conferring distinction on their participants, who became, in a way, embodied *exempla*.<sup>21</sup> These peace rituals were open to fairly broad participation that was always mediated and circumscribed by this same group, further reinforcing that group's distinct status. Finally, they had another long term result, one not immediately visible to participants in particular rituals but inevitably present *in potentia* within the very mechanisms of this ritualized process, namely, the creation of an elite within Rome's governing class that enjoyed a degree of distinction even more pronounced than that of their peers.

### 6.2 *The Origins and Context of Ritualized Peacemaking in Rome*

In the earliest surviving peacemaking ritual, dated November 16, 1348, Paolo the son of Iustolo, a country man from the agricultural settlement of Fossa Cecca, entered the church of S.

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Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria* (Philadelphia, PA: University of Pennsylvania Press, 1992), originally published in 1939.

<sup>21</sup> Among other things, the exemplum provided a certain distance from the didactic act that could render it more palatable, identifying a fault and offering a corrective in a way that was easy to absorb and naturalized by being placed within a broader narrative. The difference here is that the narrative in question is the history of the Roman community rather than a sermon or written text. On exempla, see Tony Davenport, *Medieval Narrative: an Introduction* (Oxford: Oxford University Press, 2004), pp. 55-67; the many essays in *Les Exempla médiévaux: Nouvelles perspectives*, ed. Jacques Berlioz and Marie Anne Polo de Beaulieu (Paris: Honoré Champion, 1998); and particularly Joseph Mosher, *The Exemplum in the Early Religious and Didactic Literature of England* (New York: AMS Press, 1966)

Salvatore de Divitiis stripped to the waist.<sup>22</sup> He proceeded immediately to an image (*quatrivio*) of S. Basil. There he found Nucio di Meulo the blacksmith of contrada Campi Carley and presented himself mutely before him. Nucio looked at him and said, “You were wrong to come here.” Drawing his sword he struck Paolo with the flat on the head and shoulders. Paolo then stood and the two men made peace.<sup>23</sup>

Less than a year earlier, on May 19, 1347, Cola di Rienzo had mounted the hill of the Campidoglio clad in armor and surrounded by supporters who had passed the previous night in the church of S. Angelo in Pescheria, preparing themselves for this moment. He had declared himself Tribune of the city, set his baronial enemies to flight, and proclaimed a series of ordinances that were to be the foundation of his *buono stato*.<sup>24</sup> Among other things, he had “created the House of Justice and Peace, on which he fixed the banner of Saint Paul, on which there was a naked sword and the palm leaf of victory; and he placed in it the most just of the

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<sup>22</sup> According to Susanna Passigli’s analysis of the Catalogue of Turin (1313), S. Salvatore de Divitiis was a parish church located in rione Monti, not far from S. Salvatore de Militiis and the location of Trajan’s market. It was a modest church with one *sacerdos* and one *clericus*. See Passigli, “Geografia parrocchiale e circoscrizioni territoriali.” The best edition of the catalogue is Falco, “Il Catalogo di Torino.”

<sup>23</sup> ASR, CNC, 849, fols. 464v-465r; *I protocolli di Iohannes Nicolai Pauli, un notaio romano del ‘300* (1348-1379), ed. Renzo Mosti (Rome: Ecole française de Rome, 1982) [henceforth *I protocolli di Iohannes Nicolai Pauli*], p. 55: “Tu male veneris.” We know little of Nucio. His father was a blacksmith before him. His son became a grocer, though it was not uncommon for blacksmiths to do this, as grocers were the purveyors of the iron they used. About Paolo we know even less, only that he named his son Iustolo after his father. This was standard practice, in Rome as in Tuscany. For the latter, see Christiane Klapisch-Zuber, “The Name ‘Remade’: The Transmission of Given Names in Florence in the Fourteenth and Fifteenth Centuries,” in *Women, Family, and Ritual in Renaissance Italy*, trans. Lydia G. Cochrane (Chicago: University of Chicago Press, 1985), pp. 283-309.

<sup>24</sup> There is an extensive bibliography on Cola but the most recent works, which provide an excellent overview of previous scholarship, are Musto, *Apocalypse in Rome* and Collins, *Greater than Emperor*.

people, those who oversaw the peace, the good men, the peacemakers.”<sup>25</sup> Cola had created this new institution within the context of a broad overhaul of Roman governance that drew its inspiration from sources ranging from apocalyptic prophecy to the constitutional structures of Florence.<sup>26</sup> Only one record of this institution survives, the account of an anonymous Roman chronicler that seems to mix fact with pious fiction. “This,” he wrote, “is the manner in which things were done there.”

Two enemies would come and ask that peace be made. Then, according to the nature of the injury, he who had suffered did to the other that which had been done to him. Then he kissed him on the mouth and granted him unbroken peace. [For example,] one man blinded another’s eye. He came and was taken to the stairs of the Campidoglio. There he knelt. He who had been deprived of his eye then came. The wrongdoer wept and prayed that he pardon him in the name of God. Then he raised up his face, offering his own eye to be plucked out, if it so pleased the other man. Then, moved by mercy, the former did not blind the eye of the latter but instead forgave him his injuries.<sup>27</sup>

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<sup>25</sup> AR, *Cronica*, p. 116: “Puo' queste cose ordinao la casa della iustizia e della pace e ficcao in essa lo confallone de Santo Pavolo, nello quale stava la spada nuda e la palma della vittoria, e puse in essa iustissimi popolari, li quali fuoro sopra la pace, li buoni uomini pacieri.

<sup>26</sup> The Romans had ties with the Florentines from at least the period of the renovation of the Senate in the twelfth century. Villani notes, not without gloating, that a Roman embassy came to Florence in 1339 to obtain a copy of the Ordinances of Justice. Cola’s own career as a reformer began with his mission to Avignon only three years later. For discussion of the earlier embassy see A. Rehberg and A. Modigliani, *Cola di Rienzo e il comune di Roma*, vol. 2, *L’Eredità di Cola di Rienzo: Gli statuti del Comune di popolo e la riforma di Paolo II*, (Roma: Roma nel Rinascimento, 2004), pp. 62-68. Though a clear relationship between the later statutes of 1360 and the Ordinances of Justice cannot be adequately demonstrated, Cola’s anti-baronial angle, his own embassy to Florence seeking support, and the embassy sent by his collaborator and successor, Francesco Baroncelli, who sought advice on electoral reforms, indicates that he and his close supporters continued to look to Florence for inspiration. See Isa Lori Sanfilippo, *Roma dei Romani*, pp. 75-76.

<sup>27</sup> AR, *Cronica*., p 116-117: Questo ène lo ordine lo quale là se servava. Doi inimicati venivano e davano le piarie della pace fare. Puoi, secunno la connizione della iniuria, aito e tanto quello che patuto aveva ne faceva a quello lo quale fatto aveva. Allora se basavano in vocca, e·llo offeso dava integra pace. Uno cecao l’uocchio ad un aito. Venne e fu connutto nelle scale de Campituoglio. Stava inninocchiato. Venne quello lo quale era dell’uocchio privato. Piagneva lo malefattore e pregava per Dio che·lli perdonassi. Puoi destese soa faccia se li piaceva de trarli

By his own account, Cola's new institution saw the reconciliation of eighteen hundred warring Romans in the span of less than a year.<sup>28</sup>

The relationship between these two moments, and that between Cola's House of Justice and Peace and Roman ritualized peacemaking more generally, remains to be clarified, but first it should be noted that both cases were exceptional within the broader world of Roman peacemaking. Cola's House was part of a radical reimagining of Roman society framed in commonly known though radical eschatological terms and embodied in a constitutional set of ordinances. Paolo and Nucio's ritual was one of relatively few examples of this sort of public performance. Most peacemaking in Rome resembled that found in other cities.<sup>29</sup> There was a

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l'uocchio, se lli fussi piaciuto. Allora non li cecao l'uocchio, ca fu mosso de pietate, ma sì lli remise soa iniuria.

<sup>28</sup> Cola made this claim in his personal correspondence. Burdach and Piur, *Briefweschel des Cola di Rienzo*, vol. 3, Letter to Archbishop of Prague, 1350. Musto argues that this claim may be credible. He argues that Cola's epistolary testimony is strengthened by the observation that if he had lied about the scale of his peacemaking his claims could easily have been checked by representatives of Roman elite families then in Avignon. He thus sees Rome's peacemaking rituals as holdovers from Cola's institution, suggesting that so many people were touched by similar rituals during the Tribune's brief rule that they left the population of the city indelibly marked, with the result that the rituals, at times, continued to be used in the approximately ten years immediately following his fall from power. See Musto, *Apocalypse*, pp. 208-9.

<sup>29</sup> The basic form of the documents related to peacemaking were standard. See, for example, Rolandino Passagerii's thirteenth-century manual *Summa totius artis notariae*, which was very popular throughout this period. An extensive collection of examples can be found in See also, Gino Masi (ed.). *Collectio chartarum pacis privatae medii aevi ad regionem Tusciae pertinentium*. Orbis Romanus biblioteca di testi medievali 16. (Milano: Società Editrice "Vita e Pensiero", 1943). For detailed discussion of these forms as part of thirteenth-century peacemaking see Thompson, *Revival Preachers and Politics*, pp. 157-178 and Thomas Kuehn, *Law, Family, and Women*, pp. 19-74. This and the following paragraph draw heavily on these works, as well as on Daniel Lord Smail, "Hatred as a Social Institution in Late-Medieval Society," *Speculum* 76.1 (2001): 90-126. In addition to the studies of Mario Sensi, cited above, see several recent studies of peacemaking that have focused on the so-called "private peace" as an alternative to judicial conflict resolution. Katherine L. Jansen, "Florentine Peacemaking: the Oltrarno, 1287-1297," in *Pope, Church and City: Essays in Honour of Brenda M. Bolton*, ed.

fairly standard procedure for making peace dating from at least as early as the thirteenth century. If the concerned parties were able to resolve their dispute easily, they might simply get a notary and the requisite number of witnesses and guarantors and make an *instrumentum pacis*. If they were unable to reach an agreement on their own, the concerned parties would first, either together or separately, create a document called a *compromissum*, in which they selected the arbiter or arbiters to whom they entrusted the peacemaking process. This same document gave some information regarding the cause of the conflict (often generic formula rather than specific detail), declared the powers of the arbiter, indicated a promise to adhere to the arbiter's ruling, and, usually, included a penalty clause in the event they failed to do so. Once the arbiter's powers were made official, he (or they) would often declare a *tregua*, a temporary truce between the warring parties for the period of investigation into the matter.<sup>30</sup> Barring any complications, the arbiter or arbiters would then issue, within a certain number of days, a *laudum* or ruling.<sup>31</sup> The *laudum* restated the original grounds for the conflict and most of the other information from the *compromissum*, followed by the arbiter's ruling and then standard language about the place of the act, the witnesses, and other formulaic necessities.

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Frances Andrews, Christoph Egger, and Constance M. Rousseau (Leiden: Brill, 2004), pp. 327-244 and her "'Pro bono pacis': Crime, Conflict, and Dispute Resolution. The Evidence of Notarial Peace Contracts in Late Medieval Florence," *Speculum* 88.2 (2013): 427-456; Shona Kelly Wray, "Instruments of Concord: Making Peace and Settling Disputes through a Notary in the City and Contado of Late Medieval Bologna," *Journal of Social History* 42.3 (2009): 733-760; Smail, *The Consumption of Justice*.

<sup>30</sup> In the thirteenth century, a *tregua* (or *treuga* or *treugua*) was reserved for peacemaking between polities rather than individuals. Fourteenth-century Roman documents do not make this distinction, constituting what may be a Roman oddity or a simply expansion of the term's function over a century or more of use. See Thompson, *Revival Preachers and Politics*, p. 169.

<sup>31</sup> In cases when the *compromissum* and the *laudum* happen one immediately after the other, there may be cause to suspect collaboration between the parties and the arbiter. See Kuehn, *Law, Family, and Women*, pp. 45-46.

The precise legal status of these documents was something of a grey area in the fourteenth century due to the status of the arbiter and the extra-judicial nature of the procedure in general. The arbiter (*arbiter*) was an established figure in Roman law who followed standard legal procedure exactly as a judge would, but was chosen by the concerned parties rather than acting as a public official. The peacemaking function might instead be assigned to a mediator (*arbitrator*) or friendly reconciler (*amicabilis compositor*). Mediators were chosen in the same way but were not bound by any procedural framework, operating with a free hand. Friendly reconcilers worked similarly. Neither of these two titles had any precedent in Roman law, leading jurists to argue that their rulings had no real legal standing. By the mid-fourteenth century, however, this was beginning to change for a variety of reasons. Firstly, in Rome as elsewhere, notarial and statutory practice tended to blend these categories together rather than maintaining the distinctions drawn by jurists. This practice was due to the desire of those resorting to arbitration to have a legally binding ruling without being hindered by court procedure. Secondly, communal governments were increasingly likely to enforce arbitration rulings, beginning in the late fourteenth and heading into the fifteenth century.

The Romans broke with standard practice by using the *laudum* of select peacemaking procedures as an opportunity to lay out the elaborate scripts of their unique form of ritualized peacemaking. These scripts were seemingly *sui generis*, with, to my knowledge, no comparable practice found in the records of other cities. Outside Rome, the arbitration procedure was far more commonly used for disputes over property, property rights, status related to property, and the like – actions that in Rome could also be ritualized, for peacemaking was not the only instance when Romans incorporated ritual acts into standard legal and notarial practice. When the purchaser of a piece of property was invested with it, often by the procurator of the seller, we

sometimes find that they not only made legal documents but also exchanged spoken words in which the seller or procurator invested the buyer who in turn accepted the investment. The buyer might then be led to walk about on the property, to stand, sit, or generally linger in various places. He might open and close doors. He might be handed a clump of sod by the investing party, and the like.<sup>32</sup> Ritualized peacemaking differed only in that it was read out publicly before being performed and the scripts were *volgarizzati*, translated into the vernacular at that time.<sup>33</sup> That Romans not only used this process to make peace but actually introduced, in select cases, what appears to have been a unique element—a public performance including declarations in the spoken language of the Roman streets—speaks to the value of these records for understanding the Roman sense of what peacemaking was and how it related to their concept of the community as a whole. Ritualized peacemaking recast the conclusion of a given conflict as an act of mercy granted at the behest of the community, mercy which prevented or abbreviated the infliction of punishment that one or both parties might see as their right. Before a *briga* could end, it and its

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<sup>32</sup> Several examples of the language spoken at the time of investment can be found in the protocols of Nardo Venettini. See, for example, ASC, Sez. 1, AC 785/6 fol. 68v and fol. 124v. For a more detailed description of the ritualized acts that might be performed, see BAV, Archivio del Capitolo di S. Pietro, Caps. 68, fasc. 191, 5. That these quotidian rituals were not always recorded in cases of investment, oblation, or other acts wherein they were sometimes found leads to the question of just how often they may actually have been performed and what part the ritual acts played in legitimizing the transactions in the eyes of local practitioners.

<sup>33</sup> For translations into the vernacular, see Anna Maria Corbo, *Artisti e artigiani in Roma al tempo di Martino V e di Eugenio IV* (Rome: De Luca, 1969), p. 167. Other than Musto, Corbo is the only scholar to have given any attention to Rome's ritualized peacemaking processes. However, her interest in them is largely due to their periodic inclusion of the vernacular. Her analysis of them as acts concludes simply that their primitive violence is indicative of the debility of Rome's governing institutions. Amanda Collins has argued that use of the vernacular in public contexts is a point of continuity between Cola's regime and the popular regime of the Bandaresi that came later. See *Greater than Emperor*, pp. 195-196. I would argue that rather than indicating continuity between Cola and the Bandaresi, this was a common practice of both the more and less elite elements of the Roman *popolo* in specific contexts.

resolution had to be rendered intelligible to the community in which it occurred, with the nature of the conflict and its violence, the respective place of the participants, and the role of the community itself all made clear. The notary wrote the act on paper, but the actors wrote it into the fabric and history of the neighborhood, changing the course of events by this remaking of the world in which they were unfolding.

### 6.3 *Confession, Penance, and Peacemaking*

Nucio Mangia and Lello di Lorenzo di Giovanni seem to be solidly part of Rome's middling sort, based on the frequency with which both show up in surviving protocols as the primary actors of instruments of deposit or instruments of sale relating to parcels of vineyard and the like. On August 25, 1360, they took part in a different sort of transaction when they met to make peace.<sup>34</sup> Nucio said to his counterpart, "Lello, that which I did I did like a wicked man. Since you did not defend yourself against me, here is a rod; take from me whatever vengeance pleases you." Lello responded, "Insomuch as I did not defend myself against you, and since you behaved like a wicked man, I wish to give you penance." He then struck Nucio with the rod before making peace with him.<sup>35</sup> Similarly, on Sept. 4, 1367, when the butcher Lello di Nucio di Giacobucio of rione Sant'Angelo made peace with Nicola di Nucio di Cecco of that same rione, he first set out from a tavern owned by Tucio Tordonerii, who served as arbitrator as he would

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<sup>35</sup> This took place on August 25, 1360; ASR, CNC, 1163, fols. 256r, *I protocolli di Iohannis Nicolai Pauli*, p. 145; "Lelle, illud quod feci feci como rio homo puoi che tu no te guardavi da mi ecce baculum capias a me illam vendictam quam tibi placet." "Pro eo quod ego non custodiebam me a te et quia fecisti sicut reus homo volo tibi dare penitentiam."

again four years later, in the case of Nuccio the grocer and Paolo Rosso.<sup>36</sup> Lello was barefoot and hatless, clad in a *jubbarello* and *cum corrigiam in gula*. As he walked, he passed the house of Giovanni de Bulgaminis<sup>37</sup> where a group of men shouted out to him, “Where are you going?”<sup>38</sup> “I am going to Nicola di Nuccio di Cecco,” he responded, “for it seems to me that I behaved towards him like an evil man.”<sup>39</sup> He then passed the house of Lello Gibelli<sup>40</sup>, where the same exchange was repeated. When finally he arrived at the place where Nicola was waiting he said, “Nicola, that which transpired between us should never have happened and I yield. Here I am. Since I behaved as an evil man, take from me whatever satisfaction you wish.”<sup>41</sup> Then, Nicola struck Lello three times between the neck and waist with a rod before taking a blade to his scalp, drawing blood (likely rather a lot given the nature of head wounds), until the arbitrators and an attending doctor gave him the order to stop.<sup>42</sup> Given the public and, for Lello at least, painful

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<sup>36</sup> Lello was involved in a few peace processes prior to this one, including one *instrumentum pacis* in which he was one of the concerned parties. He also witnesses the *instrumentum pacis* (and likely the attendant ritual) of September 22, 1368; see BAV, SAP, I/4 fols. 106v-108v. Nuccio was a prominent member of the guild of fish sellers. He had close ties with Tordonerii, an important miller much associated with the fishsellers and various prominent men in the community.

<sup>37</sup> This was a prominent family, centered in rione Sant’Angelo, which produced a number of notaries and legal professionals. See Sanfilippo, *Roma dei Romani*, p. 444.

<sup>38</sup> BAV, SAP, I/3 fols. 92v-93v, “Quo vadis.”

<sup>39</sup> Ibid., “Vado ad Nicolaum Cecchi quod pareat mihi quoniam illud quod feci feci ut malus homo.”

<sup>40</sup> Lello was the first cousin of Nuccio and was fortunate enough to marry one of the Pierleoni, an old and noble Roman family whose glory years were in the tenth and eleventh centuries.

<sup>41</sup> Ibid., “Nicolae illud quod fuit inter te et me non debuit esse et me cedet. Ecce me quia feci ut malus homo capias illam satisfactionem quam vis.”

<sup>42</sup> Ibid., “liceat dicto Nicolo incidere coticam capitis dicti Lelli cum sanguine ad declaratrem [sic] ipsorum arbitrorum una cum medico”

nature of this ritual peacemaking, we are justified in wondering why both men submit to it. Nicola clearly felt he had good reason to take a knife to Lello's head, but it is less apparent why Lello would agree. Given that making a normal *instrumentum pacis* would be a rather public act—a fact made obvious when one considers the number of people involved—Lello's willingness to engage in a long processional confession needs explanation.

In order for Roman ritualized peacemaking to be an appealing strategy for those who participated in it, it had to have a desirable result. It is an error to assume that the desired outcome was the elimination of disruptive violence that was understood as a deviation from a state of peace; violence was a natural part of the medieval social order and there was nothing aberrant about feuds. Instead, the work done by Rome's ritualized peacemaking was to transform the cyclical, poorly contained violence of personal vengeance into a justly imposed penance. By using a ritual peace to do this, Roman combatants had the redemptive opportunity to transform themselves from participants in vendetta into agents of divine justice and maintainers of a rightly ordered community.<sup>43</sup> Crucial for this process was the relationship between memory, performance, and the creation of history using a model of penance and confession. This was, obviously, not the sacramental confession and penance of university-trained theologians, but rather a lay appropriation and externalization of the confessional model.<sup>44</sup> We should not mistake

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<sup>43</sup> On the redemptive nature of ritual, see Bell, *Ritual Theory, Ritual Practice*, pp. 114-117.

<sup>44</sup> These rituals hearken to a notion of penance that first emerged during the Carolingian period and which was current for much of the early medieval period. Namely, that public sins required public penance and private sins a hidden one. See Sarah Hamilton, *The Practice of Penance, 900-1050* (Rochester, NY: The Boydell Press, 2001), pp. 1-24. This public penitential practice has been shown to have survived the inward, confessional turn signaled by the Fourth Lateran Council by Mary Mansfield, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France* (Ithaca, NY: Cornell University Press, 1995). While John Bossy, in his *Christianity in the West, 1400-1700* (Oxford: Oxford University Press, 1985), pp. 35-56, argued that penance in

lay origins and obvious political and strategic ramifications for a lack of piety in Roman peacemaking processes. There are a few clues regarding what participants would have understood themselves to be doing in imposing and receiving this penance. One such clue is found in the ritual of March 29, 1383. In this instance, Giovanni di Lorenzo alias Mancì Gallochia of rione Trevi appeared with several allies in the street that ran to the important church of S. Maria Nova, where they met Petrucio di Cola Cimaroni of rione Campitelli who was similarly accompanied. In their ritual, Petrucio was to strike him with a sword, explicitly called by the mediator's script a *spata taglioni*, a sword of retribution.<sup>45</sup> Making peace was so fundamentally a pious act that it is difficult to imagine it being understood in any other way. If anything, these rituals demonstrate that civic piety in late medieval and Renaissance Italy, rather than being a monochromatic reflection of contemporary theological traditions, was richly capacious and creative.

The first person to speak in a peacemaking ritual was generally the aggressor, or at least the person presented as such by the mediator's script. They often explicitly identified themselves

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the late Middle Ages was communal in nature, Mansfield argued that the seemingly collective, communal nature of penance in the later Middle Ages was a pious fiction that masked local rivalries. My own reading of Rome's ritualized peacemaking inclines me to believe that we need to revisit the assumed link between a shift from penance to confession and collective to individual devotion. The narrative, inscribed nature of confessional practice, its incorporation of sin into the core of an individual's identity rather than the expiation and erasure of that sin, was just as applicable a commune as it was to an individual. Confession's continuous nature, rather than its individual orientation, is the crucial element here. See Robert Swanson, *Religion and Devotion in Europe, c. 1215- c. 1515* (Cambridge: Cambridge University Press, 1995), p. 34.

<sup>45</sup> ASR, CNC, 476 q. 2, fols. 97v-99r; *Un notaio del Trecento: i protocolli di Francesco di Stefano De Caputgallis (1374-1386)*, ed. Renzo Mosti (Rome: Viella, 1994), p. 487-8. The blows rained down upon Romans who ritually confessed wrongdoing were almost always from either the *zaccone*, the name by which the rod used in these rituals was most often known, or a sword. I have been, thus far, unable to find any clear information on the word *zaccone* and am currently operating on the assumption that it is a *romanesco* word interchangeable with the Latin *baculum*.

as wicked. Either way, one party confessed and the other acknowledged the confession and applied the penance. Not all declarations of guilt were so tidy. For example, March 7, 1366, a cloth worker named Rubeus approached Lucio Ciccha in the church of S. Biagio de Olivis. Brandishing a rod, he said, “Lucio, well met, God grant you long life. Here is the rod. If I did something which I ought not to have done, take from me whatever redress pleases you.”<sup>46</sup> Lucio did, wordlessly striking him with the rod before making peace. By far the most common way to avoid expressions of outright culpability was to imply shared guilt due to mutual participation in the preceding violence. This was done by asserting, as the majority of rituals do in some form or another, that whatever had transpired between the two parties should never have happened. Some version of this phrase was uttered time and again when Romans made peace with one another, though it never precluded a violent “penance.” The peace between two painters in 1371 is a case in point. Standing in the piazza of S. Symeone, one of the two, the gaudily titled Magnificent Lorenzo di Pietro Alesantri of rione Pigna, declared to his fellow painter, the more soberly named Master Bartolomeo of Siena, “Maestro Bartolomeo, that which transpired between us should never have happened.”<sup>47</sup> Master Bartolomeo responded by snatching his magnificent

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<sup>46</sup> ASC, Sez I, 649/8, fols. 41rv; “Luczo ben si trovato, Dio te da vita, eccol lo zaccone, se cosa avessi facto che non devessi, pilgia de mi quella menda te piace.” Of Lucio we know nothing more. Rubeus moved in fairly lofty circles. January 22, 1364 he witnessed the testament of Margarita, wife of Nicola de Pappazuris of rione Pigna. There were several Englishmen among the witnesses. Sept. 17, 1364 he witnessed a Porcari, procurator of Nicola de Astallis, investing Robert the Englishman with half a house in Pigna. Sept. 19, 1361 he witnessed the making of a procurator, the same Pres. Felicianus from the peace ritual of March 16, 1352, to obtain a peace. One of the other witnesses was Bucio, the bastard son of Paolo Capucie de Capocinis.

<sup>47</sup> ASC, Sez I, 649/11, fols. 4rv, “Magistre Bartholomee ea que fuerunt da te ad me non debuerunt esse.” Other members of the Magnificent Lorenzo’s family show up from time to time in the notarial record. None were known as “magnificus”, making it likely that this was an informal title, perhaps pretentiously self-applied or perhaps due to his skill as a painter, rather than signifying baronial status as it normally would.

colleague's hat from his head, tearing it to pieces and flinging it on the ground, saying "If it should never have happened then I do unto you thus!"<sup>48</sup> He then struck Lorenzo with a sword (*gladio*) given to him by the arbitrators, being careful to neither shed blood nor break bones.

Regardless of the details, the parties in Roman ritualized peacemaking were changed in their status, transformed ritually into new kinds of being: the good man who has submitted to justice by means of confession, and the hand of justice itself. If we consider the nature of confession, it is clear that these new roles were to be understood as permanent. All who witnessed the event would understand the ritual's import. Rome was a city where justice reigned, where any member of the community could be expected to submit to it or could become a conduit for it. In embodying this idea, the participants were engaging in both a kind of world making and public instruction.

#### *6.4 Family, Community, and Peace*

On June 4, 1379, the soldier Renzo di Andrea di Renzo presented himself before his fellow soldier Tucio dello Braccho, commonly known as Boccaccio. He dropped to his knees and placed one hand on the ground. He then said to Boccaccio, "That which transpired between us should never have happened."<sup>49</sup> Boccaccio, brandishing a *zaccone* given to him by the arbitrator, then struck Renzo twice on the shoulders and once on the chest. After doing this, Boccaccio turned to the arbitrator, Biagio di Pietro di Paolo, and said "Biagio, I do not wish to

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<sup>48</sup> Ibid., "Et quia non debuerunt esse ideo ego faciam istud." His deed apes a common ritual gesture by the person confessing wrongdoing, namely the doffing of their cap. In this case, the wronged party destructively doffs the aggressor's cap for him.

<sup>49</sup> ASR, CNC, 1236, fols. 35r-v, *I protocolli di Iohannes Nicolai Pauli*, p. 266; "Boccatie illud quod fuit a me cum te non debuit esse."

lay hands [on him] with this stinging rod, for I wish to refrain out of love for you.”<sup>50</sup> The process was not yet over, however. Bocaccio then turned to Renzo’s uncle Antonio and said, exactly as Renzo had said to him, “That which transpired between us should never have happened.”<sup>51</sup> Antonio then seized him by the brooch on his tunic and struck him with the flat of a blade (*cultellessa*). Then all involved made peace.

Those whose role was to inflict a just punishment in Roman peacemaking rituals sometimes bludgeoned their counterparts, or incised their scalps, without hesitation. Quite often, however, they refrained from doing so either completely or in part. The abbreviation of the imposed penance was another common element of the Roman peacemaking ritual, and although the precise formulation varies, the arbitrators frequently appeared as the stated reason for which the injured party declared himself willing to forgive the aggressor and forgo the physical vengeance. The arbitrators (as well, at times, as the notary, witnesses, and guarantors) served ritually, in these public declarations, as the motivation for the forgiveness of one’s enemies. These arbitrators — men chosen from the local community, often men with whom one of the parties in the conflict might be close, men whose other associates likely numbered among the witnesses and guarantors of the entire process — represented the web of social relations that constituted the local communities in which peacemaking took place. In the action of the peace rituals, peace was made not for the good of the participants but out of love for and devotion to the local community. Paolo Rosso, we will recall, relented in his pursuit of Nucio when one of his arbitrators, as if there only by chance, called out from the crowd for him to stop.

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<sup>50</sup> Ibid., p. 266; “Blaxi nolo ipsam manum cum dicto çacone seu baculo tangere de punta eo quod volo sibi parcere tui amore.” There are clear grammatical problems with this sentence but my rendering captures the sense.

<sup>51</sup> Ibid., p. 266; “Antoni illud quod fuit a me cum te non debuit esse.”

Once the just, penitential punishment had been enacted (or at times forgone), the involved parties made peace. Ritual participants were often explicit about precisely why this occurred, more often than not framing the mercy in familial terms. The use of this language falls into two rough categories: people between whom there was some existing familial relationship, at least in the broad sense of *famiglia*, and those for whom the language of family (or friendship) seems to have been meant to articulate a certain aspirational social intimacy that did not necessarily correspond to their daily lives. In the latter cases, the language of family and of devotion to the broader community more often than not go hand in hand, emphasizing the fact that the family ties evoked were an articulation of ideal social relations. In the former cases, we see rituals that, despite falling clearly within the same category of act, usually look distinctly different from the others. Rituals between actual family members, in whatever sense of the term, did not carry the same valence. Most striking are the cases when there seems to have been a real familial tie, at least in the sense that servants and other employees or dependents could be seen as part of their superior's *famiglia*.

On February 24, 1372, Angelello, a cloth-worker of rione S. Eustachio, and his son Cola approached Benedetto di Giannotto Mataratii of rione S. Eustachio inside the church of S. Maria sopra Minerva. They said to him, "Benedetto, that which we did, we did like wicked men." Angelello then said, and his son confirmed, that what they had done was wicked because Cola was sustained by the bread and wine of Benedetto.<sup>52</sup> Benedetto then replied, "I pardon you for

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<sup>52</sup> Having shared bread and wine (and perhaps dwelt together?) could make Benedetto and Cola family according to some contemporary measures. See F. W. Kent, "La famiglia patrizia fiorentina nel Quattrocento: nuovi orientamenti nella storiografia recente," in D. Lamberini (ed.), *Palazzo Strozzi, metà Millenio, 1489-1989: atti del convegno di studi, Firenze, 3-6 luglio 1989* (Rome: Istituto della Enciclopedia Italiana, 1991), pp. 70-91; Christiane Klapisch-Zuber and Michel Demonet, "'A uno pane e uno vino': The Rural Tuscan Family at the Beginning of the Fifteenth Century," in *Women, Family, and Ritual*, pp. 36-67.

the love of God and the Virgin Mary because I promised to do so when I took the body of Christ.”<sup>53</sup> Benedetto and Cola were linked in the hierarchical social relationship of employer and employee and likely by the parallel hierarchies of the wool trade. Their peace took place in S. Maria sopra Minerva, the parish church associated with their trade, in which Benedetto probably took the body of Christ. Because this church was also the seat of the Dominican Order in Rome, it should be noted here that rituals in or around this church are the only ones to evince a mendicant presence in Rome’s ritual peacemaking practice. This fact speaks to the relative unimportance of the mendicants, or of the clergy in general, as the inspiration for peacemaking in Rome; it was only because of their church’s connection to the wool trade that they were even present.

At the same time that this conflict was being resolved, Benedetto was also resolving another dispute with Angelello’s son Cola. From this other dispute we learn that Cola was a fuller who worked, like many laborers of his ilk, in a putting out system. Benedetto had entrusted him with a measure of cloth that needed fulling and had also given him money, which was referred to as a loan (*occasione certorum denariorum mutuatorum*). The most likely explanation is that the money “loaned” to Cola in fact constituted a partial advance payment for the work to be done. Whether it was a simple loan or an advance payment, the arrangement had gone sour. The work had not been done, or had been done so badly that the cloth was damaged. Benedetto was demanding, and eventually received, his money back, in addition to damages for the ruined cloth. These two conflicts were clearly related but they were handled separately. The conflict

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<sup>53</sup> ASR, CNC, 1703, fols.52v-52/2r, *Il protocollo notarile di Lorenzo Staglia (1372)*, ed. Isa Lori Sanfilippo (Roma: Società Romana di Storia Patria, 1986), p. 56; “Vendecto quello che feciemmo como rii huomini” et dicat dictus Angelus: “Per cio che filgiomo siene stato allo pane et vino tuo.” “Jo ve perdono per amore de Dio et della Vergine Maria perche, quanno presi lo cuorpo de Christo, jo lo promisi.”

over cloth was arbitrated by Coluzia di Giovanni di Stefano, a wool-merchant (*lanaiolo*) of rione Pigna, and settled with a monetary payment of 5 gold florins and 35 silver Roman soldi. The *instrumentum pacis* tells us that Giovanni Quatracie, Paolo Iuvenalis, and Dom. Lorenzo Serromani all witnessed the ritual's performance and the subsequent peace. Immediately thereafter the same men witnessed Cola's payment of the judgment, as recorded in the document certifying Benedetto's receipt of the money.<sup>54</sup> It seems likely that the original dispute was financial in nature, but that settling it had led to some more personal unpleasantness between Benedetto and his contractor, necessitating the peacemaking ritual, which served to reaffirm the ties of dependence between employer and artisan. The social ties between Benedetto and Cola were sacred, but like all human things they were also fragile. The simple fact of a disagreement did not necessitate a ritual peace, but when that disagreement escalated in some way, the ritual became necessary.

Cases when the family tie seems to have been more metaphorical than real could be quite similar. When Giacomo di Giovanni di Giuliano and his son Giuliano, who lived in the neighborhood clustered around the massive Torre dei Conti, made peace with Tucio di Dom. Angelo and his son, they did so through a dramatic evocation of familial affection. The arbitrator, none other than the baron Antonio dei Conti, sat holding a sword which Tucio's sons had been keeping in Giacomo's house. One of Tucio's sons approached Giacomo and said, "Giacomo, if any injury has been done between ourselves and all of you it sickens us, for we would rather have you as a father." Giacomo then took the sword from Antonio and cast it down

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<sup>54</sup> In cases involving money as well as broader violence, it was not obligatory to separate the two. See, for example, the ritual of August 7, 1379. ASR, CNC, 1236, fols. 46v, *I protocolli di Iohannis Nicolai Pauli*, p. 275, in which the arbiter declared that a monetary payment of 2 florins from one party to the other was required once the ritual itself was completed.

in the house of Tucio, saying, “You held me as a father, and I held you as sons.” They then made peace.<sup>55</sup>

When the reputation of a whole family was at stake, familial language could serve to mend the rupture by associating both sides as a single “family.” On August 17, 1398, under the arbitration of Lorenzo di Cecco Vannutii [di Vannutio?] of rione Pigna, Giacomo di Giovanni di Giacomo the cloth finisher (canicatore or accimatore) of rione Pigna and Antonio di Romano Cartarii of rione Colonna, who was a minor and required the consent of his father, made peace. Giacomo approached Antonio in a public place called the *arco Camilgiani*. When he arrived Antonio said to him, “Giacomo, that which I did and said I should never have done or said, for we have always been like brothers.” To this Giacomo replied, “Antonio, because we have always been brothers and because it pleases Lorenzo, I want nothing more from you than that you be my brother.” That done, Giacomo turned to Antonio’s father, Romano, and said, “Romano, I have always thought of you as a father and known your wife to be a good and *professa* woman, and all your family likewise, and one can say nothing about them except that they are entirely honorable and if any should say otherwise they have not spoken the truth.”<sup>56</sup> After this peace was made.<sup>57</sup>

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<sup>55</sup> ASR, CNC, 1236, fols. 206r-206v, *I protocolli di Iohannes Nicolai Pauli*, p. 233; Or so it seems. We are told that “dictus arbiter tenet in manibus suis illam spadam quam filii Tutii domini Angeli retinuerunt in domo Iacobi Iohannis Iuliani.” The son was to say, “Iacobe si a nobis et vobis fuit aliquid ingiurias nos tedet quia volumus te pro patre,” at which point, “dictus Anthonius ponet in manibus dicti Iacobi ensem predictam qui Iacobus eiciet in domo dictorum Tutii et filiorum.” Giacomo was then to say, “Vos habuistis me pro patre ego vos pro filiis.” Perhaps this sword was left in the house after a conflict or the sword’s keeping was a sign of the earlier good relations the men had enjoyed and its display an effort to resurrect them; it is impossible to say with any certainty.

<sup>56</sup> ASC, Sez I, 763 1.5, fols. 15rv; “Iacovo quello che io feci et dissi nollo debi fare ne dicere perche sempre li fuemmo fratri.” “Anthonio perche sempre li fuemmo fratri pueyche piace ad Renzo io non volglio altro da ti volglio te per mio fratre.” “Romano io te agio auto sempre per mio patre et agio conosciutaa la donna vostra per bona et professa donna e la familglia sua et

Here it seems likely that Giacomo and Antonio had had a row of some kind that culminated in the slander of Antonio's mother. Since the minor Antonio was not the primary guardian of family honor, Giacomo's apology to him was fairly generic. Only when Giacomo spoke to the *paterfamilias*, the husband of the insulted woman, does he allude to the nature of his slight.

Of course, sometimes assertions of fraternity were not enough to totally defuse tensions. The ritual discussed above, between the soldiers Boccaccio and Renzo, along with Renzo's uncle Antonio, was not the first ritual between the two parties. Earlier in the same year, on May 5, 1379, the same arbitrator had declared that Renzo was to approach Boccaccio (whose real name, we recall, was Tucio) and say, "'Tuciolo, that which transpired between us should never have happened, for I have always considered you a brother.'" Boccaccio was then to respond, "Since it should never have happened..." and then strike Renzo with a rod that the arbitrator would give him.<sup>58</sup> As in the ritual already discussed, Boccaccio was then to turn to Renzo's uncle, be struck by his blade, and then peace was to be made. In this case, the assertion of brotherly love was not

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dessi non se porria dicere e non tucto honore chi ne avessi dicto lo contrario non averia dicto lo vero."

<sup>57</sup> There were Dominicans involved in this ritual, as witnesses, and parts of the process take place in the vicinity of the Dominican church S. Maria sopra Minerva. That there was no violence in this ritual seems to me to stem from the family ties rather than this mendicant presence. The mendicant presence is, I think, coincidental. The people involved in these particular conflicts all have connections to the cloth trades and that group lived primarily in rioni Pigna and S. Eustachio, gravitating around S. Maria sopra Minerva, where their arte held its meetings. Sanfilippo, *Roma dei Romani*, p. 150.

<sup>58</sup> ASR, CNC, 1236, fols. 28r-v, *I protocolli di Iohannes Nicolai Pauli*, p. 261; "'Tutiolo quello che fo danni et dati non debe essere ca sempre taio abuto pro frate' et tunc dictus Tutius respondet et dicet hec verba "pro eo quod non debuit esse" dabit dicto Rentio de çaccone quem nos sibi ponemus..." It should be noted that in his edition, Mosti places the close parenthesis after "çaccone". This seems grammatically confusing even for a notary's rough draft. Given the third person verb, I think this *laudum* describes what Renzo will do, namely, strike Boccaccio with the *zaccone*, which was to be given to him by the mediators.

a way of avoiding painful penance in favor of immediate forgiveness. It is perhaps telling that this ritual seems never to have been performed and that a few months later the same parties were forced to resort to arbitration again while serving in the Roman militia.

### *6.5 Peacemaking and Social Distinction*

The fact that some Romans occasionally chose to resort to this ritualized performance even though they could, and did, have recourse to more common forms of peacemaking indicates that they were drawing distinctions among incidents of conflict and modes of resolution. It is often difficult to identify the parties in Rome who used peacemaking rituals to end their conflicts, but it seems clear that they were predominantly guildsmen.<sup>59</sup> Of course, Rome's artisans were hardly a homogeneous group. There were grocers, cobblers, butchers and blacksmiths who operated out of a single shop, but many people enrolled in the guilds had diversified their activities or even left their trade of origin behind in favor of more lucrative enterprises.<sup>60</sup> What is more, Rome's peacemaking rituals provide uneven information about

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<sup>59</sup> In analyzing the parties to peacemaking rituals I have used the following standards. First, when explicit mention of a trade is lacking I have read the involvement in a single trade, or several related trades such as cloth-working and tailoring, by mediators, parties, and guarantors as evidence that the party for whom detail is lacking was likely an artisan of a similar type, or at least of similar economic status. Second, when surviving evidence indicates association not only with other artisans but with men of known wealth, power, and prestige within the guild community I then take the individual in question to be a more affluent representative of his trade, a member of the guild elite. This is even more the case when the men with whom they were associated included members of the urban patriciate. Association with urban nobility, baronial families, and prominent members of elite institutions like the Confraternity of the Savior indicates clear ties to the governing stratum of Roman society, even if the precise economic status of the party in question remains unknown.

<sup>60</sup> Maire Vigueur, *L'altra Roma*, pp. 86-94; Sanfilippo, *Roma dei Romani*. Despite this broad definition of "artisan" or "guildsman," it is clear that Rome's peacemaking rituals were not as "democratic" as more standard peace processes in Rome or Florence. For Florence, see Jansen, "Peacemaking in the Oltrarno." Insofar as ritualized peacemaking was reserved to a limited

participants, sometimes making the search for information about them even more difficult than the fragmentary source base would on its own. In the 37 rituals examined here, the participants were overwhelmingly, but not exclusively, Christian guildsmen. Other sorts of people also took part, albeit in a manner mediated and circumscribed by the majority participants. Even if it is only documented in a few cases, this non-elite participation in ritualized peacemaking indicates that the format and message of these rituals were broadly understood and that the practice was deeply embedded in Roman society.

A minority of participants in Roman peacemaking ritual were men of modest means. These were men who lacked family names and sometimes even patronymics. They might have humble professions and places of origin, like Paolo the son of Iustolo from the agricultural community of Fosa Cecca, whose 1348 ritual we have seen. Paolo had no speaking lines in his ritual. His counterpart, Nuccio di Meolo – a blacksmith and son of a blacksmith, and a man whose son would supplement the family trade by becoming a grocer – did. Paolo’s passivity and muteness in the face of Nuccio’s verbal and physical aggression serves as a reminder that peacemaking rituals not only ended conflicts but also reaffirmed existing social relations, reinforcing social hierarchy as well as confirming ties between equals. The more powerful party might also frame their gracious forgiveness in terms that seem to indicate the familiar clientage of *amicizia*. When Martinello di Nardo de Orte, a spelt farmer, declared himself ready to accept the correction of the more prominent Giovanni Infantis on September 7, 1360, the latter declared, “I would have you as a friend.”<sup>61</sup>

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segment of its political class, Rome bears more resemblance to Bologna. See Wray, “Instruments of Concord.”

<sup>61</sup> ASR, CNC, 1163, fol. 258v, *I protocolli di Iohanni Nicolai Pauli*, p. 147. Martinello had said to Giovanni, “Nuti, illa verba que fuerunt inter me et te non debuerunt esse quia habeo te pro

Giovanni Infante's family was hardly humble; it was, in fact, prominent and wealthy enough that the commune turned to it when money was short.<sup>62</sup> Among the participants in Roman ritualized peacemaking, evidence of above average wealth and status, or of close association with men for whom this can be demonstrated, is far more common than the contrary. Paolo Rosso, the fish seller whom we saw chasing his enemy through the streets, had ties both inside Rome, in his own *rione* of S. Angelo and other neighborhoods along the Tiber, and outside the city, stretching all the way to Ostia in a manner similar to powerful fellow fish sellers like Nuccio Gibelli. Another fish seller of similar means was Cola di Nuccio di Cecco, whose name appears next to Paolo's on a list of important members of the *ars pescevendolorum*. Cola was not only deeply embedded in the network of the *ars*, he was also tied to some of their most powerful friends, men like Tuccio and Cola Tordonerii. Like these prominent and prosperous residents of S. Angelo, the peacemaking men of rione Monti, which was home to many of Rome's most powerful families, particularly those cattlemen known as *bovattieri*, also seem to move in lofty circles. Their numbers included not only men like Oddorizio di Cola di Oddorizio and his brother Sabba, scions of the Buccamazzi family and associates of the Confraternity of the Savior, but even the bastards of Roman baronial families like Stefanello the illegitimate son of Nuccio

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frate et volo stare ad correctionem tuam." His use of a nickname, Nuccio, rather than Giovanni's full formal name may also have been meant to evoke the closeness of the two men. Giovanni replied, "Et ego volo te pro amico."

<sup>62</sup> ASC, Sez I. 649/14, fols. 72v-86v. This document records the sale by the commune of large quantities of salt, purchased by wealthy Romans, in order to fund a military venture. It is striking that unlike other Italian states, which developed models akin to Florence's Monte, the Romans seem never to have developed a comparable fiscal mechanism in order to pay for unpredictable communal expenses like warfare. I hope to explore this comparison in a separate project.

Processi, himself one of the Capocci.<sup>63</sup> The guarantors of these cases demonstrate that the process of ritualized peacemaking involved the broader community of affluent guildsmen, as well as men at the heart of their social networks, like the Tordonerii.

Just as not all participants in these rituals were elites, not all of them were Christians. The participation of Jews in peacemaking rituals is attested, though it remains difficult to determine how common it was. It is possible that resort to Christian notaries and peacemaking mediators was a means of evading the authority of rabbis or other powerful figures within Rome's substantial Jewish community.<sup>64</sup> In Rome, this strategy extended even to participation in peacemaking rituals, suggesting that at least some local Jews were closely affiliated with the group whose distinctive status was embodied in these rituals.<sup>65</sup> One example is Mizzolo di

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<sup>63</sup> The brothers and Stefanello make peace in ASR, CNC, 1236, fols. 22r-v, *I protocolli di Iohannis Nicolai Pauli*, p. 257.

<sup>64</sup> Rabbis often attempted to limit the use of Christian courts by Jews, as examinations of thirteenth and fourteenth-century rabbinical responsa in Spain have indicated. See Isadore Epstein, *The "Responsa" of Rabbi Solomon ben Adreth of Barcelona (1235-1310): As a Source of History of Spain* (New York: Ktav Publishing House, Inc., 1968; first published, 1925). However, it seems to have been the case that in such circumstances, use of Christian courts was quite common. At times, Jews would use the courts to levy direct attacks on their rabbi. See Elena Lourie, "Cultic Dancing and Courtly Love: Jews and Popular Culture in Fourteenth Century Aragon and Valencia, in *Cross Cultural Convergences in the Crusader Period: Essays Presented to Aryeh Grabois on his Sixty-Fifth Birthday*, ed. Michael Goodich, Sophia Menache and Silvie Schein (New York: Peter Lang, 1995), pp. 150-182. Jewish participation in various elements of notarial culture, especially in the making of testaments, has been understood not merely as their use of Latin but as an example of their acculturation into latinate culture. See Robert Burns, *Jews in the Notarial Culture: Latinate Wills in Mediterranean Spain, 1250-1350* (Berkeley: University of California Press, 1996). I would suggest that Jewish participation in Rome's ritualized peacemaking indicates the similar acculturation into what we might call a local vernacular culture, one reflected in notarial and other forms of local practice and the constitutive categories of which included the broad notions of justice and peacemaking at play in these rituals.

<sup>65</sup> Elite figures among the Jewish community, to whom special privileges were accorded, are attested. See Maire Vigueur, "Les Juifs" and Esposito, *Un'altra Roma*.

Daniele, a Jew of rione Arenula who, on August 28, 1409, approached Leone Vitalis, also a Jew, of rione S. Angelo in a piazza called *platea Johannis Galglofffi*, located in S. Angelo. Mizzolo declared, “Leone, well met. That which was between us should never have happened and I ask that you pardon me. Here I am; take on me whatever retribution you will.”<sup>66</sup> Leone replied, “Mizzolo, I could give you *una gangata* but I do not wish to do so, for the love of these lords.”<sup>67</sup> He then seized Mizzolo by the tunic “in an honest manner” and struck him once with his hand. The two men then made peace, shaking hands rather than exchanging the usual kiss. Other than the fact that the two men shook hands when making peace and swore on “the Jewish scripture” rather than on the Bible when making their *compromissi*, their ritual was entirely standard.<sup>68</sup> The confession of guilt and declaration of willingness to accept retribution, the threatening verbal response, the forgoing of possible violence due to love of the mediators, and even the slap all fall within normal expectations for a Roman peacemaking ritual. Whatever the process of peacemaking was to fourteenth- and early fifteenth-century Romans, whatever making peace meant to the community, Jews were perfectly able to engage in the activity, making it more likely that the sacredness of peacemaking lay in the sacred nature of the community as a whole rather than in the ideological formulations of theorists.

Jews may have been able to participate in ritualized peacemaking with little trouble, but women could not. In the 37 rituals here examined, only one woman spoke as a protagonist; and

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<sup>66</sup> BAV, SAP, I/25 fols. 90v-91v; “Lione bene si trovato quello che fo da ti et da mi non debe essere pregote chemme perdoni et eccho mi pilglia quella menda che te piace.”

<sup>67</sup> Ibid., “Miczolo io te porria dare una gangata ma non tella volglgio dare per reverentia de questi singniori.”

<sup>68</sup> For the *compromissi*, see BAV, SAP I/25 fols. 88v-90r. The men were said to have sworn “in letteris ebraicis ut moris est judeorum.”

on only a single additional occasion was a woman stated to have been one of the parties to the ritual. This gender imbalance is not reflected in the surviving *instrumenta pacis* for cases that did not include a public ritual, making non-ritualized peacemaking in Rome similar to other cities, such as Florence.<sup>69</sup> When a man named Giacomino and his wife Tilia made peace with two men named Cecco and Sabbutio in December of 1386, Giacomino responded to Sabbucio's willingness to accept retribution by saying, "I do not wish that Tilia should enact any retribution upon you; I wish to do so myself." He then struck Sabbucio with a sword given to him by the mediators, below the neck and without drawing blood.<sup>70</sup> It seems that Tilia may have been the wronged party, according to the logic of peacemaking, but Giacomino acted on her behalf.

On Dec. 17, 1377, Macthio di Giovanni Macthio presented himself in the notary's house before Perna, the wife of Antonio Verardi. "Well met, Perna," he said, "if there has been anything between us, here I am, I ask that you pardon me." Perna, the sole surviving example of an active female participant in these rituals, then responded, "If it were not that I let this matter drop for the honor of these two gentlemen, I would fix you so that you would never again resemble a man. But out of respect for Stefanello and these gentlemen, I do you honor as if you were a son."<sup>71</sup> In this case, the original *compromissum* was made by Perna's husband, Antonio.<sup>72</sup>

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<sup>69</sup> For women and peacemaking, see Jansen, "Peacemaking in the Oltrarno" and "Pro bono pacis."

<sup>70</sup> ASR, CNC, 477, fols. 39r-40v; "Jo novololio che Tilia pilgli vienecta volglionella pilgliare jo." This document's state of preservation is not good. There are lines missing and the script is very difficult to read.

<sup>71</sup> ASR, CNC, 475, fols. 104r-105v; *Un notaio romano del Trecento*, p. 112; "Ben siate trovati Perna, se ene stata nulla cosa da mi et da ti ecco la persona mea, io tempgo che me perdoni." "Se non che lo laso per honore de questi gentili homini, io te conciarla tale che mai non te resimigliari ad homo, ma per honore de Stephanello et de questi gentili homini io te farragio honore quanto ad filglio." This was the spoken language of the Roman street. We are reminded of Corrado's threat to Chichibio in the *Decameron*; should the cook fail to show him a one

Perna then became the primary actor in the ritual, perhaps because Antonio was in ill health; no more than 5 or 6 months afterwards he was dead. However, it is also possible that the original conflict involved Perna rather than her husband, who made the *compromissum* in their chosen mediator solely due to his role as head of household.

The ritual in which Perna was actually permitted to speak was the only surviving ritualized peace to occur totally outside the public eye, taking place in the notary's house. Conversely, when the mutely present Tilia was denied by her husband the opportunity to inflict a penance on Sabbucio, the ritual was enacted in a public space. Women's circumscribed role in Roman peacemaking does not indicate that women were not meaningful actors in local communities and their economies: Perna herself, to give just one example, was, like many Roman women, a capable actor in her own right, appearing as one of the primary agents in an instrument of deposit, an agreement to send her son to work with a local tailor, and even as guarantor in the resolution of another conflict in May of the same year. Rather, it confirms that public violence, the vendetta or *briga*, was conceived of as masculine. We might further speculate that although the ritual humiliation of peacemaking could be a way of gaining status for the wrongdoer, this dynamic would be complicated if submission to a wronged party was compounded with the indignity of that party being a woman.<sup>73</sup>

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legged gru Corrado declares, "I will mess you up (*ti farò conciare*) so badly that due to your wounds you will never forget my name for as long as you live!" (Day 6, novella 4, 13). Perna's husband, whether elderly, ill, or unlucky, was dead by July 11, 1378, when she appears as a widow, remarrying a butcher named Nucio of rione Pigna. Perna's voice is clear and fascinating; but it is equally important to note the framework of the peace that takes place in this ritual, namely the reference to the arbitrators and to her ritual acceptance of Mactiotio as a kind of son.

<sup>72</sup> Ibid., fols. 74v-75v, p. 88.

<sup>73</sup> On gaining status through humiliation see Smail, "Hatred as a Social Institution."

### 6.6 Voices of Peace: the Distinction of Mediators

Roman peacemaking rituals had desirable results for those who chose to engage in them; but, like all rituals, this form of conflict resolution had cumulative long-term effects that were not visible in individual cases. Underneath the universal language of confession, justice, and penance lurked the power relations of the guild-dominated Roman commune. Over the long term, the use of these rituals also served to reinforce the privileged status of an elite segment within this broader community. This long-term effect was a result, at least in part, of the very forms used to create the rituals in the first place. The key here is the reliance upon the model of private mediation and the innovation of having the mediators create a ritualized script and read it aloud as would be done with a normal *laudum*. Given the way that this process worked, it is clear that if a small group of men were consistently invited to act as mediators in peacemaking rituals, being drawn upon to perform those acts would inevitably create for them, or more likely reinforce, a privileged position within the broader society of diffused governance created by the same rituals. This is, in fact, what happened, even if the position of authority that they occupied in the process was, at times, more formally apparent than actual. The process of moving from *compromissum* to *laudum* could take days or even weeks if real investigation into circumstances was required.<sup>74</sup> However, in some cases the *compromissum*, *tregua*, and *laudum*—at times even

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<sup>74</sup> In one case, found in the protocols of Nardo Venettini, two different mediators were called upon to make peace between what appear to have been two large groups. The key combatants make *compromissi* early but, as investigation moved forward one assumes, other parties begin to enter into the picture. Eventually the core conflicts, of which there were three, were resolved using rituals. The peripheral conflicts were then resolved with standard *instrumenta pacis*. There are many documents related to this complicated case but for the three rituals see ASC, Sez. 1, 785/11 fols. 99v-101r; 785/11 fols. 103r-104r; 785/11 fols. 101v-102v and for the related conflicts see *the instrumenta pacis*: 785/11 fols. 104v-105v, 785/11 fols. 104v-105v, 785/11 fols. 105v-106r.

the ritual and the *instrumentum pacis*—would happen in a single day. In these cases we can assume a departure from official procedure. Either collusion between the mediator and the arbiter resulted in the formalization of a resolution that was the product of previous negotiations by all parties or the mediator simply imposed a *laudum* without any kind of preliminary process.

Given that there were often two mediators, one clearly chosen by each side, the argument in favor of a heavy handed *laudum* seems the weaker of the two. For all that the arbitrators officially had ultimate authority, it is clear that the opposed parties could have considerable input in the drafting of their own peacemaking rituals, just as they likely did in the selection of a mediator in the first place. When this input was not heeded, they might take legal action, as Jactolo di fu Nicola de Castello of rione S. Angelo did, insisting to the arbitrators of a *briga* between himself and Nardo Vanni Mesafana that the words they had told him to say were not true and he did not want to say them, though he was concerned to emphasize that he did want to follow their judgment and not be considered to have broken the *compromissum* he had made when they were selected as arbitrators.<sup>75</sup> These extra-judicial arbitrations did not work by simply replacing the courts with another authority; they were ad hoc, highly flexible processes meant to allow for as much freedom of choice and input by the two parties as possible.

The fact that these rituals reflected negotiated settlements, however, does not diminish the concurrent fact that they—both the settlements negotiated under the guidance of powerful arbiters and the ritual performance enacted under their watchful eyes—contributed to the creation, over the long term, of an elite stratum within Rome's broader guild community. The

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<sup>75</sup> BAV, SAP, I/5 fol. 2r. In a similar case, one party decided to reject the ritual and the other notarized the statement that the fallback penalty clause would be invoked. ASR, CNC, 849, fol. 172r.

men chosen to perform this role do not always respect a neat class distinction between *popolo* and barons, like that famously asserted by Petrarch or Cola di Rienzo, but rather fit into a picture of Rome's ruling group that transcends such divisions.<sup>76</sup> While Romans drew from a wider range of men for their mediators than was the case in some other cities, it remains true that they tended to choose men of their own or higher standing. Since most parties to peacemaking rituals were themselves artisans or members of the guild elite, the ranks of their mediators also came fairly uniformly from the ruling group. In six different rituals, the mediator is readily identifiable as a member of the urban nobility, a fact demonstrated by the notary's reference to him as a *nobilis vir*. Their numbers include multiple members of the old and prominent Cenci family, as well as members of the Ylperini, Cartari, and Pappazurri families.<sup>77</sup> The involvement of powerful members of the guild elite, like Tucio Tordonerii, has already been mentioned, and we find as well the families of some of Rome's important, office-holding notaries.<sup>78</sup>

Perhaps most surprising for historians familiar with Bartolus of Sassoferrato's image of Rome as a monstrous regime riven with the conflicts of its many heads and the ceaseless and indiscriminate violence of its tyrannous baronial families, we find no fewer than seven instances

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<sup>76</sup> Massimo Miglio, "Gruppi sociali e azione politica nella Roma di Cola di Rienzo."

<sup>77</sup> At the time of his selection as a mediator of a peace ritual, Paolo de Cartaris was also Syndic of the Roman People. ASC, Sez I, 649/9, fol. 59rv.

<sup>78</sup> A relative of the notary Antonio Scambis, who was also known as Antonio Impoccia or Poccia, as well as members of the Serromani and Caputgalli families. Several other notaries, often referred to as *discretus vir*, also appear in this role. It should be noted that this assortment of important personages corresponds closely to the descriptions of Cola's backers, and those who eventually abandoned him, given by the Anonimo Romano. See Collins, *Greater than Emperor*, pp. 196-203 and Miglio, "Gruppi Sociali".

of peacemaking rituals mediated by members of those very families.<sup>79</sup> It is clear that what we might call class distinctions between guildsmen, urban nobility, and the barons could be quite blurry. At the pinnacle of Roman power, truly great baronial families like the Colonna or Orsini were unrivaled and their lofty position unchallenged, with the notable exception of Boniface VIII's war upon the Colonna.<sup>80</sup> That said, there was considerable social mobility between groups in this period. Over the course of his long life Nuccio Gibelli, the prominent fish seller, was able to enter into the ranks of the urban nobility. Likewise, the wealth of a powerful cattleman like Lello della Valle was easily comparable and perhaps superior to that of the lesser barons.<sup>81</sup> It is unsurprising, then, that the majority of cases in which a baron mediated a peace ritual involved parties from Monti, the rione that was home to the della Valle and many other cattlemen.

Antonio Conti mediated between two men and their sons who lived in the neighborhood of his family's massive tower (*contrada turris comitis*) on July 24, 1370.<sup>82</sup> The guarantors of the case included men like Giovanni di Tuccio di Meo Graziani, a member of a prominent family of cattlemen.<sup>83</sup> A fine example of the blurring of the great cattle families and the lesser baronial lineages is Thebaldo Annibali, who mediated the ritual between Giovanni di Pietro di Giacomo

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<sup>79</sup> A characterization found in Bartolus of Sassoferrato's *Tractatus de Regimine civitatis* (c. 1330).

<sup>80</sup> On the great families and their more modest baronial peers, see Sandro Carocci, *Baroni di Roma*. On the Colonna, see Rehburg, *Kirche und Macht*; and for the Orsini see Alegrezza, *Organizzazione del potere e dinamiche familiari*.

<sup>81</sup> For the della Valle as some of the most successful of Rome's cattlemen, see Maire Vigueur, *L'altra Roma*, pp. 96-99.

<sup>82</sup> For the Conti, see Carocci, *Baroni di Roma*, pp. 371-380

<sup>83</sup> This was a major *bovattiere* family who appear often in Venetini and elsewhere. He was guarantor of another *instrumentum pacis* on Dec. 9, 1354 and was arbiter of a dispute between Silvestro di Pietro di Silvestro and Cola Amati on Aug. 9, 1363.

alias Riballo and Pietro di Giovanni Albanensis on February 15, 1357. Thebaldo was the son of Donna Caradopna and the magnificent Aniballo de Monte Compatrum, a *castrum* that provided him and his mother with important incomes after Aniballo's death.<sup>84</sup> In its distant past, this family was related by marriage to Innocent III. In their thirteenth-century glory years they were often senators of Rome and *podestà* of important Tuscan and Umbrian communes. By the fourteenth century their importance had faded, though ties to the Angevins of Naples guaranteed them some continued political relevance.<sup>85</sup> This declining status is visible in the document for this peace process, which labels Thebaldo merely *nobilis*, though other contemporary notaries still referred to him in the baronial manner as *magnificus*.<sup>86</sup>

Of all the baronial families associated with Roman peacemaking rituals, none is better represented than the Capocci. A family that, like many other baronial lines, emerged from the urban nobility in the late twelfth century, gained cardinals in the thirteenth, and then began to split into distinct branches, the Capocci were, in the late fourteenth century, no longer a prominent family in their own right, though they were linked to the Orsini by marriage and had a family chapel in the basilica of S. Maria Maggiore.<sup>87</sup> The ties of this family with the most affluent of Rome's non-barons and with that segment of Roman society that wielded the most

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<sup>84</sup> He was documented on May 7, 1363 selling the *herbas* of Castro Montiscompatrum for money and cheese. He and his mother likewise sold "Castro Malafficti," for 300 florins and a share of pork and produce each year, "to Antonio di Cola Macerie (or Materie), notary of Campitelli.

<sup>85</sup> Carocci, *Baroni di Roma*, pp. 311-332 argues that by the fourteenth century this was a family in decline and the holdings they still possessed were divided among numerous lines. For their Angevin connections, see Peter Partner, "Annibaldi, Annibaldo" in *Dizionario Biografico degli Italiani*, Vol. 3 (Rome: Istituto della Enciclopedia Italiana, 1961).

<sup>86</sup> He is so described in the protocols of Nardo Venectini.

<sup>87</sup> Carocci, *Baroni di Roma*, pp. 333-342 .

political power were extensive. Indeed, one need only scratch the surface of many peacemaking rituals, particularly those in rione Monti, and one will find, among the primary parties, mediators, and guarantors alike, signs of association with some branch or another of the Capocci family. As already noted, one of the line's bastards even acted as party to a ritual.<sup>88</sup> Nor was the Capocci presence in Roman peacemaking fleeting; on January 18, 1415, Lello di Bucio de Capuccinis of rione Pigna was mediator of a ritual between two well connected parties.<sup>89</sup>

The presence of these barons as direct participants in Roman peacemaking, like their more extensive presence in the web of social ties that bound the participants together is only a surprise if we assume that Romans associated barons with a state of violence and disorder that they abhorred. This assumption, however, is largely the product of Bartolus' caricature of Roman society, Cola di Rienzo's apocalyptic rhetoric, and the political arguments of the Anonimo Romano. There is no doubt that barons like Martino del Porto, hung by Cola for illegally pillaging a stranded merchant vessel, were seen as dangerous to the economic interests of Rome's ruling group.<sup>90</sup> But we would certainly err if we assumed that all barons were like Martino del Porto, or that the Romans saw them as such.<sup>91</sup> Lorenzo di Aniballo di Francisco di

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<sup>88</sup> April 30, 1379; ASR, CNC, 1236, fol. 22r-v, *I protocolli di Iohannis Nicolai Pauli*, p. 257.

<sup>89</sup> ASR, CNC, 1163, fols. 565r-566v. The ritual was performed in rione Colonna in front of the house of Stefano de Baroncellis. Guarantors of the *compromissi* and *instrumentum pacis* include members of the Ficoci, Archionibus, Surdi, Bufali, and yet another Capocci. Witnesses included Lorenzo de Aniballis of rione Trastevere, Guillelmo de Rubeis of rione Pigna, Cola de Sanguineis of rione Ponte, and Colutia di Pietro Jannini of rione Campitelli, men whose relatives appear in fourteenth-century peace processes as well.

<sup>90</sup> On the Roman commune's struggle to control of shipping routes, see Palermo, *Il porto di Roma*.

<sup>91</sup> We would even err if we assume that Martino's piracy was the primary reason for his prosecutions. There is, in fact, a documented case of a baron who was engaged in nearly identical acts yet thrived under Cola's brief regime. See the May 31, 1348 testament of Francisco

Paolo de Stefaneschi of Trastevere was arbiter of several related peace rituals in 1396, alongside co-mediator Riccardo Sanguineis. Lorenzo was a baron, though the documents often refer to him as *nobilis*. He was also a relative of Martino del Porto. Upon Martino's death, his only heir, a girl named Francesca, received a dispensation to marry Aniballo, a scion of a different branch of the Stefaneschi family. This marriage may have taken place – Aniballo seems to have come into possession of the castle of Porto – but he eventually married Tanzia, in and around whose house many of the events relating to this particular bundle of peace rituals occurred. Upon his death, Aniballo left behind the children Giacomella (who may have been the daughter of Francesca), Lorenzo, Perna, and Pietro. Pietro became a cardinal. Lorenzo became our arbiter.<sup>92</sup> This means that the baronial mediator of these rituals was a direct beneficiary of Cola di Rienzo's act of justice, which had enriched the patrimony of his branch of the family. Small wonder then that we find him rubbing shoulders with the very elements of Roman society, the powerful guild elite, who had supported Cola's Tribune.

### *6.7 Roman Peacemaking and the Legacy of Cola di Rienzo*

The men chosen as mediators in Rome's peacemaking rituals came from the same class of men who had once supported Cola di Rienzo's seizure of the commune. Many of them, though not all, held the commune in their hands in the decades between his downfall and Boniface IX's definitive victory in 1398. The crucial distinction between these men and Cola was not a deep knowledge of the strategic deployment of certain kinds of symbolically charged, ritualized acts in order to achieve particular social and political ends. Cola did this frequently,

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di Giovanni Domini Bonaventure de Urbe, of rione Trastevere, ASR, OSS, Coll. B., Cass. 61, n. 113.

<sup>92</sup> Carocci, *Baroni di Roma*, pp. 423-431.

theatrically, and often to great effect. If this elite group succeeded where Cola failed, it was because they were more adept at adapting their strategies to current Roman attitudes and realities. Rather than trying to impose forms drawn from foreign constitutions and radical Christian piety, they bowed before a thoroughgoing Roman preference for autonomy and diffuse, extra-communal governance, especially as regarded anything that might be considered a personal resource. The success of this group, which included both elite guildsmen and barons, is indicative of the new consensus emerging among Rome's ruling elite by the late fourteenth century, as well as of the disconnect between that consensus and the broader moral universe of Rome's *popolo*. Roman elites had long been, in theory at least, happy to adopt centralized communal institutions in the Florentine mode where electoral mechanisms or taxation was concerned, but they were in favor of a more diffuse practice of justice and governance when it came to their autonomous control of the social capital of peacemaking. The previous three chapters have demonstrated that this concern for autonomy, and interest in locating shared elite social identity somewhere other than the commune, was an important way in which the Roman ruling group maintained their social solidarities in the face of their own changing composition. The nature of this concern for autonomy, focused on the social world of the lineage and neighborhood rather than the political world of communal governance, goes a long way towards explaining how a group that was so interested in broadly diffused autonomy came to accept domination by papal lordship and a curial bureaucracy composed mainly of foreigners. These rituals, which continued into the fifteenth century, enabled Romans to deploy strategies that appeared natural and traditional while living in a community that was simultaneously undergoing a profound transformation. Bearing all this in mind, we are in a position to answer the question of the relationship between Cola's House of Justice and Peace, which disappears from the

documentary record almost immediately after its creation, and the ritualized peacemaking process for which records remain for at least seventy years after his fall.

Cola's House was one part of a broad plan aiming at the total transformation of Roman society. In many ways, Cola's vision was a product of his unique combination of apocalyptic thought, classicism, and institutional reform. But in formulating this vision Cola was also drawing on previous attempts at reform that he had surely witnessed and in some of which he had participated directly. He would have known of Stefano Colonna and Napoleone Orsini's betrayal of the commune, or what many felt to be its betrayal, when after seizing the Campidoglio from Giacomo Savelli, who was then Senator, they allowed themselves to be knighted by the King of Naples.<sup>93</sup> He would have been aware of the attempt to apply in Rome measures similar to Florence's Ordinances of Justice, which was prevented by papal intervention in 1339. He himself was among the emissaries sent by yet another revolutionary government to the court of the newly raised pope Clement VI in 1342. But where the betrayal of the commune by the administrators of the Campidoglio (an occurrence that was hardly a novelty and that would recur) and the failure of the *popolo* to implement a Florentine model seem, to some extent, to have soured the Romans on centralized reform realized through the structures of communal governance, they did not dissuade Cola.<sup>94</sup> He was not the only one to contemplate "how to return

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<sup>93</sup> AR, *Cronica*, pp. 8-9: "Anche li sopraditti cavalieri bagnati ne iero allo re Ruberto a Napoli, lo quale li cenze la spada; la quale cosa moito despiacque allo romano puopolo."

<sup>94</sup> In 1351, Giovanni de Cerronibus would be made leader of the city only to flee with a substantial quantity of gold from the municipal treasury. See Sanfilippo, *Roma dei Romani*, p. 78.

the city of Rome, so utterly misguided, to the right path,” but by the late 1340s he was in the minority in resorting to the mechanisms he did.<sup>95</sup>

Cola’s supporters seem to have initially welcomed, or at least accepted the institution of his House along with his other reforms, but we should not take this to mean that these reforms were the product of Cola’s unique vision. It is just as likely that Cola’s House won their initial approval because it reflected ritual peacemaking practices already well known among Romans, with the only real novelty being their situation within a centralized communal institution and perhaps an increased emphasis on forgoing the right to inflict punishment. Popular suspicion regarding Cola and his novel acts in other, related circumstances gives us grounds to believe that even the House may have been viewed with ambivalence by Rome’s governing class. We know that when Cola attempted the dramatic reconciliation of a group of well known and powerful barons to the city itself, the act “was most displeasing to the discreet men,” the Roman governing class that had backed Cola’s rise to power.<sup>96</sup> Rome’s *popolo* accepted what was familiar, even if it was slightly modified, but they did not accept real novelty as easily.

Nor should we take the longevity of Rome’s ritualized peacemaking as implying any lingering influence of Cola’s House on the minds of Romans. It is difficult to say precisely how long Cola’s House of Justice and Peace endured after his Tribunate. Indeed, it is difficult to say much of anything at all about Roman institutions in this period: there are practically no surviving records of the municipal government from this period and a paucity of other records as well, leaving historians to work with some ecclesiastical institutional archives of very uneven

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<sup>95</sup> AR, *Cronica*, p. 105: “Penzao longamano derizzare la citate de Roma male guidata.”

<sup>96</sup> Ibid., p. 141: “Questo fatto moito despiacque alli discreti. Disse la iente: ‘Questo hao acceso lo fuoco e lla fiamma la quale non porrao spegnere.’”

quality and the surviving protocols of Rome's fourteenth-century notaries.<sup>97</sup> We know that on March 26, 1352, the cobbler Nicola Struccoli of rione Pigna appeared before the bench of certain "good men" chosen to oversee the peace in order to argue his case regarding expenses he had incurred due to accusations made against him by another man.<sup>98</sup> That these good men might be the *pacieri* of Cola's institution is at least possible, given that this is the interlude between Cola's Tribune and his return to the city as Senator in 1354, though this kind of monetary claims seems not to have been its normal purview. A similar institution seems to have existed after Cola's fall. On March 14, 1380, Ludovico de Pappazuris of rione Trevi settled a dispute between the grocer Marco di fu Madaleno and Giacobello di Lippo de Falconis, both of rione Monti, while seated on a raised platform in front of the house of the lordly Lovers of Peace and Justice.<sup>99</sup> Beyond this, we know only what the city's statutes can tell us.<sup>100</sup> There are, of course, a number of statutes under the general heading of *maleficium* which pertain to violent conflicts. The statutes also recognize that, as in many cities in this period, it was common to use extra institutional means to resolve disputes. They even make provisions that reward such private compacts: if peace was made by anyone committing *maleficium* by *delicto vel excessu* within 10

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<sup>97</sup> See Arnold Esch, "Le fonti per la storia economica e sociale di Roma nel Rinascimento: un approccio personale," in *Economia e società a Roma tra Medioevo e Rinascimento: Studi dedicati ad Arnold Esch* (Rome: Viella, 2005), pp. 1-32. For the state of Rome's notarial sources for this period see, Lori Sanfilippo, "I protocolli notarili romani del Trecento."

<sup>98</sup> ASC, Sez I, 649/3bis, fol. 21r. "bancum bonorum hominum super pacem deputatorum".

<sup>99</sup> ASR, CNC, 475, fols. 367r-368r; *Un notaio romano del Trecento*, p. 270-1: "ante domum dominorum Amatorum pacis et iustitie."

<sup>100</sup> Rome's medieval statutes (Re, *Statuti*) were composed sometime prior to November 1360. The copy we have is a fifteenth-century copy of the 1363 statutes. This may be the first year they were in force. See C. Carbonetti Vendittelli, "La curia dei magistri edificiorum Urbis nei secoli XIII e XIV," in *Roma nei secoli XIII e XIV, Cinque saggi*, ed. É. Hubert (Rome: Viella, 1993), p. 16, and Sanfilippo, *Roma dei Romani*, p. 82. All extant copies date from the fifteenth century.

days from the day the act was committed, their penalty could be reduced by half.<sup>101</sup> But if Cola's institution survived, it did not do so as part of the statutory legal order of the Roman commune or as part of standard notarial practice, which make no mention of it.

Whether or not Cola's institution endured for a brief time after the end of his Tribunate, it is clear that Romans were contemporaneously using the rituals I have examined here. If these rituals did not originate with Cola, where did they come from? This is not a question that can be answered with any certainty, but my analysis suggests a likely solution. Rome's peacemaking rituals operated through notarial practices that became standard in the early thirteenth century. They reflect a notion of penance modified by an act of confession, further reinforcing the probability of origins around this time. To the extent that these rituals strongly resemble the moral exempla common to the sermons of thirteenth-century mendicant preachers, that too points toward the thirteenth century. Of course, it is possible that Romans were making peace in this manner even before the thirteenth century and that these elements were a later addition; but it seems more likely that many of the constituent elements of the rituals came together in this period. It is, therefore, safe to say that the origins of this practice can be found at least a century before Cola di Rienzo's rise to power, just as the practice remained in use for decades after his fall.

Each Roman peacemaking ritual created a landscape wherein certain people, and not primarily office holders or communal officials, were the agents of divine justice and the maintainers of a rightly ordered community. The participation of prominent Romans in this process speaks to a changing vision of the good society, of the *buono stato*, in which good

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<sup>101</sup> Re, *Statuti*, Book 2, chapter 90, p. 269. "Si aliquo maleficio delicto vel excessu pax facta fuerit infra decem dies computandos a die malefici commissi remictatur pene medietas in hoc casu."

government is diffused throughout a broad stratum of the population rather than being enshrined in constitutionally established public institutions. This is a far cry from the more traditional communal ideology that had dominated in the early fourteenth century and against which barons like Francesco di Giovanni Romani Bonaventure had contended. Instead of a vision of good governance and its attendant virtues as inherent in the institutions of communal governance, we see instead a world wherein those virtues were embodied in the social ties, and especially the broadly defined ties of kinship, that made up Roman neighborhoods. Throughout these public rituals we see and hear the language of confession, justly imposed penance, mercy inspired by neighborly *caritas*, and the evocation of familial bonds. The rituals span the period of the late fourteenth-century commune, the return of the papacy, and even the end of the Schism and the ascension of the Renaissance papacy. The longevity of this ritual form suggests that the practitioners of these rituals continued to operate as a community with shared values and social strategies, and continued to find these rituals an effective and desirable strategy for neatly ending conflicts, well after the commune itself had become only a memory.

## Chapter 7: Conclusion – Piety, Economy, and Community in Late Medieval Rome

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In the early 1350s, as Cola di Rienzo's late career was unfolding in Rome and the boisterous Francesco di Giovanni Romani Bonaventure finally rested in his grave, Piero Tomacelli, the future pope Boniface IX, was born in Casarano, in the Kingdom of Naples. His baronial family having fallen on hard times, Piero pursued an ecclesiastical career that, in 1389, in the midst of the Schism, culminated in his election as the second pope of the Roman obedience, counterpart to Avignon's Clement VII.<sup>1</sup> Boniface was able to ingratiate himself to the Romans early by overseeing the Jubilee that Urban VI had planned for 1390 and by restoring various Roman churches.<sup>2</sup> He also won their favor with a victory over the rebellious city of Viterbo in 1392. Despite these successes, Boniface's situation in the city remained tenuous. For a time, he found it expedient to leave the restive city of Rome, taking up residence first in Perugia and then in Assisi.<sup>3</sup> This setback proved brief, however, and Boniface found himself back in Rome by September 14, 1393. As had been the case with his predecessors, Boniface and the officials of Rome's communal government contested between themselves all manner of

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<sup>1</sup> Arnold Esch, *Bonifaz IX und der Kirchenstaat* (Tübingen: Niemeyer, 1969); see too his "Bonifacio IX, Papa" in *Dizionario Biografico degli Italiani*, Vol. 12 (Rome: Istituto della Enciclopedia Italiana, 1971) and his "La fine del libero comune di Roma nel giudizio dei mercanti fiorentini: Lettere romane degli anni 1395-1398," *Bullettino dell'Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano* 76 (1976): 235-277. For evidence of Boniface's dealings with the Romans prior to fully subjugating the commune, see Theiner, *Codex Diplomaticus*, Vol. 3, docs. 16, 18, 30.

<sup>2</sup> For the Jubilee, see Arnold Esch, "I giubilei del 1390 e del 1400," in *La storia dei giubilei*, ed. Gloria Fossi, vol. 1 (Prato: Giunti, 1997), pp. 278-293. For the restoration of churches, see Carol M. Richardson, *Reclaiming Rome: Cardinals in the Fifteenth Century* (Leiden: Brill, 2009), p. 147.

<sup>3</sup> Perugia had been effectively subjugated by this date. Theiner, *Codex Diplomaticus*, vol. 3, doc. 23.

jurisdictional rights: among them the right to levy various taxes, control of subordinate towns in the countryside, and the right to control key offices.

At the same time, Rome was also increasingly at war with itself. The return of the papacy had brought with it the return of intense local competition between the greatest of the baronial clans; a purportedly popular faction associated with the Orsini family strove against a noble one associated with the resurgent Colonna.<sup>4</sup> In June of 1398, tensions spiked when the condottiere Paolo Orsini marched on the city. By the end of the month, the two parties had agreed to cede Boniface total power (*plenum dominium*). So it was that on July 11, 1398, Malatesta di Galeotto Malatesta climbed the steps of the Campidoglio as Senator, backed by Boniface's vicar general *in temporalibus*, Pileo de Prata. A small coterie of Rome's nobles, confronted by the reality of papal domination, panicked and attempted to reinstate by force the *Bandaresi* of the *Felix Societas*. Their attempt was short lived. The leaders of the revolt were executed in August and, with the threat to papal dominance extinguished with their lives, a general amnesty was declared for all others involved. By the autumn of 1398, Rome was a papal city. Many of the administrative institutions of the commune would remain, but firmly held in the hands of the

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<sup>4</sup> Exactly how many Romans were caught up in the famous factional disputes of the Orsini and Colonna is disputed. Andreas Rehberg, "Familien aus Rom und die Colonna auf dem kurialen Pfründenmarkt, (1278-1348/78)," *Quellen und Forschungen aus Italienischen Archiven und Bibliotheken* 78 (1999): 1-122 and 79 (1999): 99-214 takes a generous view, arguing that most Romans were implicated in various webs of clientage that traced back to the great factions. See too his *Clientele e fazioni nell'azione politica di Cola di Rienzo*. Maire Vigueur, *L'Altra Roma*, p. 129, 185-186, on the other hand, argues that the influence of the Colonna and the Orsini was no different than that of any great family on the quarter where it resided. He estimates that no more than ten families were tied directly to the Colonna in a relationship that warrants being called clientelism.

papacy.<sup>5</sup> When Niccolo Colonna and Pietro Mattuzzi attempted a fresh coup on January 14, 1400, they found themselves unable to rouse the populace.

Only a few decades before this fizzled attempt, Rome's political elite had been willing to collaborate with Cola di Rienzo in a project that imagined Rome's commune as a polity rising again to its ancient glory and political centrality while also, by so doing, ushering in a new age in Christian history. Cola's revolutionary moment had been marked by the embrace of religiously inflected political action, including violence, in service of the Roman commune's autonomy and its theoretical centrality in the wider world of contemporary politics. In the aftermath of Cola's career, Romans critical of him began to present his particular union of religious piety and political action as unstable and even risible. Describing Cola's battle with the Colonna, the Anonimo Romano noted that in a moment when things seemed to be going badly, "the tribunal standard fell to the ground. The Tribune, dismayed, turned his eyes to heaven. He spoke then no words but these, 'Oh God, have you betrayed me?'"<sup>6</sup> We can only guess whether most of Cola's supporters saw him as the Anonimo did, as an uncertain and inconstant leader aping the despair of the crucified Christ. But even if their memory of Cola remained more positive, by 1398 the same ruling elite that had been willing to fight for communal autonomy alongside him no longer evinced any serious interest in preventing papal seizure of their commune. This remarkable transformation of political priorities on the part of the city's political elite, I have argued, was a byproduct of social strategies embraced by Rome's political elite in the years following Cola's fall.

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<sup>5</sup> See Theiner, *Codex Diplomaticus*, Vol. 3, docc. 44-47.

<sup>6</sup> AR, *Cronica*, p. 149; "Da vero che llo stennardo dello tribuno giò per terra. Lo tribuno sbaottito staieva colli uocchi aizati a cielo. Aitra paravola non disse se non questa: 'Ahi Dio, haime tu traduto?'"

The sources that underlie this study's opening and closing chapters, the testament of Francesco di Giovanni Romani Bonaventurae and the earliest peacemaking rituals to survive in Rome's archives, are nearly contemporary documents. Nevertheless, the worlds they represent were very different. These two sources show us two distinct visions of the rightly ordered Christian society. In the first case, the obstreperous baron's behavior evokes – both by contrast with his offensive actions and by his decision to project his power through the offices of the commune – a communal ideology focused on good government as the generator of justice and peace (and therefore also affluence). In the second, the virtues of the rightly ordered social world that had previously been associated with the commune reside instead in the private social networks of Rome's political elites, with the commune explicitly presented as separate from and no longer essential to the collective political identity of those elites. The nature of that difference, and the reasons for it, reveal much about the origins and the effects of Rome's late medieval political culture. This transformation of Rome's political culture was neither deliberate nor intended. It was, instead, the accidental but profoundly transformative byproduct of the need of Rome's political elite to cultivate and maintain strong social ties among themselves in the years following Cola's revolution.

The attempt to understand the social fabric of Rome led, perhaps inexorably, to the study of those most human of documents, the last wills and testaments drawn up by men and women as they contemplated their mortality and tried their best to provide for their heirs. In the act of articulating their place in a social and cosmological scheme for what was meant to be the final time, testators reveal precisely what they understood to be their place in local society and a Christian cosmos. Robert Brentano reminds us that in so doing a testator “tried to find for himself and his family as much immortality in each world as the substance of his life (and his

possessions) could afford.” “Families,” Brentano further argued, “remain families dead or alive.” He suggested that every gift of wealth that testators made to churches or other recipients of charity be understood as “a sophisticated investment for the family.”<sup>7</sup> These testamentary themes of kinship and economy are of crucial importance for understanding the social and political world of late fourteenth-century Rome. Far from demonstrating any inherent tension between earthly and spiritual concerns, in providing for their family’s financial stability and the well being of their own souls, Romans operated on the basis of a single undergirding imperative: the assets of the family were to be arranged in a way that would enduringly produce both earthly and spiritual income to support the kin group both living and dead. The definition of kinship, moreover, was extremely plastic, admitting a wide variety of relationships, none necessarily more natural and real or more artificial than the others. By giving gifts charged with pious significance to those with whom such broadly defined kinship ties were shared or sought, Romans expanded the associative bond of kinship outward into their community, providing it with a strong foundation that could endure either political or natural disaster.

This social strategy reflects the sense Rome’s political elite had of their social and political world, of their place within in it, and of their effort to shape both. The Roman ruling group and its affiliates could not have known that in the wake of Cola di Rienzo’s career they were entering into a period of relative political stability. Rome had long been beset by political conflict; regimes rose and fell with sometimes startling rapidity. When an angry mob stoned the senator Bertoldo Orsini to death in 1353, during the brief political moment between Cola’s periods of control, “bricks and stones rained down on him like leaves falling from the trees in

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<sup>7</sup> Brentano, *Rome before Avignon*, pp. 263 and 271.

autumn.”<sup>8</sup> So common were such moments in Rome that they could seem almost natural. The social strategies of Rome’s political elite tell us that, in the wake of Cola’s fall, they were casting about for ways to express and reinforce their collective distinction as social and political elites and their legitimacy as a ruling group, ways that could withstand the storms of fortune that they quite reasonably would have anticipated. But they also tell us more. They explain to us how the Roman laity conceived of their place within a broader Christian cosmos. It is this larger significance that explains the efficacy of these social strategies.

All Roman testators knew that they had sinned in life and that after death they would pay for their sins, the worst eternally damned but the majority consigned to a painful yet rewarding process of purgation that would eventually make them worthy of paradise. The great literary geniuses of the age point to the easy permeability of the boundary between earth and purgatory. Dante imagined the souls of the dead lingering in ante-purgatory, desperately desiring the help of their living family and friends that could speed them on their way. Boccaccio described a libidinous abbot who, in order to sleep with the beautiful wife of a local man, convinced the poor fellow that he had died and been sent to purgatory, from whence he would actually return to life once cleansed of his sin.<sup>9</sup> The emergence of purgatory as a common structure in the late medieval Christian imaginary meant that the linear temporality of a human life now extended into the afterlife as well, and that the social ties and economic calculations that made up the quotidian realities of this life were now likewise powerfully relevant to the next. The understanding of purgatory alluded to by testaments and related lay acts is not necessarily that

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<sup>8</sup> AR, *Cronica*, p. 164: “Più prete e sassi li fioccano de sopra como fronni che cascano delli arbori lo autunno.”

<sup>9</sup> Boccaccio, *Decameron*, Day 3, Story 8.

espoused by professional theologians or other theorists; it is instead the argument of everyday folk acting as lay theologians in their own right, expressing their convictions not by means of written treatises but through their actions. To acknowledge these convictions – to take seriously the calculations and strategies whereby the Roman laity managed their earthly and spiritual needs, obligations, and assets – is not to diminish the authenticity of their religiosity, nor is it, necessarily, to reduce religion to crude economic rationalism. To acknowledge what it meant to live in a world where the living and the dead could share a single temporal regime and operate within a common temporal economy is instead to recognize the astonishing extent to which the late medieval laity, in Rome as elsewhere, were laying claim to the sacred and discerning its immanent presence in the most quotidian structures of their lives. It is also to open the door to a fuller understanding of the potency of social strategies that, like those of the Romans, seized upon the central place of social and economic relations, broadly construed as kinship, in both the terrestrial and the spiritual world in order to shape and control their social worlds. Roman testaments are but a single example of such social strategy.

Common to both the earthly and spiritual economy was a profound concern with debt, be it financial or the debt of sin. Like the common obligation to put one's affairs in order before death, the obligations born of relations of credit and debt were intimately bound to the logic of the temporal economy and provided another potent field for strategic social action. The Roman evidence suggests that the social relations of debt and the strategies available for negotiating these relations played an important role in the foundation and maintenance of private chapels in fourteenth- and early fifteenth-century Rome. This observation reminds us again of the intimate relationship between religious and economic concerns and strategies not only in Rome but elsewhere, as well as of the multiple social meanings of debts and the diverse array of currencies

used to pay them. The existence of certain kinds of monetary debt, especially that stemming from usurious money-lending practices, was itself potentially legible as a sign of the debt of sin. Late medieval chapels, especially those of the rising commercial elite of Italy's cities, have often been understood as an attempt to cleanse the souls of sins related to usury and other ill-gotten gains.<sup>10</sup> The success of such mechanisms in alleviating the spiritual and social problems associated with profit seeking, it has been argued, encouraged the flourishing of financial enterprise in dominant economic centers like Florence.<sup>11</sup>

But chapels were more than efforts to make up for ill-gotten gains. By allocating a share of a private chapel's spiritual benefits to those to whom they were in debt, or to those from whom they had profited in questionable ways, Romans argued for their own membership in good standing within a just society. They declared themselves to understand the difference between licit and illicit forms of exchange, and announced that they had taken steps to correct apparent or inadvertent transgressions.<sup>12</sup> This is particularly important when we consider that chapels might well be established while the founder was still alive, and would continue to function similarly for their descendants when the role of patron passed to them. By profiting in the short term from relations of credit and debt while offering redress over the long term, via the gift of prayers generated in a chapel, for any perceived or accidental imbalance, chapel patrons demonstrated their overall rectitude in a world that admitted a variety of forms of exchange, despite the efforts

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<sup>10</sup> Studies of the famous Scrovegni chapel in Padua insist on this point: see, for example, Derbes and Sandona, *The Usurer's Heart*, and Jacobus, *Giotto and the Arena Chapel*.

<sup>11</sup> Dameron, *Florence and its Church in the Age of Dante*.

<sup>12</sup> Useful here is Parry and Bloch, *Money and the Morality of Exchange*. See also Bill Maurer, "The Anthropology of Money," *Annual Review of Anthropology* 35 (2006): 15-36.

by theologians to strictly distinguish between the licit and the illicit.<sup>13</sup> Furthermore, if terrestrial debts could not be paid, risking the social position of both debtor and creditor, the spiritual currency of prayer could act to restore equilibrium between them and reinforce the social rectitude of both parties. Prayers were not florins; they could not pay a financial debt. But they could prevent the debtor from sliding into the category of the unworthy and the creditor into that of the predatory or usurious. Roman evidence relating to chapels thus indicates that the relationship between the purgatorial logic behind chapel foundation and the economic order of societies in which chapels were founded was more reflective than causal. Chapels declared right and just both their patron families and the social order of which those patrons were a part, regardless of whether or not that society was characterized by large-scale financial enterprise.

Medieval families, be they lineages or broader and more flexible kin groups, were theoretically unified entities dominated by men. The Roman evidence reminds us, however, that the reality was messier, that collective identity embodied in particular property relations could render kin-like all manner of interfamilial ties, and that this possibility opened up a world of strategic opportunities for women just as for men. In that evidence we see the ways that women, especially those whose forms of life were consonant with the needs of laypeople living and dying within the temporal economy, were able to exploit the ideas and practices by which Roman elites were constituting and managing their community in order to create autonomous spaces for themselves. Through skillful navigation of the lay religiosity, documentary practices, and creative social strategies that we have already seen at work, such women simultaneously created their own societies and sustained that of Rome's political elite. The houses of women left behind

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<sup>13</sup> Here I draw on the insights of Munn, *The Fame of Gawa*, which argues that the production of socially recognized positive value is a means of projecting one's identity as a laudable member of a licit order and of having that social identity projected back upon oneself by others.

by their deceased male relations became more than the sign that a social obligation had been met; they shaded easily into contemporary forms of collective female life that were explicitly pious, and they fulfilled for their families the same function as the houses of female paupers of Christ did for those who supported them. Like the monasteries that had long dotted the Christian landscape, these houses became potent generators of much needed prayer. The demand for that prayer made possible the emergence of a host of structures by means of which women, even those whom scholars have been inclined to see as marginal, were able to carve out worlds of their own.

Because testamentary practice, private chapels, and the potency of the houses of women all operated within the capacious limits of the temporal economy, the agricultural commodities that drove the Roman economy, the coin they could garner, and the spiritual currency of prayer were in practice easily exchangeable one for another, so that earthly wealth and social obligation could be turned to pious purposes and take on an aura of sanctity. Anthropologists have recently argued that market economies are distinct from human economies, in which the human being, as a unique and therefore irreplaceable nexus of social ties, is the primary locus of value. This value is inestimable and, as a result, in human economies, money has no place. In its stead we see “social currencies” that serve not to buy and sell, but to circulate as an indication of the impossibility of equivalence in transactions of human relations – as in, for example, bride price or blood debt. For the analyst, social currency works in relation to social relations like paint thrown on an invisible man. Its movement renders visible the currents and shifts of complex

social networks.<sup>14</sup> The usual assumption by anthropologists is that social currencies tend to be rendered inconsequential by the emergence of a market economy dominated by money.<sup>15</sup>

The importance of chapels and houses of women living collectively in medieval Roman society indicates that social currencies continue to be of importance even in robust market economies like those found in medieval Italian cities. The prayers they produced were just such a currency. As generators of social currency in the form of prayer, chapels were unusual because prayers were intangible and could be multiplied indefinitely, making them potent social currency indeed. While the historian cannot replicate the anthropologist's act of observing the circulation of this currency, because the transacted material was invisible and the transaction was long ago concluded, the documentary record pertaining to chapels allows us to see how it was meant to circulate and draw conclusions about the motivations behind its circulation. Furthermore, understanding all these currencies as circulating within a temporal economy that encompassed both earthly life and existence in purgatory makes clear how these practices, like the making of a testament, could be simultaneously pious, pragmatic, and political. All these things taken together show us a world wherein the mingling of the social and political with the religious marked the increasing sacralization of the social rather than the diminishment of the sacred. They show us too, in Rome, a sacralized social world that increasingly found the existence of an independent commune irrelevant to its own existence.

One of the most prolific scholars of medieval Rome has been Jean-Claude Maire Vigueur. Over the course of a long career, Maire Vigueur has meditated long on the question of

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<sup>14</sup> See Graeber, *Debt*. For the language of human economy, of which Graeber makes extensive use, see Keith Hart, *The Human Economy* (Polity Press, 2010), as well as C. M. Hann and Keith Hart, *Economic Anthropology: History, Ethnography, Critique* (Cambridge: Polity Press, 2011).

<sup>15</sup> Graeber, *Debt*, pp. 129-131.

Italy's communes. On one hand, he has concluded that Rome was a commune precisely like the better-known examples of northern and central Italy.<sup>16</sup> At the same time, however, he has noted the importance there of autonomous, extra-communal institutions associated with an entity that was separate from and superior to the commune, the Roman *populus*.<sup>17</sup> For Maire Vigueur, the *populus* was for the late fourteenth century what the Roman Republic had been at the time of Cola di Rienzo: a greater social and political entity that undergirded and justified the mechanisms of communal governance. In its exploration of the social strategies that created and sustained the social solidarity and collective identity of Rome's political elite in the years following Cola's revolution, this study has clarified what the Roman *populus* was and how it actually worked both in theory and in practice. Like Cola's republic, this Roman society was a combination of the classical and the Christian. But instead of Cola's politics of a new age, we have here a subtler union, the marriage of classical ideas of family identity and property relations, embodied in classically inspired documentary practices, and inflected with late medieval Christian piety as understood and expressed by the Roman laity. The precise relationship of this social regime and that of Cola remains to be defined, but the improved understanding of how one emerged from the other over the course of the late fourteenth century, which this study has sought to provide, enables us to better understand Rome's transition from medieval commune to the seat of the Renaissance papacy.

So successful were the social strategies of Rome's elites that by the end of the century the commune itself had become irrelevant to their ongoing community solidarity. As their peacemaking rituals make clear, these Romans saw their own community, not the commune, as

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<sup>16</sup> Maire Vigueur, *L'Altra Roma*. See too Sandro Carocci, "Storia di Roma, storia dei comuni."

<sup>17</sup> Maire Vigueur, "La Felice Societas dei Balestrieri e dei Pavesati a Roma," pp. 586-587.

the embodiment of God's divine order on earth. The practices that gave rise to the idea of this autonomous society, like those we see in testaments, and the practices that were born from it, such as the peacemaking rituals, would endure, outlasting the commune itself because Rome's elites no longer required its framework to sustain the social solidarity that bound them together. Late in the fifteenth century, long after the Roman commune had slipped into the papacy's grasp, we find Roman ritualized peacemaking still being practiced by the city's old elite. Many of their private chapels were still functioning well into the sixteenth century and beyond. And the houses of women, that blending of domestic form with religious significance and potency, had a particularly substantial posterity. The formal establishment of such houses became an increasingly popular pious act in the fifteenth century, the greatest example being the group of women surrounding Francesca Romana, who would eventually be canonized as a saint. To the extent that the religious articulation of this community, its embeddedness in institutions of lay piety, was understood as autonomous from any communal identity, we might reasonably ask whether what we are seeing here is civic religion, the religion of citizens, or social religion.

The consideration of mundane transactions not normally deemed crucial to histories of religion and politics thus tells us a great deal about the political and religious history of late medieval Rome. But it has the potential to do more, both for the study of Italy and of the Middle Ages in general. My study of Rome indicates that in the late medieval world, ideas about the right order of the world had begun to have a transformative effect across all levels of society, but that their impact on social and political change will only be understood if we extend our gaze beyond the writings of theologians and other theorists to take into account the arguments of the broader laity. These lay theologians made their arguments through action. But by triangulating between what we know about contemporary religious ideas and the actions of these laypeople,

we can arrive at the Christian cosmos in which they understood themselves to exist. And if we understand that cosmos, we will understand the way they chose to live their lives and how those choices transformed their worlds.

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