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### Heretical Communes: The Struggle for Authority in the Fourteenth-Century Papal Territories

Luca Roberto Foti

*Washington University in St. Louis*

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WASHINGTON UNIVERSITY IN ST. LOUIS

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Heretical Communes:

The Struggle for Authority in the Fourteenth-Century Papal Territories

by

Luca Roberto Foti

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

May 2019  
St. Louis, Missouri

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# Acknowledgments

Questa dissertazione è stata resa possibile grazie al costante supporto morale e pratico delle persone che mi sono state vicine durante la mia ricerca, in Italia e negli Stati Uniti, e nei lunghi giorni, spesso bui, che l'hanno accompagnata. Desidero quindi approfittare di questo spazio per ringraziare tutti coloro che hanno tenuto alto il mio morale e mi hanno aiutato durante la sua composizione.

Un doveroso ringraziamento va al mio supervisore, Daniel Bornstein, per aver creduto nelle mie capacità di storico e ricercatore e per avermi dato la possibilità di perseguire i miei interessi accademici. I want to thank him for pushing me to always broaden the scope of my argument and not to be afraid of making bold claims. I often get buried in the intricacies of the details and it has been helpful to be reminded to step away from them and ask myself why they should matter to others.

I wish to thank the members of my dissertation committee, Mark Pegg, Christine Johnson, William Wallace e Christian Schneider, for offering their time and guidance through the review process of my work.

Special thanks go to my department, and in particular to the chair, Peter Kastor, and the Director of Graduate Studies, Nancy Reynolds, for their constant help and support throughout my dissertation work and for their recognition of my role in the department.

La ricerca che è alla base di questa dissertazione non sarebbe stata possibile senza l'aiuto e il supporto di Filippo Orsini, direttore dell'Archivio Storico Comunale di Todi. Vorrei ringraziarlo per aver condiviso con me la sua conoscenza della storia tudertina e la sua competenza sulla vasta documentazione archivistica di Todi. Vorrei inoltre ringraziare la

direttrice della biblioteca comunale di Todi, Fabiola Bernardini, insieme a tutti gli altri impiegati della biblioteca, per avermi accolto con affetto e per avermi fatto sentire a casa durante i giorni passati in archivio.

I wish to thank my friends here in St. Louis, Heidi Grek and Mikael Olsson Berggren, who have kept my morale high through their companionship and expertise in spilling the tea.

A very special thanks goes to my partner, Ben Meiners. Senza di lui non sarei stato in grado di superare le difficoltà di questo dottorato. Non solo Ben mi è stato sempre pazientemente vicino durante l'ansia e lo stress di questa dissertazione, ma insieme abbiamo anche passato i più bei momenti del mio periodo a St. Louis.

Infine, vorrei dedicare questo lavoro alla mia famiglia, a mio padre Giuseppe e a mio fratello Maurizio. La mia intera carriera la devo tutta a loro e ai loro sacrifici. Desidero concludere i miei ringraziamenti con un pensiero al ricordo di mia madre nella speranza che sarebbe stata orgogliosa di quanto ho fatto fin'ora.

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*Washington University in St. Louis*

*May 2019*

## ABSTRACT OF THE DISSERTATION

Heretical Communes: The Struggle for Authority in the Fourteenth-Century Papal Territories

by

Luca Roberto Foti

Doctor of Philosophy in History

Washington University in St. Louis, 2019

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This dissertation tackles a series of interconnected questions concerning the transformation of papal authority in fourteenth-century Italy. Challenging previous assumptions of a clearly planned process of “state-building” undertaken by the popes in the provinces of central Italy, I argue that papal secular rule was instead the result of a highly localized process of negotiations and compromises with local elites. More specifically, I look at inquisition trials for heresy as a space in which local elites could contest papal authority and advance claims to govern their own cities. This dissertation is based on research conducted in the Vatican Secret Archives and in the city archives of Todi. It draws on a variety of unpublished sources: inquisition records, appeal trials, official correspondence, and records of communal council meetings. Adopting methodological insights from legal anthropology, I consider court cases as only one aspect of a larger dispute process. The interpretation of each trial requires taking into consideration the whole series of relationships and actions that developed around the trial and outside the court. I argue that inquisitorial trials for heresy and rebellion initiated by the popes to prosecute their political opponents became instead a powerful instrument that members of local communities used to present and advance competing discourses on political and religious orthodoxy. Local elites appropriated and took charge of legal actions to challenge papal claims to rule their cities,

transforming ideas of civic governance and collective rule into well-defined legal claims that rejected supra-urban systems of authority. This argument engages two distinct bodies of scholarly literature. First, it challenges previous studies that view papal policies in the fourteenth century as a clearly planned process of state-building. I argue instead that papal secular authority was the result of a highly localized process of negotiation and compromise with local elites. Second, my project takes issue with modern notions of the Middle Ages as a “persecuting society,” in which ruling elites succeeded in extending and intensifying their authority by singling out an assortment of minority groups – heretics, Jews, lepers, and homosexuals – for social isolation and legal persecution. Focusing on inquisitorial trials for heresy, I instead argue that inquisitors complied with contemporary principles of due process of law, which dictated the standards for the acceptance and evaluation of proof, as well as allowed for protecting the rights of the defendants. The final aim of these trials, I argue, was not punishment but reconciliation. This dissertation thus aspires to change the way scholars view the medieval inquisition and the prosecution of heresy, fundamentally re-conceptualizing the role of the accused/inquisitor relationship.



# Introduction

This is a study of the commune of Todi and of its governing class in the first half of the fourteenth century. The study places the institutional changes undergone by the commune in the context of its elite's struggle with the papacy and the empire as they sought to define legitimate authority in the city and in its contado. My angle of analysis focuses on the ways in which legal actions and trials defined and regulated claims for the exercise of legitimate political authority. The chronological span of this study sets its narrative of the institutional changes in Todi in a period that many historians have defined as a moment of crisis in the history of the medieval Italian communes.

The fourteenth century has traditionally been viewed as a moment of transition between communal institutions and seignorial regimes: the intensification of factional wars between opposing parties has been understood as the cause of a deep crisis in the process of free participation of citizens in the government of their cities. As violent confrontations increased during the military campaigns of Emperors Henry VII, Ludwig IV, and Charles IV, communal institutions failed to prevent the outbreak of internal violence and lost their legitimizing role for urban government, giving way to the personal rule of individual *signori* who succeeded in establishing their control of the city through military means. In this process, as communal institutions no longer presented a reliable source of authority, individual *signori* found the need to legitimize their rule through the investiture of a superior authority, pushing them to rely on popes and emperors for recognition of their power.

Recently, this narrative has been critiqued on several fronts. Firstly, historians have shown that there was no linear transition between communal and seignorial regimes. Instead,

both forms of urban government coexisted throughout the thirteenth and fourteenth century, providing institutional alternatives for political participation of competing groups within the city. Similarly, historians have demonstrated that contemporary discourses that targeted seignorial regimes as tyrannical, and thus antithetical to the freedom guaranteed by communal institutions, were part of a rhetorical strategy that was meant to delegitimize political opponents. This rhetoric was especially employed by the Popolo—the institution in which commercial and professional guildsmen congregated—to present its own aspirations to political participation as the only solution to internal war and instability. However, the Popolo itself did not refrain from adopting violent forms of political exclusion, and in many cases its members openly supported the personal rule of a *signore*. In short, historians have recently argued for a different understanding of urban political space, one in which competing centers of power (guilds, the Popolo, the commune, and other *societates*) experimented with different forms of political organization and legitimizing discourses in order to reach a level of coexistence. In so doing, they also engaged with other centers of authority, external to the city, such as the papacy and the empire, borrowing from each other and deploying institutional practices and legitimizing discourses.

This study contributes to this recent shift in the historiography, emphasizing the processes of negotiation between the urban elites of Todi, Emperor Ludwig IV of Bavaria, and the papacy in order to show how competing groups within the city employed complex and often contradictory forms and discourses of political authority in their relations with supra-urban systems of authority. In so doing, this study argues that forms and practices of communal urban government functioned as an institutional framework for the legitimization of both imperial and papal secular authority throughout the cities of central Italy during the first half of the fourteenth

century. Drawing from mostly unpublished archival material such as official correspondence, Riformanze, and inquisition records, this study shows how the appointment of Emperor Ludwig IV as podestà of Todi 1328 and the acceptance of an imperial vicar in his stead were the result of a concerted effort to preserve the autonomy of the city from the claims of Pope John XXII and to maintain the monopoly that Todi's urban elites exercised on municipal institutions.

The first half of the fourteenth century was characterized by a revived effort of the German emperors to reassert their authority in the kingdom of Italy, after a long absence of the German monarchs. Before emperor Henry VII began his march toward Rome in 1310 even Dante wrote enthusiastically about the prospect that the imperial presence might finally pacify urban factions and restore the unity of the kingdom. As it turned out, however, the imperial campaign constituted yet another occasion for internal factionalism, as individual urban leaders or rural lords tried to take advantage of the emperor to obtain personal privileges and titles and to exile their opponents from the cities. Historians have identified the concession of imperial vicariates by Emperor Henry VII as a turning point in the developments of seignorial regimes throughout the Italian cities. Although the original plan of Henry VII was to use the superior authority granted by the title of imperial vicar as a way to pacify the Italian cities, his project was eventually subverted by the Ghibellines to expel the Guelfs and to take control of the city.<sup>1</sup>

After Henry's death in 1314, the German princes elected Ludwig of Bavaria as German king and emperor. However, the election was not unanimous and produced the opposition of a group of the German aristocracy that supported Fredrick of Augsburg. After defeating his

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<sup>1</sup> Andrea Zorzi, *Le signorie cittadine in Italia (secoli XIII-XV)* (Milan: Bruno Mondadori, 2010), 86-89. See also Paolo Grillo, "Signori, signorie ed esperienze di potere personale nell'Italia nord-occidentale (1250-1396)," in *Signorie cittadine nell'Italia comunale*, ed. Jean-Claude Maire Vigueur (Rome: Viella, 2013), 26-29.

adversary in 1325, Ludwig was ready to claim his imperial coronation in Rome, but he clashed against the aspirations of Pope John XXII, who asserted his prerogative to have the last word on the imperial election and withheld his consent to Ludwig's election. In response, Ludwig began his march on Rome in 1327, crossing the Alps and receiving the Italian crown in Milan.

Ludwig's military campaign in Italy occasioned another wave of confrontations between opposing urban factions. Local factionalism was accentuated by the Pope John's decision to oppose Ludwig and his Italian supporters. Claiming that it was within the authority of the pope to appoint imperial officials when the imperial office was vacant, even before Ludwig's election, John had sent his legates, Bertrando del Pogetto and Bernard Gui, to prosecute those *signori* who refused to give up the titles received from Henry VII. John's legates accused the Italian Ghibellines of heresy. This accusation became even more widespread during and after Ludwig's campaign, as Ghibellines were portrayed as supporters of the excommunicate emperor and of his heretical antipope Nicholas V. Thus, when the governing class of Todi welcomed Ludwig in their city and offered him the office of podestà in 1328, Pope John appointed Friar Bartolino da Perugia as inquisitor into heretical depravity and urged him to prosecute the people of Todi for their actions in 1329.

In 1354, the commune of Todi and a substantial number of its citizens appealed to Pope Clement V against the verdict issued in 1331 by Friar Bartolino da Perugia, inquisitor into heretical depravity, which had condemned them as manifest heretics for their support of Emperor Ludwig IV of Bavaria. The pope accepted the request of appeal and delegated Bishop Filippo of Ferrara as judge in the trial that was to follow. On 28 June 1356, Bishop Filippo, who also held the offices of papal legate and rector of the Duchy of Spoleto, declared that the sentences issued by the Franciscan inquisitor more than twenty years earlier were null and void. His decision

restored the people and the commune of Todi to unity with the Church, as if Friar Bartolino's sentences had never been issued. Bishop Filippo explained his decision on the basis of the Todini's argument that the inquisitor had not followed the correct legal procedure, thus undermining the rights of the defendants to a fair trial. Bishop Filippo's sentence cleansed the city and its governing elites from the stain of heresy, but it also had a profound impact on relations between the commune and the papacy.

Heresy was indeed inescapably entangled with contemporary discourses that defined the legitimacy of political authority. And so was the claim of the right and duty to prosecute and punish crimes of heresy. In the overlapping political claims of Central and Northern Italy, city communes, popes, and emperors competed over the right to fight heresy. The 1272 statute of the commune of Todi contained detailed regulations for the prosecution of cases of heresy by the court of the podestà. The anti-heretical provisions contained in most communal statutes were not simply a matter of conforming with the demands of the 1215 Lateran Council, but a clear display of how ruling elites perceived the duties and the prerogatives of urban government. As Augustine Thompson put it, these were "cities of God," in which civic and religious performances of power constituted inseparable components of the construction of civic identity.<sup>2</sup> Thus, accusations of heresy performed a powerful role in delegitimizing political opponents and bolstering one's own claim to legitimate rule.

Bishop Filippo's decision was reached after decades of conflict between the governing class of Todi and the papacy over the powers and jurisdiction of communal institutions. Since the pontificate of Pope Alexander IV, in the 1250s, the claims of the commune of Todi had clashed

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<sup>2</sup> Augustine Thompson, *Cities of God: The Religion of the Italian Communes, 1225-1325* (University Park, PA: The Pennsylvania State University Press, 2005).

with the efforts of popes to organize their authority in the region through the mediation of provincial institutions. The legal actions that arose, including the prosecution of heresy by papal inquisitors, dragged on for more than a century and constituted the stage on which local authorities in Todi contested papal policies in the region in favor of their city's sovereignty.

In the first half of the fourteenth century, everywhere throughout the cities of northern and central Italy, debates over just order in society focused around the authority of popes and emperors in relation to the institutions of the commune. The dispute drew in figures like Dante, Marsilius of Padua, and Bartolo of Sassoferrato, and inspired the production of numerous works on the nature of secular and religious authority. The broad participation in city politics insured that practices of government inspired and were influenced by ideas and theories developed by political theorists and jurists. Furthermore, the highest city officials were selected from within an itinerant class of professionals trained in Roman law, which favored the dissemination of governing practices and theories among cities. Bartolo himself is a clear example of the mobility and dynamism of the communal governing classes. One of the most esteemed jurists and political theorists of his time, Bartolo was born in the contado of Ancona and moved to Perugia when he was only 14 to attend the law courses taught by Cino da Pistoia. He then moved to Bologna where he received his doctorate in law. He served as a city official in Todi, where his reflections on the institutional arrangements reached by the city's governing elite inspired the composition of his political treatise on Guelfs and Ghibellines.

But the question of legitimate authority was not merely the subject for political and theological treatises. Everywhere in the Italian cities it took the form of violent confrontations between opposing parties for control of the city's governing institutions. The stakes of the conflict were especially high in the provinces of Central Italy, where both popes and emperors

claimed the right to exercise legitimate authority and appoint their own rectors to rule each city. Those who succeeded in establishing their authority reshaped the commune to secure a durable system of government that would guarantee their party's dominant position. Members of these parties were widely known as Guelfs and Ghibellines, but they might also take different names according to local circumstances. They maintained a broad network of communications and alliances throughout the peninsula and beyond, building a system of support that was cloaked by their nominal espousal of the imperial or papal cause, but that ultimately remained firmly anchored to local social and political dynamics within each city. It was mostly on the practical aspects of their daily lives that people negotiated their individual and group identity (family, lineage, confraternity) with the institutionalized structures of communal rule, and with the claims of popes and emperors to rule their city. It was in this context that political debates associated with the clash of popes and emperors became the common currency of discussion in the council chambers and in the courtrooms of cities such as Todi.

The city of Todi sits on a hilltop about 1,300 feet high, and about 60 miles north of Rome, overlooking the narrow valley below that is traversed by the River Tiber. It was at the heart of the Patrimony of St. Peter in Tuscia, a territory encompassing most of present-day Umbria and Latium. Unlike the Duchy of Spoleto and the March of Ancona, which constituted somewhat coherent jurisdictional districts under the authority of a representative of the German emperors, the Patrimony was a relatively recent agglomeration created by Pope Innocent III in an effort to organize a number of separate political entities over which he claimed secular authority. Up until the end of the twelfth century, the communities that inhabited these territories owed nominal allegiance to the empire but were varyingly divided into jurisdictional pockets of feudal lordships, urban and rural communes, and a small number of extensive monastic estates. Unlike

the urban communities of northern Italy, whose early organization into communes successfully challenged direct control by the German emperors, the cities of central Italy maintained an effective imperial administration until the late twelfth century. That changed abruptly with the death of Emperor Henry VI in 1197, and the election the following year of the young and energetic Pope Innocent III (pope 1198-1216). In the imperial vacuum owing to the infancy of Frederick II, who was crowned king at the age of 3 upon his father's death in 1197, Pope Innocent III established the premises of papal secular rule in the region of central Italy. He replaced imperial officials with papal one and secured oaths of fidelity from lords and representatives of urban communities.

However, imperial claims were neither forgotten nor fully subdued, and emperors throughout the thirteenth and early fourteenth centuries intermittently attempted to reassert forms of control in the region. Thus, popes were not the only legal source of privileges and jurisdictional rights in what became the lands of the Church. Lay and religious lordships, urban and rural communes, all developed and assembled their rights and jurisdictions in relation—often conflictual—with one another and with the overarching legal authority of the empire and the papacy. For example, monasteries would base their rights over the land and the people they controlled on the basis of grants and donations received from emperors and lords or from the pope. The abbey of San Leucio near Todi received confirmation of their rights in 1144 by Pope Eugene III and in 1171 by Pope Alexander III. Only a few years later, in the changing political balances of Emperor Frederick Barbarossa's Italian campaigns, the monks thought it beneficial to appeal to Frederick to see their rights confirmed against the demands of the consuls of the



commune of Todi.<sup>3</sup> These charters continued to form the legal basis for the monks' efforts to secure their rights for decades to come.

Despite the organization of the territories into provinces, the degree of control over local communities by papal provincial officials varied considerably within each province. Papal provincial rectors had to deal with a complex local political reality constituted by city communes, lay and religious lordships, and rural communes. All these entities, which claimed different jurisdictional and political rights over the land and the communities they controlled, had developed variegated forms of interrelations. City communes pressed on lay and monastic lordships for their submission and integration into the urban contado. Rural lords could release their jurisdictional rights and become citizens of a neighboring urban commune, or they could establish agreements that allowed them to preserve their jurisdictions in exchange for the payment of taxes and provision of military support. Thus, even the contadi of urban communes were not a homogeneous administrative entity, but a puzzle in which each piece pursued different interests, developed different rivalries, and established different arrangements with their neighbors and with the city government. The contado of Todi, for example, extended over the land of three major rural lineages (*consorterie*), that of the Alviano, the Baschi, and the Marsciano. The relations between members of these lineages and the urban society of Todi were mediated through institutional agreements signed with the city commune which aimed at securing the payment of taxes and nominal allegiance to the city, in exchange for a certain degree of autonomy.

The jurisdictional arrangements of the papal territories acknowledged and reflected these complexities. The creation in the thirteenth century of the legal categories of lands that were

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<sup>3</sup> Getulio Ceci, *Todi nel Medioevo* (Todi: A. Trombetti, 1807), 61-63.

*mediate or immediate subiectae* to the pope recognized the autonomies and privileges of the various communities of the papal territories and of their political and religious institutions. In the early fourteenth century, papal provincial rectors did not attempt to dismantle this system of interrelations, local privileges, and autonomies in favor of a more uniform administrative structure. Despite what many historians have argued, the history of the papal territories cannot be told as the story of the struggle between centralizing state power and the centrifugal forces of local particularism.<sup>4</sup> The creation of a centralized and uniform state was not and never had been the ultimate goal of papal policies in the lands of the Church.

Throughout the thirteenth and fourteenth centuries, the popes presented their authority and the power granted to their provincial rectors as the only guarantee of peace and order in the region. Provincial rectors could avail themselves of a variety of institutional instruments for the exercise of their functions. For example, they could summon the representatives of individual cities, castles, and lords to provincial parliaments and ask them to swear oaths of fidelity; they could issue constitutions that applied to the whole province and collect taxes. However, taxes were not uniformly collected; and even parliaments did not ensure the unconditional fidelity of local communities, which would often send their representatives to assert their will against any provision that infringed on local rights and privileges. Ultimately, the extent of the power that the papacy and its provincial rectors exercised in the political life of local communities was the result of a delicate balance, often susceptible to readjustments and redefinitions.

Local communities were jealous of their privileges and always ready to fight for their rights and have them recognized in a court of law. This was the case not only when individuals or institutions sought legal protection against the claims of a powerful neighbor, such as when

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<sup>4</sup> Daniel Waley, *The Papal State in the Thirteenth Century* (London: Macmillan, 1961).

the community of a castle strove to preserve its autonomy from the infringing demands of a lord or a commune. The actions and demands of papal provincial officials were often perceived as an interference in local prerogatives. In these instances as well, local communities presented their cases to a court of law to have their rights recognized and protected against papal rector. In this context, law courts and tribunals functioned as an essential mechanism for the resolution of conflicts arising when papal rector overstepped the delicate balance of powers and jurisdictions that regulated the relations between local communities and papal authority. But law courts were also the means by which popes and their rector sought to establish legal recognition of their claims over local communities and even bishops. Thus, legal cases provided the opportunity to define the boundaries between the claims of the papacy and its officials on the one hand and those of local communities on the other.

Changing political, religious, and economic circumstances altered the relations between the papacy and the communities of central Italy. As new urban elites rose to preeminence and established control of city communes, their new political agenda reshaped urban government and its relations with citizens, subject communities, and papal authority. By the end of the thirteenth and the beginning of the fourteenth century, the importance acquired by the parties (Guelfs and Ghibellines—or their local equivalent) in urban political life and their broad networks of alliances created new venues for papal and imperial interventions in city politics. The parties also constituted an important framework that allowed city politics to transcend the local level, as urban communes built networks of alliances that went beyond the regional orbit, cloaking local politics under the mantle of papal or imperial support. The transfer of the papal curia to Avignon and the challenges to papal authority from the escalation of the Franciscan controversy over

apostolic poverty drastically affected the discourses deployed by popes to define the terms of their rule in the provinces of central Italy.

In this context of momentous changes in the socio-political and religious landscape of medieval Italy, law courts and tribunals fulfilled a crucial role in the redefinition of papal secular rule and the negotiation of the terms of papal control over urban communities in the lands of the Church. It is the purpose of this study to show that the papacy's use of these tribunals, including the prosecution of heresy, constituted a coordinated effort to pressure local urban elites into accepting papal definitions of what constituted legitimate authority in the lands of the Church. Local elites, however, drawing on their legal expertise, used the courts to voice their opposition to papal secular rule. In doing so, they articulated basic principles of communal ideology into clearly defined legal claims. In making this argument, this study will revise prevailing understandings of the functioning of inquisitions into heretical depravity and the relations between the tribunals of papal-appointed inquisitors and other ecclesiastical and secular courts.

Bishop Filippo's decision to overturn Friar Bartolino's sentence underscores the importance of legal procedure in the prosecution of alleged heretics and in the very definition of heresy. The proctors appointed by the Todini carefully crafted their appeal around procedural subtleties. In doing so, they shifted the focus of the court of appeal from the crimes for which Friar Bartolino had put the people of Todi on trial to the inquisitor's correct application of the rules regulating his inquisition. Because of the ways the Todini framed their request of appeal and their *libellus*, the judge of appeal was not interested in whether the people condemned by Friar Bartolino had actually committed the crimes for which they had been found guilty. The appeal court focused instead on whether the inquisitor had followed the procedural steps of the *ordo iudiciarius*, which were meant to guarantee the rights of the defendants in court. Such a

meticulous attention to respect for procedural rules, to the extent that the judge's alleged disregard of them constituted ground for invalidating the whole trial, does not fit the traditional picture of inquisitorial trials for heresy. Historians' focus on the uncontested authority of the inquisitor and on his violent methods reiterates notions that medieval courts, with their brutal methods, were a farce in which the rule of law, if there was one, was widely ignored.

One of the points that I will be stressing throughout this study is that inquisitors delegated by the pope complied with contemporary standards and principles of due process of law. These general principles regulated the procedural foundations of any trial throughout medieval Europe, notwithstanding important regional differences. They dictated the standards for the kind of evidence that was allowed in court, for the acceptance and evaluation of proof, and for protecting the rights of the defendants.<sup>5</sup> These rules and principles, which were shared by secular and ecclesiastical courts, were developed through the intervention of diverse sources of legal authority: the texts of Roman law, papal bulls, imperial and royal decrees, and communal statutes. A Europe-wide class of jurists and legal experts, mostly trained in Bologna, assembled and commented on all these texts, creating a body of rules that was accepted in its general terms, although individual jurists might differ on specific issues. The inquisitorial process, for example,

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<sup>5</sup> For the most recent scholarship on legal procedure in secular and ecclesiastical courts, see: Massimo Vallerani, *Il sistema giudiziario del comune di Perugia. Conflitti, reati e processi nella seconda metà del XIII secolo* (Perugia: Deputazione di Storia Patria per l'Umbria, 1991); Massimo Vallerani, *La giustizia pubblica medievale* (Bologna: Il Mulino, 2005); Wilfried Hartmann and Kenneth Pennington, eds. *The History of Courts and Procedure in Medieval Canon Law* (Washington, D.C.: The Catholic University of America Press, 2016); Joanna Carraway Vitiello, *Public Justice and the Criminal Trial in Late Medieval Italy. Reggio Emilia in the Visconti Age* (Leiden: Brill, 2016); Bruce C. Brasington, *Order in the Court: Medieval Procedural Treatises in Translation* (Leiden: Brill, 2016).

constituted a topic of intense debate because of its absence from the canonical texts of Roman law and for the anxiety that it jeopardized the rights of defendants.<sup>6</sup>

In recent years, a number of scholars have reflected on the procedural operations of secular and canon law. Their work has highlighted the importance of court proceedings for understanding various aspects of medieval society, from peace-making to changing notions of political authority.<sup>7</sup> I am highly indebted to these scholars for my treatment of procedural law. I will be discussing inquisitorial procedure in greater detail later in this study; for the moment it suffices to stress the point that the rise in attention given to court procedures has not crossed over to the study of heresy. The aim of this study is to do just that: showing how the functioning of ecclesiastical courts in which the judge delegate adopted inquisitorial practices to prosecute the crime of heretical depravity affected contemporary discourses on heresy, political authority, and papal secular power.

All this is to say that there has been a kind of reluctance among legal historians to adopt for cases of heresy the same methodology they apply to the study of other trials.<sup>8</sup> The methods advanced by a whole generation of medieval legal historians, which draw on the work of legal

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<sup>6</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 211-239.

<sup>7</sup> These scholars approach procedural law from the methodological viewpoint of cultural anthropology. See: Sally Falk Moore, *Law as Process: An Anthropological Approach* (London: Routledge, 1978); Simon Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (New York: Penguin, 1979); Thomas Kuehn, *Law, Family, and Women: Toward a Legal Anthropology of Renaissance Italy* (Chicago: University of Chicago Press, 1991); Mario Sbriccoli, "Legislation, Justice and Political Power in Italian Cities, 1200-1400," in *Legislation and Justice*, ed. Antonio Padoa Schioppa (Oxford: Clarendon Press, 1997), 37-55; Katherine Ludwig Jansen, *Peace and Penance in Late Medieval Italy* (Princeton: Princeton University Press, 2018); Massimo Vallerani, *La giustizia pubblica medievale*.

<sup>8</sup> Even Massimo Vallerani, who so brilliantly analyzed legal procedure in secular courts and to whom this study is so deeply indebted, gives up his methodology when discussing the prosecution of heresy, suggesting a quite traditional interpretation that sees the trial for heresy as purely repressive. Massimo Vallerani, *La giustizia pubblica medievale*, 38.

anthropologists, view a court case as one aspect of a dispute. The recourse to a tribunal is only one element of the strategy adopted to establish a claim. The interpretation of each trial thus necessitates taking into consideration the whole series of relationships and actions that developed around the trial and outside the court. Similarly, the ways in which people responded to a court summons, whether they decided to fight their accuser in court or to flee and incur the risk of being judged in contumacy, constituted willful choices in their defense tactics. Certainly, exposing oneself to contumacy in an ecclesiastical court and to subsequent excommunication was dangerous, particularly if one was accused of heresy, but it was a risk that many people were willing to take in order to assert their claims over their accuser. In a similar way, people could and did change their strategies if they realized that they were no longer beneficial. This study considers accusations for heresy prosecuted by a papally-appointed inquisitor as one element in a dispute over orthodoxy. Moreover, we must bear in mind that the final aim of trials for heresy was not punishment but reconciliation with the Church. Reconciliation could be achieved outside of the courtroom, for example by an agreement with a papal legate, and the tribunal was willing to accept a peaceful resolution of the matter. The trial itself was thus susceptible to actions taken outside of the court, which need to be included in a holistic understanding of the case.

I have chosen to focus primarily on Todi because of the available sources. When I started this research I was mostly interested in changing definitions of heresy, and the vast documentation at the Archivio Segreto Vaticano on the trial against the laity and the Franciscans of Todi seemed a rewarding subject on which to conduct my research. I was already aware of a similar case in Assisi, where the Ghibelline leader Muzio di Francesco was prosecuted by a papally-appointed inquisitor for crimes involving tyranny and ghibellinism, which were subsumed within broader accusations of heretical depravity. I was struck by the fact that Muzio

was given the chance to mount a defense for his case: he consulted with legal experts; he asked for a safe place to hold his court hearing; he was given time to present counter arguments. The same procedure also regulated the trial against the Todini. The defendants presented objections against the legitimacy of the inquisitor, which were rejected, but that did not stop them from pursuing a vigorous line of defense. In both trials there was no attempt to apply torture. More importantly, the Todini's complaints of not being subject to a fair trial were taken seriously when their appeal was accepted and the sentence of the inquisitor was overturned by the papal legate. In short, the defendants were aware that the standards of due process of law had to be respected, and they employed legal experts to make sure that their rights were protected. Briefly, as I pursued my investigation of these accusations of heresy, I became interested in the trial itself and in the legal procedures that regulated it.

My research then refocused on Todi. The Archivio Storico Comunale preserves extensive documentation of the historical context that surrounded the trial against the commune. The registers of the *Riformanze* and of official correspondence provide important insights into the choices of the various individuals who were involved in the trial. The governing classes of the commune and the Popolo held several meetings to come up with strategies for responding to papal accusations of heresy. The trial initiated by Friar Bartolino was clearly an attempt to pressure the local governing classes to accept papal efforts to define papal temporal authority in relation to the institutions of the commune and the claims of urban elites to rule their city. The trial for heresy was one more element in a struggle to negotiate and regulate the boundaries and relations between competing institutions. The communal elites of Todi were well aware of the political implications of the trial for the institutional relations between their commune and the papacy. They were also aware of the repercussions on urban politics and on the balance between



competing groups within their city. They were ready to appropriate Friar Bartolino's trial and turn it into an arena for expressing resistance to papal jurisdiction as well as delegitimizing internal competitors for control of the city.

# Chapter 1:

Before focusing on the two decades preceding the concession of the office of podestà to Emperor Ludwig IV, it will be useful to briefly sketch out the most important social and political changes that affected Todi's urban society from the mid-thirteenth century through the first few decades of the fourteenth.<sup>9</sup> Instead of viewing the history of the city as a succession of different conflicting regimes (consulate, podestà, Popolo, *signoria*) which tried to obviate internal instability but that ultimately failed to achieve any lasting result, we need to understand institutional change as an inherent component of a process of constant negotiation of different interests within urban society. This, of course, was not always a peaceful process, and the history of political exclusion is a reminder that violence constituted an inseparable component of the practices through which political participation was negotiated.<sup>10</sup> In this context, the concession of the office of podestà to the emperor and his appointment of an imperial vicar should not be understood as an attempt to thwart communal institutions. Rather, the two could instead function in cooperation, showing the often innovative ways in which members of medieval Italian cities experimented with their political institutions—making them, in Andrea Zorzi's words, an “extraordinary laboratory of coexistence.”<sup>11</sup>

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<sup>9</sup> On the political and institutional changes that affected the city of Todi in the thirteenth and fourteenth centuries, see Laura Andreani, “Todi nel basso medioevo (secoli XIII-XV): aspetti di vita politico-istituzionale,” in *Todi nel Medioevo (secoli VI-XIV). Atti del XLVI Convegno storico internazionale. Todi, 10-15 ottobre 2009* (Spoleto: Fondazione Centro Italiano di Studi sull'Alto Medioevo, 2010), 51-88; Giuliano Milani, “Podestà, popolo e parti a Todi tra Due e Trecento: per una revisione del “paradigma tudertino”,” in *Todi nel Medioevo*, 351-376.

<sup>10</sup> On the processes of exclusion from political participation, see Giuliano Milani, *L'esclusione dal comune. Conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo* (Rome: Istituto storico italiano per il medioevo, 2003); Sarah Rubin Blanshei, *Politics and Justice in Late Medieval Bologna* (Leiden: Brill, 2010).

<sup>11</sup> Andrea Zorzi, *Le signorie cittadine in Italia*, x.

During the first three decades of the fourteenth century, the city of Todi was dominated by a governing class composed of elite and non-elite families that shared control of the commune. A system of institutional balances allowed the participation of non-elite families in the governing institutions without seriously challenging the control of the elite over the political life of the city. Non-elite families organized into guilds and in the Popolo had secured access to the commune in the 1250s. For the next eighty years non-elite families in Todi struggled to recast the commune in an image of institutional legality and civic peace.

During these eighty years of coexistence, the Popolo instituted short-lived governments that took advantage of moments of open confrontation in the elite; but every time elite families regained the upper hand. But even if the Popolo as an independent institution and as a collective identity for non-elite families disappeared from the city during the first decades of the fourteenth century, the changes it brought to civic institutions had a lasting effect on the internal structure of the commune. In 1331, non-elite families reorganized themselves into a new Popolo and took advantage of yet another crisis, this time caused by the elite's support of Emperor Ludwig IV of Bavaria and the ensuing reaction of Pope John XXII who launched a trial for heresy against the whole governing class of Todi. Appropriating the trial for heresy to delegitimize their opponents, the Popolo succeeded in weakening the legitimacy of the elite and banning some of its leading families from the city. The next five years were a period of intense institutional experiments in the attempt to find a new balance between the popular forces and those elite families that had preferred to come to terms with the Popolo. In 1337, however, the popular government became more radical and abandoned any attempt at cooperation with the elite. This new government claimed a new identity for the commune, one that was fully constructed around membership in the Popolo and adherence to its ideals. To strengthen the ideological bonds of its newly founded

civic hegemony, the Popolo promulgated a new statute that subjected a large group of elite families to magnate status, barring them from political offices.

Just like in other cities of central and northern Italy, the strength of elite families was their coalescence in agnatic lineages which, together with the acquisition of a family surname, created the ideal that families constituted a coherent entity over time and that its members were tied in reciprocal bonds of solidarity.<sup>12</sup> Because partible inheritance was the norm throughout Italy, the practice of joint ownership of property constituted the widespread response to the risk of fragmentation of family estates. The visible manifestation of a family's status and strength was its urban tower, owned as joint property, in which all family members and their allies could congregate to find refuge in case of conflicts with other elite families. Urban towers dominated the visual landscape of any city in central and northern Italy. Because of their practical value as strongholds for family feuds and for their symbolic meaning, the destruction of family towers was one of the first demands of the non-elite families that started to contest the elite's monopoly of public offices in the early thirteenth century. The first action that later chronicles recorded of the first podestà of Todi was that he cut the height of the elite towers. Already in 1169-70 an early confrontation between elite and non-elite families resulted in a peace agreement that forced elite families into lowering the height of their urban towers. In 1201, the first recorded podestà of Todi, meser Spagliarano, took up the task of destroying what was left of the urban towers of the elite. The importance of this retrospective account of Ioan Fabrizio degli Atti, who wrote his

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<sup>12</sup> For a discussion of the social and cultural background of urban elite families in the thirteenth and fourteenth century communes, see John M. Najemy, *A History of Florence, 1200-1575* (Oxford: Wiley-Blackwell, 2006); Carol Lansing, *The Florentine Magnates. Lineage and Faction in a Medieval Commune* (Princeton, N.J.: Princeton University Press, 2014). Although both authors focus on Florence, they draw important connections with socio-political and cultural realities of other Italian cities.

chronicle in the late fifteenth century, lies in the identification of family towers as the focus of early conflicts within the commune. Later chronicles tended to superimpose later interpretative categories onto the historical tradition that recounted earlier episodes of factionalism. Ioan Fabrizio's association of elite families with Ghibellines for the late twelfth and early thirteenth centuries is certainly problematic, as is his use of the Popolo to explain the clashes of 1169, but his chronicle, relying on much earlier sources, provides a lucid insight into the early eruption of conflict in Todi and locates its manifestation in the behavior of elite families and in their construction of defensive towers.

By the middle of the thirteenth century, family feuds and antagonisms translated into a deep division of the elite, which split into two competing parties. Elite families coalesced around their most powerful allies and soon inserted themselves in the pan-Italian divisions between papal and imperial parties. While in many cities these parties were kept together by informal bonds of family allegiances and clienteles, in Todi they were legally organized into *societates*, each with its own internal structure and representatives.<sup>13</sup> Each party elected two captains and, when brought to trial, the parties acted like a legal corporation, electing syndics and procurators to represent them in court. Attempts to reach a level of coexistence between the parties were reflected in new systems of government in 1267-68 and in 1275, when thanks to the arbitration of members of powerful baronial families from Rome, the Guelfs and Ghibellines agreed to share control of public offices.<sup>14</sup> The peace would not last for long, and soon conflicts started again.

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<sup>13</sup> Jean-Claude Maire Vigueur, "Échec au podestat: l'expulsion de Comacio Galluzzi podestat de Todi (17 juillet 1268)," *Bollettino della Deputazione di storia patria per l'Umbria* 92 (1995): 10-11.

<sup>14</sup> *Ibid.*, 13.

Elite families dominated public life with their violent factionalism, which plunged the urban society into intermittent civil wars that often ended with the exile of the defeated faction and the devastation of their property. The Guelf families went into exile in 1245-47, 1260-62—after the Guelfs’ defeat at Montaperti—and 1268; the Ghibellines were banned in 1266, after Manfred’s defeat at Benevento.<sup>15</sup> As each faction sought support outside of the city—among nearby communes and lords, the papacy, or the empire—the competition among elite families became a serious danger for the independence of the commune. In 1273, the Guelfs in exile allied themselves with Taddeo da Montefeltro, rector of the Patrimony of St. Peter, and besieged the city in an attempt to regain control of the commune.<sup>16</sup> Some of the elite families, like the Chiaravalle and the Atti, had been active in the political life of the city since the early thirteenth century and had been crucial for the expansion of the commune’s jurisdiction in the countryside. Leading the commune in its expansion against rural lords like the Alviano and Marsciano lineages, some of these families had managed to expand their own personal holdings in the countryside.

By the mid-thirteenth century, new social forces had started competing with the elite for participation in the administration of the commune. These families were organized into guild associations that brought together members of the same trade or business. In the second half of the thirteenth century guilds proliferated in Todi, as merchants, shopkeepers, and artisans tried to find political weight and social security in their freedom to form legal corporations. A document from 1282 lists sixteen different guilds, each with its own consuls. They included a variety of

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<sup>15</sup> Giuliano Milani, “Podestà, popolo e parti a Todi tra Due e Trecento: per una revisione del “paradigma tudertino,” in *Todi nel Medioevo (secoli VI-XIV). Atti del XLVI Convegno storico internazionale. Todi, 10-15 ottobre 2009* (Spoleto: Centro Italiano di Studi sull’Alto Medioevo, 2010), 355.

<sup>16</sup> *Ibid.*, 365.

trades and crafts, from notaries and bakers to masons, butchers and hat makers. Members of each guild elected their own representatives, the consuls, who in 1258 were admitted to take part in the meetings of the communal council. Each guild exercised a different political weight, which varied according to the social status and economic impact of their members in the life of the city. Thus, the guild of the merchants elected five consuls, while those of the smiths, butchers, and bakers had only two.<sup>17</sup> In the decades between 1282 and the early 1320s the number of officially recognized guilds increased to twenty-three, as lower social status trades such as the carpenters and fruit sellers acquired the right to organize and place their representatives in the general council of the commune.<sup>18</sup>

The multiplication of guilds in the decades around the turn of the century shows the increasing importance of commercial and artisan groups in the political life of the city. Economic expansion and specialization was certainly a factor in the formation of new guilds; as new professional and artisan groups became conscious of their collective interests, they demanded the right to form their own corporations. This process was not always peaceful and was often opposed by members of other guilds which had already acquired legal recognition. Members of the more wealthy and influential guilds felt their position threatened by the lower classes and in some cases allied with the elite to stop the creation of new guilds. For example, the statute of 1275, which recognized the official position of the consuls of the merchants, denied the right of millers and coachmen to form their own corporations.<sup>19</sup> As shown later in this chapter, the 1275

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<sup>17</sup> Emore Paoli, "Il purgatorio degli artigiani. Le corporazioni medievali di Todi tra economia, politica, religiosità e devozione," in *Itinerarium. Università, corporazioni e mutualismo ottocentesco: fonti e percorsi storici. Atti del Convegno di studi (Gubbio, 12-14 gennaio 1990)*, ed. Giancarlo Pellegrini (Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 1994), 162-163.

<sup>18</sup> *Ibid.*, 165.

<sup>19</sup> *Ibid.*, 175.

statute was approved after years of intense factional wars that threatened the very independence of Todi, potentially opening the city to the rule of the rector of the Patrimony of St. Peter. This was an outcome that various governments, whether controlled by the elite or by the Popolo, had been resisting for generations dating back to the mid-thirteenth century. The statute was yet another attempt at restoring elite rule in Todi by allotting the control of communal offices in equal parts among members of each elite party. The Popolo was excluded from participation in civic offices, but the statute provided extensive regulations for the guild of the merchants, to which it accorded a number of legal and jurisdictional privileges. It seems safe to assume that the guild of the merchants, which might have even included members of elite families, openly supported the 1275 government of the elite at the expense of other guilds and the rest of the Popolo.

Besides placing their representatives in the general council of the commune, the consuls of the guilds at times held the right to assemble independently from the general council. In December 1289, the regulation of the council of the *adunatores artium* prescribed that four of the sixteen *adunatores* had to be selected from among the old and new guilds, while the remaining twelve were to be chosen with a ratio of two for every neighborhood (*regione*).<sup>20</sup> However, this council of the *adunatores artium* was a result of policies adopted by the popular government that was established that year, and does not seem to have lasted for long. In the first decades of the fourteenth century, meetings of guild consuls were not officially recognized as a separate council; rather, they were the result of momentary arrangements within the power balances within the general council. Thus, in 1324, the consuls of the merchants elected the Twelve defenders of the peace, a committee that advised the podestà and decided on the agenda of the

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<sup>20</sup> Ibid., 167.



general council. Their election was normally a prerogative of the general council itself, which would usually elect a small committee of its own members, drawn on the basis of neighborhood, which would eventually elect the Twelve defenders. The episode was not repeated; but in August 1327, it was the consuls of all the guilds that elected the Twelve defenders. Again, this remained an isolated episode.

Guilds provided a form of association that was outside the system of clientele of the elite and cut through their networks of personal support. However, as previously shown, guilds did not present a unified front against elite governments, as some of their members were willing to compromise with the elite in order to attain a position of privilege vis-a-vis other guilds. But guilds were not the only form of association that brought non-elite families together. The Popolo functioned as an institutional framework that was separate from the guilds but tried to unite them and bring coherence to their separate demands. In many cities of central and northern Italy, the Popolo first appeared as a federation of guilds and armed neighborhood associations. Although we cannot be certain of the relation between guilds and Popolo in Todi, at least up until the 1337 statute, guildsmen entered the government for the first time with representatives of the Popolo in 1258. This was no coincidence. In October of that year, a meeting of the general and special council of the Popolo and the commune of Todi was called jointly by the podestà Giacomo de' Prindeparti and the capitano del Popolo Uffreduccio di Gerardo, together with the *anziani* (elders) and the consuls of the guilds. On that occasion, the guilds were allowed to send their consuls to complement the general council. Since the council is referred to as "general and special council of the Popolo and commune" (*consilium generale et speciale populi et communi*), its membership must have been enlarged to include non-elite members. The *anziani* constituted their own college which, if their name reflected the structure of similar restricted popular

councils throughout communal Italy in the mid-thirteenth century, represented the main executive body of the Popolo. From this date onward, the Popolo as an institution and as a collective political identity for the guild community followed a separate path from that of the guilds themselves.

Guild organizations reached a level of cooperation with the elite that allowed their representatives to sit on the general council and be directly involved in the government of the city. In order to be part of the government, however, they had to renounce the Popolo as an institutional framework for coordinating their efforts and setting a shared political program. With the Popolo out of the scene, individual guilds were not able to threaten the elite's predominant position in the political life of the city. Some of the institutional reforms implemented by popular governments were kept in place, but the Popolo lost its capacity to represent the collective interests of non-elite families. This ended in 1332, when non-elite families resurrected the Popolo and established a new government. In 1337, this government radicalized its position toward the elite and excluded the most important elite families from participation in the commune. The exclusionary policies of the 1332 and 1337 popular governments targeted not only elite families, by placing them under the legal category of magnates, but also other guilds, such as that of the notaries and judges. These were not identified as magnate and their professional corporations were still recognized, but they were forbidden to participate in the election of the priors, the newly created magistrates that held executive authority in the new regime. These exclusionary policies cemented the ideological unity of the 1337 Popolo by isolating and targeting groups of the population that were identified as dangerous to the stability of popular institutions.

## 1.1 Urban Factionalism and the Society of the Popolo in Todi (1250s – 1330s)

By the mid-thirteenth century, new social classes had begun to compete with elite families for active participation in the political life of the city. These families were organized into guild associations that brought together members of the same trade or business. In the second half of the thirteenth century guilds proliferated in Todi, as merchants, shopkeepers, and artisans tried to find political weight and social security creating legal corporations.<sup>21</sup> Guild associations provided non-elite families with venues for political participation, promoting solidarity among members of the same trade and functioning as an alternative to the traditional system of clienteles established by elite families.<sup>22</sup>

Throughout Italian cities, guildsmen from different trades associated themselves into a *societas* that in many cities assumed the name of Popolo.<sup>23</sup> The society of the Popolo was often configured as a federation of guilds and armed neighborhood associations. However, the Popolo

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<sup>21</sup> Ibid., 165.

<sup>22</sup> The historiography on the creation of popular societies and on their impact on the institutions of the commune is vast. The topic has been the subject of a recent resurgence of scholarly attention, which has resulted in important contributions. The work of Alma Poloni has been particularly illuminating on the relations between social changes and the experimentation in new forms of political aggregation among mercantile and artisanal urban groups. More specifically, she has shown how popular institutions were also subject to changes over time due to the social ascendancy of the mercantile classes and to their increased importance in the political life of the city. Her contribution has expanded our understanding of medieval Italian cities as spaces in which different institutions operated to channel competing claims to political participation. See Alma Poloni, “Fisionomia sociale e identità politica dei gruppi dirigenti popolari nella seconda metà del Duecento. Spunti di riflessione su un tema classico della storiografia comunalistica italiana,” *Società e storia* 28 (2005): 799-822; Alma Poloni, “Disciplinare la società. Un esperimento di potere nei maggiori comuni di Popolo tra Due e Trecento,” *Scienza e politica* 37 (2007): 33-62; Alma Poloni, *Lucca nel Duecento. Uno studio sul cambiamento sociale* (Pisa: Plus-Pisa University Press, 2009). On the topic see also Enrico Artifoni, “I governi di ‘popolo’ e le istituzioni comunali nella seconda metà del secolo XIII,” *Reti Medievali Rivista* 4, no. 2 (2003); Renato Bordone, ed. *Le aristocrazie dai signori rurali al patriziato* (Rome: Laterza, 2004).

<sup>23</sup> Alma Poloni, *Potere al Popolo. Conflitti sociali e lotte politiche nell’Italia comunale del Duecento* (Milan: Bruno Mondadori, 2010), 51-53.

remained a separate institution from the guilds, and membership to a guild did not always translate into participation in the internal representative bodies of the Popolo.<sup>24</sup> In short, the Popolo functioned as an institutional framework that was separate from the guilds but that tried to unite them and bring coherence to their separate demands. In Todi guildsmen succeeded in establishing a stable institutional presence in the political life of the city in 1258. Guild officials (consuls) were admitted to the meetings of the General Council of the commune and the Popolo created its own executive and judiciary magistracies, the capitano del Popolo and the college of the *anziani* (elders).<sup>25</sup>

The opportunity to successfully carve a space for their own institutions in the political life of Todi came from the factional confrontations between elite families. In the mid 1240s, family feuds among the elite aligned with the pan-Italian split between Guelfs and Ghibellines, as Emperor Frederick II strengthened his claims on Rome and received the allegiance of some of the most important cities in Umbria, such as Spoleto and Terni. The imperial army was active in the contado of Todi, besieging and destroying the walls of Amelia, a city subject to Todi's jurisdiction. The Guelfs, feeling unsafe in Todi, decided to withdraw to their possessions in the countryside, where they were hounded by the Ghibellines, now in control of the commune.<sup>26</sup> After the emperor's withdrawal from the region, the Guelfs returned to Todi in 1247.<sup>27</sup>

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<sup>24</sup> On the relations between guilds and the societies of the Popolo, see Giuseppe De Vergottini, "Arti e 'popolo' nella prima metà del secolo XIII," in *Scritti di storia del diritto italiano*, ed. G. Rossi (Milan: Giuffrè, 1977), 462-464; Enrico Artifoni, "Corporazioni e società di 'popolo': un problema della politica comunale nel secolo XIII," *Quaderni Storici* 74, no. 2 (1990): 389-391.

<sup>25</sup> Emore Paoli, "Il purgatorio degli artigiani," 164-166; Arianna Cervi, "Sicut inveni in quaterno notarii populi. Sperimentazioni istituzionali e iniziative documentarie promosse dal Popolo nei comuni umbri del Duecento," PhD diss., Università di Milano, 2015, 123-128.

<sup>26</sup> Getulio Ceci, *Todi nel medioevo*, 136.

<sup>27</sup> Giuliano Milani, "Podestà, popolo e parti," 355.

Elite factionalism opened the way to popular claims. Members of the Popolo were able to take advantage of the struggle: they deployed a political rhetoric that focused on the advantages of urban internal peace, targeting elite violence as damaging for the whole collectivity and presenting popular institutions as a check to uncontrolled violent behavior.<sup>28</sup> The Popolo found support among some elite families, which probably saw in its institutions new prospects for political advancement. Indeed, in 1258, the first capitano del Popolo in Todi was Offreduccio di Gerardo, a leading member of the Guelf party during the confrontations of the previous years.<sup>29</sup>

The continuation of party struggle, exacerbated now by the alliance between the elite family of Offreduccio and the popular party, drew the Popolo into a damaging war. The later chronicle of Ioan Fabrizio degli Atti, which elaborated on earlier records, describes the intense

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<sup>28</sup> For example, the 1337 statute that was issued by the new popular regime in Todi referred to the previous period of violence in the city and to the financial burden that it placed on the commune's budget, presenting as the only solution to internal war and "illicit" expenses the establishment of a government of the Popolo and of the guilds. Under Rubric XIV the statute states that: "In the past the enemy of mankind brought enmity to the city of Todi, so that many conflicts erupted among its citizens. For this reason, the city and the Commune of the city of Todi were exhausted by many superfluous and illicit expenses. Considering that any city that is governed by the Popolo and Popolani is preserved in peace, in order to protect the innocence of the humble, to restrain the corrupted hands of the proud, and to refrain from illicit, superfluous and inconvenient expenses, for the preservation and the increase of the peaceful state of this city and of its contado ... We order that the city of Todi and its contado, as well as all the rights and jurisdictions of the collectivity and of each individual person, shall and will be governed and ruled by the Popolo and by the Popolani and members of the Guilds of this city. We order that the Popolo and the Popolani and members of the Guilds shall have all the power and all the jurisdiction and authority, as well as the full imperium and authority over the use of force." ASCT, Statuti, 5, 1337, fol. 22r. On the ideology of internal peace as a legitimizing discourse for the claims of the Popolo, see Andrea Zorzi, "I conflitti nell'Italia comunale. Riflessioni sullo stato degli studi e sulle prospettive di ricerca," in *Conflitti, paci e vendetta nell'Italia comunale*, ed. Andrea Zorzi (Florence: Firenze University Press, 2009), 20; Andrea Zorzi, "Bien commun et conflits politiques dans l'Italie communale," in *De Bono Communi. The Discourse and Practice of the Common Good in the European City (13<sup>th</sup>-16<sup>th</sup> c.)*, ed. E. Lecuppre-Desjardin and A.-L. Van Bruaene (Turnhout: Brepols Publishers, 2010), 267-290.

<sup>29</sup> "La cronaca todina di Ioan Fabrizio degli Atti," in *Le Cronache di Todi (secoli XIII-XVI)*, ed. Giuliana Italiani and others (Florence: La Nuova Italia, 1979), 136; Giuliano Milani, "Podestà, popolo e parti," 357.

fight that resulted from the Popolo's association with the leading family of the Guelf party. According to Ioan Fabrizio, in 1260, two years after Offreduccio was made capitano del Popolo for the first time, there ensued a harsh war (*gran guerra*) between the Popolo and the elite (*boni homini*). The Ghibellines laid siege to the tower of Offreduccio and eventually succeeded in destroying it. Offreduccio left the city in exile, but his return the next year caused yet another war between Guelfs and Ghibellines in which he lost his life.<sup>30</sup>

As violent confrontations continued, it was the turn of the Ghibellines to leave the city in exile in 1266, after Manfred's defeat at Benevento. In the attempt to mediate peace between the parties, the pope sent Pandolfo Savelli as podestà in June 1267. Pandolfo succeeded in brokering a peace agreement, instituting a bipartite system of government in which the two parties shared communal offices equally. Peace between the factions meant that elite families did not need to form an alliance with the Popolo to gain the upper hand against their party opponents; they regained full control of the commune, restrained the institutions of the Popolo from direct interference in communal institutions, and prohibited guild representatives from participating in the meetings of the General Council. However, the peace agreement did not last long, and within a year the situation escalated again.

Although excluded from direct participation in the government, the Popolo maintained its institutional unity and was able to act independently to try to prevent another eruption of violence in the city. In June and July 1268, seeing the tension mounting between the Guelfs and

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<sup>30</sup> "La cronaca todina di Ioan Fabrizio degli Atti," 137. Ioan Fabrizio's text is rather late and hence problematic despite his reliance on earlier chronicles. His identification of the Popolo with the Guelfs and of the Ghibellines with the "boni homines" (in this case probably referring to the *milites* of the urban elites) is more a reflection of his own understanding of party struggles from a late-fifteenth-century viewpoint rather than an accurate rendition of thirteenth-century social dynamics.

the Ghibellines, the members of the *societas populi de medio* met with the podestà Comaccio Galluzzi of Bologna to decide on the best strategy to follow. On 16 July, the leaders of the popular movement sent envoys to ask for military help from the neighboring communes of Foligno, Spoleto, and Orte.<sup>31</sup> The podestà formed two delegations, each led by one of his judges and consisting of officials of his entourage and ten *sapientes* of the Popolo. They went to meet at the private houses of the captains of the two parties to convince them to put aside their antagonistic intentions. Seeing that this was not giving any positive results, the popular leaders called on all the members of the Popolo to assemble in arms in the communal square, perhaps in the hope of opposing the factions if they attempted a confrontation.<sup>32</sup>

None of these precautions had any effect. On 17 July 1268, Guelfs and Ghibellines gathered in arms in the communal square and began to fight. The Guelfs were forced to retreat, and the Ghibellines turned their anger to the podestà who, unable to stop the fight, barricaded himself and his officials in the palace of the commune. As the Ghibellines were about to take the palace by force, the bishop of Todi, followed by a procession of Franciscan friars from San Fortunato and of the cathedral canons, walked outside the cathedral that faced the north side of the square. The procession reached the communal palace where they took the podestà and his *familia* under their protection and escorted them to the Franciscan friary of San Fortunato. From there they were able to leave the city in safety within a few days.<sup>33</sup> It was only in the mid 1270s that the parties were again able to reach a peaceful settlement, thanks to the peacemaking

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<sup>31</sup> Jean-Claude Maire Vigueur, “Échec au podestat,” 18.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid., 5-6.

mission of Giacomo di Napoleone Orsini, named as podestà for almost three years. The final result of his pacifying effort was the approval of the communal statute of 1275.<sup>34</sup>

The 1275 statute represented a compromise between elite families, now pacified after years of factional violence, and the interests of a group of wealthy merchants organized in their own guild, some of whose members likely overlapped with the elite.<sup>35</sup> Members of the elite in Todi participated directly in the commercial expansion of the city and were especially active in attracting Florentine capital and reinvesting it in local production.<sup>36</sup> In 1275, the guild of the merchants reached an agreement with the elite without relying on the institutional mediation and support of the *societas populi*. It was probably their independence from the Popolo that favored this compromise. The interests of this group of wealthy merchants did not necessarily coincide with the broader program of the Popolo.

Despite their exclusion from the meetings of the communal councils and their subordination to the guild of the merchants, guilds in Todi were not abolished. They remained the primary institutions for non-elite families to organize their political efforts in spite of the absence of an overarching *societas populi*. In 1282, sixteen guilds obtained formal recognition from the commune, and their consuls were once again allowed to participate in the General Council.<sup>37</sup> Even without the presence of an institutional federation of the guilds, guildsmen were able to coordinate their political effort and to advance a coherent program. They focused their

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<sup>34</sup> Giuliano Milani, "Podestà, popolo e parti," 358.

<sup>35</sup> Getulio Ceci and Giulio Pensi, eds. *Lo statuto di Todi del 1275* (Todi: A. Trombetti Tip.-Lit. Editore, 1897), 106-107; Emore Paoli, "Podestà, popolo e parti," 174-177; Arianna Cervi, "Sicut inveni in quaterno notarii populi," 172-175.

<sup>36</sup> Ivana Ait, "Todi fra XIII e XIV secolo: prime osservazioni sull'economia di una città all'apogeo dello sviluppo," in *Todi nel Medioevo*, 302.

<sup>37</sup> Emore Paoli, "Il purgatorio degli artigiani," 162-163; Arianna Cervi, "Sicut inveni in quaterno notarii populi," 180-186.



energy on establishing forms of control on the communal finances and on the administration of its assets.

Alongside the critique of elite factionalism and violence, non-elite guildsmen openly denounced the administrative practices of the elite and its exploitation of communal funds.<sup>38</sup> The solution to these complaints found by guildsmen in Todi in the 1280s was the establishment of a foreign magistrate, the *iudex communis*. This *iudex* presided over the meetings of the consuls of the guilds and had vast powers in relation to the administration of communal assets, the most important of which was his ability to conduct an *inquisitio* in the contado against anyone who was suspect of usurping the lands and goods of the commune. He also had the jurisdictional right to supervise all trials against people accused of evading the annual tax that the commune imposed on its subject communities in the contado.<sup>39</sup> All the prerogatives of the *iudex communis* were thus related to the task of guaranteeing the smooth flow of communal funds from the contado.

Unlike the office of capitano del Popolo throughout communal Italy, the *iudex communis* in Todi did not exercise any sort of authority over the podestà or other communal officials, nor was he allowed to sit on the communal councils, apart from the meetings of the consuls of the guilds. His role was clearly shaped to target the expropriation of communal lands in the contado. The *iudex communis* of Todi was also responsible for supervising the compilation of the *libri larium*, which recorded households' income in the contado and likely served as the basis for

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<sup>38</sup> For a broader discussion of the critique by the Popolo and non-elite citizens of the financial practices of the traditional urban elite, see Jean-Claude Maire Vigueur, *Cavalieri e cittadini. Guerra, conflitti e società nell'Italia comunale*, trans. Aldo Pasquali (Bologna: il Mulino, 2004), 175-256.

<sup>39</sup> Arianna Cervi, "Sicut inveni in quaterno notariorum populi," 184.

taxation in the countryside.<sup>40</sup> For guildsmen in Todi, the priority in the 1280s was to secure the capillary taxation of the countryside and the efficient administration of communal lands, fighting what they saw as usurpation of communal property.

During the last years of the 1280s, guildsmen acquired new prerogatives within communal institutions.<sup>41</sup> In 1293, they sought to stabilize their political achievements by creating a new society of the Popolo, with its own councils and its own officials.<sup>42</sup> The guilds and the new society of the Popolo gave monumental architectural expression to their authority. In 1290, the commune began work on a system of aqueducts and cisterns that collected the rain from the Capitol Hill (Campidoglio), the highest point on Todi's hill, near the Franciscan church of San Fortunato, and brought it to the main square, under which lay the old Roman cisterns that were restored and reused. The system of water supply ended in a public fountain on the main square.<sup>43</sup> In 1293, the regime initiated the construction of the new palace of the capitano del Popolo on one side of the communal square—a few steps away from the old palace of the commune—sharing the political center of the urban landscape as a display of the newly acquired authority within the city. These extensive works reshaped the center of power in the city as well as the symbols of civic identity. The communal square was enlarged, thanks also to the intervention of Pope Boniface VIII, who in 1298 ordered the destruction of the church of the SS. Giovanni e Paolo and donated the land to the commune.<sup>44</sup> Pope Boniface's patronage in Todi extended also to the

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid., 328-329; Emore Paoli, "Il purgatorio degli artigiani," 181-182.

<sup>42</sup> Arianna Cervi, "Sicut inveni in quaterno notarii populi," 203-205.

<sup>43</sup> Laura Andreani, "Todi al tempo di Iacopone," in *Iacopone da Todi. Atti del XXXVII Convegno storico internazionale. Todi, 8-11 ottobre 2000* (Spoleto: Centro italiano di studi sul basso medioevo, 2001), 41; Giuliano Milani, "Podestà, popolo e parti," 367.

<sup>44</sup> Laura Andreani, "Todi al tempo di Iacopone," 42.

construction of the new church of San Fortunato, which hosted the relics of the commune's patron saint, whose preservation was entrusted to the local Franciscans.<sup>45</sup>

The turmoil caused by the death of Pope Boniface VIII—whose support and favors helped stabilize the new institutional structure of Todi's government—and the Italian campaign of Emperor Henry VII reopened a period of internecine strife in the city, which brought a resurgence of factionalism among the elite. In Todi, Henry's campaign caused a wave of factional wars in 1312 during which the Ghibellines expelled the Guelfs and reformed urban government and institutions so as to guarantee their monopoly in the city.<sup>46</sup> Peace was restored in 1314 thanks to the mediation of Bishop Tebaldo of Assisi.<sup>47</sup> The society of the Popolo fragmented and by 1320 we cannot find any reference to the Popolo in the extant documentation. The new institutional arrangement, just like the one from 1275, was the result of a compromise between the parties of Guelfs and Ghibellines that divided the elite and the guild of the merchants which, as we have previously mentioned, was characterized by the presence of members of elite families who were active in international trade.

Some of the institutional reforms implemented during the period of the popular government were not abolished but simply voided of their ability to channel the interests of the various components of the Popolo and bring them to the forefront of Todi's political life. Guild representatives remained part of the General Council, but other popular officials and councils lost their connections to the popular movement and were instead appropriated by elite families or wealthy merchants. The social makeup of Todi's municipal institutions in the 1320s and 1330s will become much clearer in our discussion of individual careers in the following section. For the

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<sup>45</sup> Ibid.

<sup>46</sup> Laura Andreani, "Todi nel basso medioevo," 68-69.

<sup>47</sup> Ibid., 70.

moment it will be useful to have a look at some of the changes that occurred to the institutions first put in place by the Popolo in the 1290s.

The changes undergone by the office of capitano are a clear example of the process of elite appropriation and repurposing of popular institutions. When it was re-introduced in 1293—after the first experimentation of 1258—the *capitaneus communis et populi* carried a clear reference in its official title to its institutional ties with the society of the Popolo. In the same year, the presence of the Popolo is also attested in the reformulation of the title given to the General Council, now referred to as *Consilium Generale communis et populi*, as well as in the existence of a separate *consilium populi civitatis Tuderti*. Through the introduction of the capitano, the Popolo of Todi achieved a level of influence over the institutions of the commune that was reflected in the constant presence of this popular official at the meetings of the General Council alongside the *potestas Tuderti*.

However, the fragmentation and disappearance of the society of the Popolo during the first decade of the fourteenth century also meant that the office of capitano lost all links to the popular movement, as well as its functions of supervising the workings of communal institutions on behalf of the society of the Popolo. As a result, its official title changed into *capitaneus civitatis*, concealing any explicit reference to its origin as a popular official. A similar change occurred to the formal name of the General Council that became the *Consilium Generale et Consulum Artium*. Within the new socio-political context of the early fourteenth century, characterized by a resurgence of conflict between Guelfs and Ghibellines the office of capitano was repurposed to reflect the suppression of the society of the Popolo and functioned instead as an institutional guarantee for the Ghibelline party's share in the administration of the city. For instance, on 28 December 1324, the college of the Twelve Defenders of the Peace delegated the

election of both the podestà and the capitano to Cardinal Napoleone Orsini. With the letter that informed the cardinal, the Twelve Defenders sent a list of candidates with the clarification that the podestà had to be a Guelf and the capitano a Ghibelline.<sup>48</sup>

A closer look at the composition of the members that composed the college of Twelve Defenders that delegated the election to Cardinal Napoleone Orsini, as well as the *balia* that was responsible for electing them, reveals the tight connection between the guild of the merchants, the leading members of elite families in Todi, and the monopoly that these groups established on municipal institutions.<sup>49</sup> Through their consistent presence in electoral committees and important

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<sup>48</sup> ASCT, Riformanze, 16, fols. 90r, 90v.

<sup>49</sup> In the previous month, the election of the Twelve Defenders of the Peace was conducted by the consuls of the merchants—*Mannuccius Polecti, Iuseppus Andreocti, Ciolinus Angelucci,* and *Ciuccius Andreoli* (ASCT, Riformanze, 16, fol. 73r). This was unusual, as the election of the Twelve was more often delegated by the General Council to an electoral committee whose members were selected from among the councilors themselves. All of them, except *Iuseppus*, had a steady record of political participation. Mannuccio was a member of the General Council and of the Council of One Hundred; in January 1322, he was part of the electoral committee that elected the Twelve Defenders. Thus, even when the election of this executive magistracy was not fully delegated to the consuls of the merchants, members of the guilds of the merchants were part of the committees that selected these officials. Mannuccio served as a member of the Secret Council of Twenty Four in March 1327, and in September of the same year he was part of the electoral committee that selected the new officials for the Secret Council. (ASCT, Riformanze, 12, fols. 163r, 226r, 273r; Riformanze, 16, fol. 73r; Riformanze, 21, fols. 9r, 55r). Ciolino Angelucci has an even more impressive record of institutional involvement. Besides serving in various committees for the election of officials like the Twelve or the Twenty Four in both the General Council and the Council of One Hundred, he was also part of important *balie* entrusted with discussing diplomatic relations for the commune. In September 1330, he served in two important *balie*, one invested with special powers for negotiating a settlement with the papacy in the dispute for the commune's support of Emperor Ludwig IV, while the other *balia* of *sapientes* was responsible for negotiating the state of submission of the castle of San Gemini which was occupied during the rule of the imperial vicariate and whose restitution was demanded by the papacy (ASCT, Riformanze, 21, fol. 52v; Riformanze, 22, fol. 83v; Riformanze, 24, fols. 34r, 38v, 47v, 65v, 73r; Riformanze, 25, fols. 48r, 53v, 26r). The Twelve Defenders elected by the consuls of the merchants were then assigned the task of electing the podestà and capitano. They named a committee of twelve *sapientes* to help them discuss and decide on the candidates. This committee included four sons of *domini* as well as other people whose names appear with steady frequency on the records. Among them was also Mannuccio, who in the previous month had elected the Twelve Defenders who now elected him in a committee for the selection of the

*balie* invested with special executive or legislative powers, elite families and wealthy merchants controlled participation in active political life in Todi, appropriating and readapting institutions that had been created by the Popolo in the 1290s and closing any possibility for social and political mobility for members of non-elite families. A clear manifestation of this policy was the *de facto* closure of membership in the General Council and in the Council of One Hundred.<sup>50</sup>

Thus, the institutional innovations devised by the Popolo were not dismantled but were instead readapted to the new situation of the 1320s and early 1330s, in which elite families had pushed back the demands of the Popolo. In this new context of resurgence of factionalism and party allegiance, those institutions were instead used as a way to balance the interests of the elite factions and their attempts to control urban politics. Thus, the assignment of the offices of podestà and capitano to each party guaranteed an equal share of offices between them, preventing the possibility that one of them predominated within the municipal institutions. In his

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podestà and capitano, and *Polellus domini Beraldi*, brother of Francesco di Beraldo dei Chiaravalle. We can notice a clear pattern of institutional participation that through the election of restricted committees and *balie* kept important decisions in the hands of the same small number of citizens. More importantly, the two factions exercised an informal control over the decisions taken within these *balie*. Although official records never mention the role played by party affiliation and elite networks of clientele, in this specific case we can see these relations playing out in the final decision to draw up a list of Guelf candidates for the office of podestà and Ghibelline candidates for that of capitano (ASCT, Riformanze, 16, fols. 90r, 90v). Furthermore, the official deed through which the General Council instructed the syndics who had to present the list to Cardinal Napoleone Orsini was witnessed by the leading members of the two elite factions: Andrea di Rainuccio degli Atti and Francesco di Beraldo dei Chiaravalle, a clear indication that even if they were not officially part of any of the committees established to carry out the election of the two officials, they still supervised the process (ASCT, Riformanze, 16, fols. 89r, 89v).

<sup>50</sup> The election of new members of the councils was delegated every year to ad hoc committees, often consisting of the Twelve Defenders or the Secret Council of Twenty Four and other *sapientes* (ASCT, Riformanze, 21, fols. 6r, 81v). A closer look at the election of new members of the councils shows that electoral committees rarely appointed new members but more often replaced sick or deceased councilors with their sons or other relatives, preserving in this way a *de facto* closed membership to the councils.

treatise on Guelfs and Ghibellines, Bartolus of Sassoferrato, one of the most important jurists in fourteenth-century Italy and holder of communal office in Todi in 1336, found inspiration in Todi's political system for his reflections on the nature of party affiliation among Italian cities.<sup>51</sup> He noted that "in the city of Todi, I [Bartolus] found two affiliations: one called Guelphs, and the other Ghibellines. In each public office there has to be as many members of one party as there are of the other."<sup>52</sup> Bartolus's discussion of party affiliation and his reference to the peculiar system of equal distribution of Todi's municipal offices is yet another confirmation of the monopoly secured by elite factions in Todi's politics.<sup>53</sup>

## 1.2 The Governing Class of the Commune

In order to discuss the reality of power and political control in fourteenth-century Todi we will need to look at the people that were politically active in their city. This will help us to clarify the ways in which individual actors and their families navigated the institutional structures of political participation and shaped the decisions adopted within the communal institutions. For obvious reasons, a detailed prosopography of even a small group of Todi's politically active citizens cannot be set out here. Thus, I will limit myself to a few representative examples and track their political careers, providing, whenever possible, information on their socio-economic backgrounds.

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<sup>51</sup> Francesco Calasso, "Bartolo da Sassoferrato," in *Dizionario Biografico degli Italiani* 6 (1964).

<sup>52</sup> Bartolo da Sassoferrato, "Tractatus de Guelphis et Gebellinis," in *Politica e diritto nel Trecento italiano*, ed. Diego Quaglioni (Florence: Leo S. Olschki, 1983), 131-2.

<sup>53</sup> Jean-Claude Maire Vigueur wonders whether Bartolus referred to the political situation in Todi in 1268, a period for which we have an abundance of documentary sources that clearly show the system of party monopoly on municipal institutions. Jean-Claude Maire Vigueur, "Echec au podestat," 13.

This sketch of individual political careers draws on of a database of Todi's politically active citizens I have assembled with data drawn from the registers of the *Riformanze* from the 1320s and 1330s; these include records of the meetings of the General Council and the Consuls of the Guilds, the Council of One Hundred and its *adiuncti*, the committee of the Twelve Defenders of the Peace, and the Secret Council of Twenty-four of the Council of One-hundred and its *adiuncti*. Records for the Council of One Hundred and its committee of Twenty-four are available only from 1327 onward. From 1332 onwards, the records also include the meetings of the new magistracy of the Eight—which replaced the Twelve Defenders of the Peace—and their advisors. After 1337 they record the meetings of the Priors of the Popolo, which replaced all previous executive magistracies. Occasionally, the meetings and decisions taken by ad hoc executive or counseling committees (*balie*) are also recorded. I integrated the data collected from these registers with sets of data drawn from the 1337 statute, which contains a list of magnate families; the 1340 register of the *Accavallata*; and the inquisition register of Friar Bartolino da Perugia. Together they provide an invaluable source for the reconstruction of individual careers and personal networks, allowing us to follow the participation of individual actors in the political life of the city, as well as their connections outside the institutions of the commune.

There are, of course, some limits and methodological questions that are raised by these sets of data. First is the lack of clear identifiers for the socio-economic background of the individuals present in this database. Until my study is fully integrated with the data drawn from the *catasti* from 1320, 1322, and 1323—a work that is still in progress—my ability to reconstruct the socio-economic position of the individuals analyzed here will lack a more detailed reference to individual wealth and landholdings. Another difficulty this data presents is the inconsistency with which family names are recorded. Most individuals are only identified through their name



and patronym, with no reference to their family names even when they did have one. Help for the reconstruction of family relations comes from the 1337 list of magnates, which records individuals according to lineage (*domus* or *casata*), as well as from the testimonies recorded by Friar Bartolino da Perugia during his inquisition. However, despite the shortcomings of the documentation, we can still draw a quite detailed picture of the political careers of the people that were more active in the city on the eve of Emperor Ludwig's campaign in Italy.

Let us look at the people who composed the *balia* of *sapientes viri* that in August 1328 was voted special powers to deliberate on the necessary arrangements to make in order to facilitate the arrival of Emperor Ludwig IV. The language of the ordinance is intentionally vague, as it was meant to leave to the executive committee ample margins of autonomy also in terms of finances and budgeting, but it does specify that the *balia* was supposed to remain in power for the full month of August. It was composed by twenty-four members who were selected by the podestà and granted “plenum et liberum arbitrium et generale mandatum” by the authority of the Council of One Hundred and of the *adiuncti*, which passed the law with 85 votes against 23.<sup>54</sup> Fifteen out of its twenty-four members were identified as *domini* or sons of *domini*, thus indicating their elite status, and some of them were indeed among the wealthiest citizens of Todi.<sup>55</sup> Two of them in particular were the leaders of the two urban factions: Andrea di Rainuccio degli Atti and Francesco di Beraldo dei Chiaravalle.

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<sup>54</sup> ASCT, Riformanze, 22, fol. 117v.

<sup>55</sup> *Ibid.*, fol. 118r. The title of *dominus* was used in Todi to identify the elite status of the person recorded in the official documentation. It was applied solely to individuals residing in the city. Members of the rural aristocracy are never identified with this title, not even when they hold the title of *comes*, as in the case of the counts of Marsciano. These are often referred to as *nobiles de comitatu* and their names are followed by the toponym where they exercised their lordship, as in the case of *Ugolinuccius de Baschi* or *Baldinus de Marsciano*. This practice seems to conform with a broader tendency in the region around Todi and in some of its neighboring communes. In Perugia, for instance, the title was also adopted in a coherent way to identify people with

The first on the list is *dominus Andreas domini Raynuicii*.<sup>56</sup> Andrea was a prominent member of the Atti lineage who resided in the *regio* (neighborhood) of Nidola, one of the oldest parts of the city that extended north and north-east of the commune's *platea*, near the cathedral and the bishop's palace. The members of his lineage were all declared magnates by the popular government of 1337.<sup>57</sup> Before being barred from participation to the institutionalized political life of the city, Andrea was one of the most active citizens of the commune, a member of both the General Council and of the Council of One Hundred.<sup>58</sup> From 1320 to 1335, his name appears

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aristocratic status: see Sara Menzinger, *Giuristi e politica nei comuni di Popolo. Siena, Perugia e Bologna, tre governi a confronto* (Rome: Viella, 2006), 117. In the case of Perugia, however, *dominus* was also a title employed to identify individuals who exercised the legal profession and who at times were referred to as *iudices* or *sapientes iuris*. In other cities, such as Bologna, the term was employed as an honorary title for all the communal councilors (Ibid., 117, 118). This, however, was not the case in Todi. Here notaries and judges were not uniformly recorded with the title of *dominus*, although some of them did carry it. Thus, the notaries Lello di Francesco Maccabriani, Cello di Andrea, or Damiano Venturelle, who show up very often on the records, are never recorded with the title of *dominus*. Of the 37 notaries that I identified between 1321 and 1335 taking part in the debates of the communal councils only one of them was recorded as the son of a *dominus*, Guido of the late *dominus* Raynaldo. Similarly, within the same time period, 1321-1335, I identified 15 judges in the *Riformanze*. Four of them were *domini* or sons of *domini*. The title of *dominus* did not indicate a hereditary status and was instead always attached to a specific individual. Thus, among the brothers Polello and Francesco, sons of *dominus* Beraldo, only Francesco was referred to with the title of *dominus*. The distinction between the two brothers was maintained throughout all the documentation, not only in the *Riformanze*, but also in the records produced by the inquisitor Bartolino da Perugia. Both Polello and Francesco were members of the Chiaravalle lineage, and both were members of the councils and participated in the political life of the commune, although Polello was not as involved as his brother Francesco was. Although it is difficult to identify what differentiated Polello from his brother Francesco and why only one of them was referred to as *dominus*, carrying such a title or being related, as Polello was, to someone who carried it can be employed as a marker for elite status within urban society and can thus help us reconstruct the social background of some of the individuals recorded in our sources.

<sup>56</sup> His name has been partially erased and overwritten. This seems to have been an attempt at concealing Andrea's direct involvement in the various decisions that led the commune to collaborate with Emperor Ludwig IV. His name was also tampered with in other acts of the councils.

<sup>57</sup> ASCT, Statuti, 5, 1337, fol. 220v.

<sup>58</sup> Ibid., Riformanze, 12, fols. 3v, 4r, 12v, 79v, 107v; Riformanze, 22, fol. 117v; Riformanze, 25, fol. 26r.

with striking regularity among the councilors who were routinely selected to serve as *sapientes viri* within several executive committees or *balie*, all charged with important issues pertaining to diplomacy and the election of the high magistracies of the commune, such as the podestà. In August 1321, for example, he was voted by the General Council to a six-member committee responsible for facilitating peace negotiations between the communes of Assisi and Perugia.<sup>59</sup> In the month of October of the same year, he was elected within the General Council to serve as one of the Twelve Defenders of the Peace, the highest executive magistracy of the commune whose members were elected on a monthly term.<sup>60</sup> In December, he was elected to another committee responsible for discussing the terms of yet another diplomatic mission, this time to broker a peace agreement between the communes of Terni and Narni.<sup>61</sup>

In the months that led to the arrival of Emperor Ludwig in Todi in 1328, Andrea was active within the *balie* charged with deciding the appropriate line that the commune should follow in the matter.<sup>62</sup> On 20 August 1328, only a few days before the emperor's entry into the city, Andrea was chosen by the podestà as one of the members of a *balia* that had to decide how to collect the 10,000 florins that the commune had promised Ludwig,<sup>63</sup> and when the emperor finally entered the city, Andrea was there to welcome him and escort him into the Palace of the commune where he was officially offered the office of podestà.<sup>64</sup> Notwithstanding his direct involvement in the decisions that brought the commune to elect the emperor as podestà, Andrea was quick to downplay or even outrightly deny his responsibilities in front of the inquisitor, Friar

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<sup>59</sup> Ibid., Riformanze, 12, fol. 3v.

<sup>60</sup> Ibid., fol. 79v.

<sup>61</sup> Ibid., Riformanze, 12, fols. 108r, 108v.

<sup>62</sup> Ibid., Riformanze, 22, fols. 118.

<sup>63</sup> Ibid., fol. 118v.

<sup>64</sup> Ibid., fol. 123r

Bartolino da Perugia, who was delegated by Pope John XXII to investigate the commune's support of the excommunicate emperor. On 29 September 1329, Andrea and his friends and allies sent the notary Nicolao di Manni Girardi as their procurator to represent them in the trial initiated by Friar Bartolino.<sup>65</sup> *Ser* Nicolao told the inquisitor that his clients accepted the jurisdiction of the inquisitorial tribunal and were ready to submit to obedience to the Church and the pope.<sup>66</sup> On 9 October, Andrea presented himself before the inquisitor followed by his friends and allies and gave testimony regarding his participation in the meetings of the communal councils that had approved the political line of the commune and its support to the emperor.<sup>67</sup>

We will discuss Andrea's legal strategy later in this dissertation; for now it is important to stress his role as the leader of a group of Todi's urban elite, among which we can identify important figures such as *dominus Pandulfus domini Egidii, Gualterellus Vivieni, Ceccolus*

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<sup>65</sup> Vatican Secret Archive (hereafter ASV), Camera Apostolica, Introitus et Exitus, 104, fols. 60r, 60v. The register was partially edited by Luigi Fumi in the late nineteenth century in three different articles published by the *Bollettino della Regia Deputazione di Storia Patria per l'Umbria*. His work has been reprinted recently in Luigi Fumi, *Eretici e Ribelli nell'Umbria dal 1320 al 1330, studiati su documenti inediti dell'Archivio segreto Vaticano* (Spoleto: Fondazione Centro Italiano di Studi sull'Alto Medioevo, 2011). Despite the careful work of Luigi Fumi, this edition contains some deliberate omissions—sometimes of entire folios—which are briefly summarized in Italian. The editor often makes use of “etc.” in order to eliminate formulaic repetitions contained in the original. This is not the place for an extensive critique of Fumi's edition; an example will suffice to show the limitations of his work. On page 349 of the 2011 reprint, we get the idea that the only content of fol. 12v (11v according to the new pagination) of the original inquisition register is simply “An. m. ccc. xxviiij. de mense decembris.” The reader is not informed that the year 1328 is a reply given by the witness to a question of the inquisitor concerning the date of the events he had just narrated. Nor are we informed that on the same folio other questions follow concerning the place and people present at those events. Overall, Fumi was not interested in recording the names of people mentioned by the witnesses or listed in other documents included in the register. For example, at page 349 of the 2011 edition, the entire list of the friars accused and recorded on fols. 12r and 12v is omitted. Omissions, abbreviations and summaries of this kind appear quite often on Fumi's edition. Because of these lacunae I will be referring to the original manuscript preserved in the ASV.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*, fols. 62r-63v.

*domini Seghi, Ganus Ugolinelli, Mannes Sardoli and Ciccolus Carocci.*<sup>68</sup> Almost all of their families were declared magnates by the 1337 popular government and barred from offices and participation in the communal councils.<sup>69</sup> Up until then, however, all of them had been active participants in Todi's political life. Just like Andrea, they were all members of the General Council and served in several *balie* and electoral committees throughout the two decades here taken into consideration, the 1320s and 1330s. For Pandolfo, for example, the records show an impressive consistency of political participation. In August 1321, he was elected to serve in the six-member committee that supervised the voting procedures during meetings of the General Council;<sup>70</sup> in November he served as one of the Twelve Defenders of the Peace;<sup>71</sup> in January of the next year, he was a member of the electoral committee for the election of the new members of the magistracy of the Twelve.<sup>72</sup> Just like Andrea, he was also a member of the Council of One Hundred and its *aduincti*, and in July 1327 he was elected to serve in the Secret Committee of Twenty-four.<sup>73</sup> Together with Andrea, Pandolfo served in the August 1328 *balia* that organized the arrival of the emperor in Todi.<sup>74</sup>

Throughout the two decades of the 1320s and 1330s, Andrea remained one of Todi's most politically active citizens, participating in the meetings of the communal councils and serving routinely in numerous *balie*. Despite his constant presence in the documentation, we do not know much about his educational background or his socio-economic position. A *Riformazione* of the Secret Committee of Twenty-four of the Council of One Hundred from

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<sup>68</sup> Ibid., fols. 60r, 62r.

<sup>69</sup> Ibid., Statuti, 5, 1337, fols., 220v-222v.

<sup>70</sup> Ibid., Riformanze, 12, fol. 20r.

<sup>71</sup> Ibid., fol. 101r.

<sup>72</sup> Ibid., fol. 162v.

<sup>73</sup> Ibid., Riformanze, 21, fol. 34r.

<sup>74</sup> Ibid., Riformanze, 22, fol. 118r.

August 1330 lists Andrea as one of the citizens *de maiori libra*, which places him and his family among the wealthiest in the city.<sup>75</sup> And indeed, the register of the *Accavallata* lists his heirs for a contribution of three horses to the communal cavalry, a financial burden that only an extremely restricted number of citizens were required to meet, the average assessment being that of one single horse per family.<sup>76</sup> Moreover, if the *dominus Munaldus domini Actonis* recorded as witness in a number of notarial deeds from the mid-thirteenth century—including the act of submission of the commune of Amelia to the commune of Todi—can be identified as an old relative and ancestor of Andrea, then his family had a long history of participation in communal institutions well before the formation of popular institutions.<sup>77</sup>

Returning to the composition of the *balia* that in August 1328 was voted special powers and *arbitrium* to deliberate on the arrival of Emperor Ludwig, we find *Dominus Franciscus domini Beraldi de Claravallensis* among its members.<sup>78</sup> He was part of a prominent lineage in the city from the *regio* of *Sanctus Silvester*, although he is at times recorded as residing in the neighborhood of Camucia.<sup>79</sup> He is recorded as one of the citizens *de maiori libra*, placing him at the top of the socio-economic group of elite citizens.<sup>80</sup> Just like Andrea and Pandolfo, Francesco's presence in the documentation is strikingly consistent from 1320 to 1330: he was a member of the General Council and served in numerous *balie*, including a series of *balie* in 1330 that were charged with the task of reaching a peace agreement with the papacy and fending off

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<sup>75</sup> Ibid., Riformanze, 25, fol. 26r.

<sup>76</sup> Ibid., Armadio III bis Palch. III°, 15, Libro del ruolo dell'Accavallata, fol. 32r.

<sup>77</sup> Ibid., Registrum vetus instrumentorum communis Tuderti, fols. 45r, 53r.

<sup>78</sup> Ibid., Riformanze, 22, fols. 118r, 118v.

<sup>79</sup> Throughout September 1330 he is recorded as residing in the neighborhood of Camucia. Ibid., Riformanze, 24, fols. 33r, 57r, 61v.

<sup>80</sup> Ibid., Riformanze, 25, fol. 26r.

the charges of heresy that the inquisitor Friar Bartolino had mounted against the commune.<sup>81</sup> However, some time in 1332 or 1333, he was declared an enemy of the commune along with other members of his family and fled into exile.<sup>82</sup> From that year he disappeared from the documentation. In 1337, the new popular government assigned magnate status to all his lineage.<sup>83</sup> Before that moment, however, he led a group of prominent elite families in Todi which, just like Andrea, allowed him to exercise a firm grip on municipal institutions.

Thanks to the testimonies recorded by Friar Bartolino we know quite a lot about Francesco's political position and of his family's network of alliances in the city and in the contado of Todi. Other members of his lineage occupied influential positions in the commune. *Dominus Tarlatus Balluccii*, one of his relative from the same lineage, was a member of the Council of One Hundred for which he also served as one of the Secret Committee of Twenty-four in August 1328.<sup>84</sup> This committee exercised important functions, advising the capitano—or the podestà in the absence of the capitano—and filtering the topics that were presented to the Council of One Hundred for debate. Francesco's brother, Polello, was also active in the political life of the commune. Just like his brother and his relative Tarlato, he was elected by the councils to serve in important electoral committees: in August 1324, he was elected as one of the *sapientes* who selected Todi's new podestà.<sup>85</sup> Just like his brother and Tarlato, he also resided in the same neighborhood of San Silvestro.<sup>86</sup>

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<sup>81</sup> Ibid., Riformanze, 24, fol. 47v.

<sup>82</sup> Ibid., Riformanze, 31, fol. 3r.

<sup>83</sup> Ibid., Statuti, 5, 1337, fol. 221v.

<sup>84</sup> Ibid., Riformanze, 22, fol. 99r.

<sup>85</sup> Ibid., Riformanze, 16, fol. 23r.

<sup>86</sup> Ibid., Riformanze, 16, fol. 23r; Riformanze, 22, fol. 40r.

From the accounts of several witnesses, we know that members of the *domus* of the Chiaravalle controlled the revenues of many churches and abbeys outside of Todi. Their possessions were concentrated around the area of San Gemini, on the road from Todi to Terni. There they controlled churches in important castles, such as Cesi and Quadrelli, which leads us to believe that they were likely important landowners in the area.<sup>87</sup> Several witnesses identified Francesco and his family as the leaders of the Ghibelline party in Todi and the people chiefly responsible for pushing the commune to support Emperor Ludwig's campaign and elect him podestà of Todi.<sup>88</sup> Francesco, however, denied these accusations in his testimony before Friar Bartolino.<sup>89</sup>

Just like Andrea's family, the Chiaravalle lineage could rely on a long history of participation in the communal institutions, dating back to the early decades of the thirteenth century. One *Jacobus Claravallis* appears as witness to the deed of submission of the Alviano family in 1232, an aristocratic lineage from Todi's contado with seignorial rights on a series of castles south of Todi.<sup>90</sup> Considering the importance of the deed, the witnesses likely constituted leading members of the urban elites of Todi who occupied a prominent role in city politics and the commune in the early thirteenth century.

Let us pause for a moment to reflect on Andrea's and Francesco's careers. Their families occupied the highest socio-economic ranks of the city and gathered around themselves a network of other elite families that congregated into urban factions or parties that were defined in large part by neighborhood. Andrea's closest allies were a group of elite families that were

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<sup>87</sup> ASV, Introitus et exitus, 104, fols. 80v, 81r, 136r, 138v, 139v.

<sup>88</sup> Ibid., fols. 8r, 49r, 88v.

<sup>89</sup> Ibid., fols 87r-88r; 104r-105r.

<sup>90</sup> ASCT, Registrum Vetus Instrumentorum, fol. 39r.



concentrated in the neighborhoods of Nidola and Santa Prassede, with some families from the neighborhoods of Valle and Colle. Francesco's lineage, on the other hand, gathered allies from a group of families that were rooted in the neighborhoods of San Silvestro and Camucia, where his family resided, with a small number of families from the neighborhood of Colle. Both of their lineages dated back to at least the first half of the thirteenth century, when their members already appear as prominent actors in communal politics. However, despite their presence in the extant documentation, their families are never mentioned in the narrative sources that recount the history of the early commune or of the mid-thirteenth century factional wars, suggesting that although they were active members of the commune, their families must have not occupied a leading role in those years. The second half of the thirteenth century and the first decades of the fourteenth thus constituted a period of social ascendancy for Andrea's and Francesco's families, to the point that in the 1320s they appear as the leaders of the two factions that divided the urban elite.

The political careers and family background of both Andrea and Francesco give us a glimpse into the degree of control that elite families exercised on communal institutions during the 1320s and 1330s. As leading members of the two urban factions, they exercised their influence through their active participation in municipal institutions, as councilors and as members of electoral committees and executive *balie*. As previously mentioned, the institutional arrangement of the 1320s and 1330s was the result of a compromise between leading elite families, such as the Atti, the Chiaravalle, and their allies, and a group of wealthy merchants. The alliance between these two elements of urban society is evident in the profiles of other politically active citizens that we can see operating at the top of Todi's institutions in those years.

One clear example are the brothers *Thomax* and *Angelinus Iuccii*, both residing in the neighborhood of Valle. Both of them held top institutional positions in the early 1320s, although Angelino seems to have left that career to his brother between 1322 and 1328. In 1321, Angelino was a member of the General Council and served as a member of the Twelve Defenders of the Peace, and in the following year he was voted in the committee that elected the Twelve.<sup>91</sup> After a few years of absence we see him again as a member of the Council of One Hundred in 1328. In August of that year he was part of a committee of *sapientes* that was charged with electing the *balia* responsible for deliberating on the arrival of the emperor, the same *balia* to which both Andrea and Francesco were elected.<sup>92</sup> His brother's career in Todi's municipal institutions was much more consistent. Tommaso shows up in the records holding important positions from 1321 to 1328. He was a member of the General Council and of the Council of One Hundred, served in numerous committees of *sapientes viri*, held the position of Twelve Defenders of the Peace, and was elected three times consecutively to the Secret Committee of Twenty-four in 1327 and 1328. After this date, however, both brothers disappear from institutional records. Their fall out of fortune was due to their association with the Chiaravalle family and their open support of Emperor Ludwig IV. *Lellus Çutii*, one of the witnesses from Friar Bartolino's inquisition, pointed out Tommaso's and Angelino's role among the group of Ghibellines led by the Chiaravalle.<sup>93</sup>

As shown in the previous section, by the end of the 1320s, Todi's municipal institutions were monopolized by elite families, who shared public offices according to their factional allegiance, and a group of wealthy merchants, some of them also members of elite families. The

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<sup>91</sup> Ibid., Riformanze, 12, fols. 54r, 295v, 407r.

<sup>92</sup> Ibid., Riformanze, 22, fol. 105v.

<sup>93</sup> ASV, Introitus et exitus, 104, fols. 91v-92r.

profiles of individual political actors described in this section cannot be exhaustive of all the people that held top offices in the city, but they give a revealing insight into the careers and socio-political background of many people operating at the top institutional positions of the commune of Todi. While Andrea and Francesco constitute an exception among other elite families because of their predominant positions as leaders of the two urban factions, the profiles of other members of the urban elite would still indicate a consistent participation in the institutional life of the city that approached a near monopoly of committees and *balie*, which they shared with wealthy merchants and with legal experts, such as jurists and notaries.<sup>94</sup>

*Lellus Çutii* is one example among many. Lello, from the neighborhood of Santa Prassede, was a judge and also the grandson of a *dominus*. Because of his legal expertise, Lello's participation in the political life of Todi extended to more specialized committees. He was a member of the General Council and also of the Council of One Hundred, and he served with striking consistency in electoral committees for the selection of municipal magistracies, such as the Twelve Defenders, the Secret Council of Twenty Four, or the podestà. He also served in *balie* entrusted with the task of revising and updating the commune's *libra* as well as in those responsible for estimating the value of horses that participated in a military campaign for the commune.<sup>95</sup> Lello appears among the supporters of the Atti faction, and his testimony before Friar Bartolino reflected the defensive strategy of this faction, placing the blame for the decision to support Emperor Ludwig on members of the Chiaravalle family and their friends and allies. After the expulsion of the Chiaravalle from the city in 1332 or 1333, Lello remained active in

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<sup>94</sup> On the role of jurists and legal experts in the political life of medieval Italian cities, see Sara Menzinger, *Giuristi e politica nei comuni di Popolo*.

<sup>95</sup> ASCT, Riformanze, 22, fol. 41r.

Todi politics, holding other posts in *balie* that advised the new magistracy of the Eight.<sup>96</sup> His career ended in 1337 with the emanation of anti-magnate legislation by the new Popolo government which targeted, among elite families, members of the guilds of the judges.<sup>97</sup>

This brief sketch of politically active citizens provides us with a concrete, if limited, view of the governing class in Todi during the decades that preceded the emperor's arrival in the city. The purpose of this overview has been to clarify the group dynamics within Todi's urban society and to show how municipal institutions constituted the privileged venue for maintaining and legitimizing claims of authority among fourteenth-century elite families in Todi.

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<sup>96</sup> Ibid., Riformanze, 30, fol. 11v.

<sup>97</sup> Ibid., Statuti, 5, 1337, fol. 24r-25r. The 1337 statute established that no one could be elected to the office of Priors of the Popolo who was a nobleman, magnate, or judge. Only members of the Popolo and of the recognized guilds could be elected to serve as priors: four priors had to be selected among the guild of the merchants, four among that of the notaries, and two priors had to be selected among any of the remaining eighteen guilds. Thus, the 1337 popular regime preserved the role that merchants enjoyed in the government of the city, together with a predominant position assigned to the notaries. See also Emore Paoli, "Il purgatorio degli artigiani," 186-190.

## Chapter 2:

On 29 August 1328, *ser* Pietro di Andrea da Amelia, treasurer of the commune of Todi and official syndic elected specifically for the occasion, notified Emperor Ludwig IV of Bavaria of his election and appointment to the office of podestà of the commune. The most influential members of Todi's urban elite gathered in the hall of the new communal palace to attend the ceremony. Among them were the leaders of the two factions that drew the loyalty of urban elite families: Andrea di Rainuccio degli Atti and Francesco di Beraldo dei Chiaravalle. Ser Pietro offered "the election and office of rector and podestà of the city and contado of Todi to the aforementioned lord emperor, under the pacts, customs, conditions, salary, household, and horses, as established in his election."<sup>98</sup> Emperor Ludwig IV accepted the offer and appointed Baldino da Marsciano, member of a prominent aristocratic lineage from Todi's contado, to the city's governance as his vicar general.<sup>99</sup>

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<sup>98</sup> ASCT, Riformanze, 22, fol. 123r. "Existens ser Petrus Andree de Amelia, scindicus communis Tuderti, ut de scindicatu per manus meam cancellerii suprascripto, in sala superiori palatii novi communis Tuderti, ante presentiam serenissimi principis domini Ludovici, dei gratia Romanorum imperatoris semper Augustus, in sala supradicti palatii commorantis, scindicario nomine dicti communis, presentavit electionem et officium rectorie et potestarie civitatis et comitatus Tuderti prefato domino imperatori, cum pactis, moris, conditionibus, salario, familia et equis in electione de eo facta, scripta manus ser Francischi domini Iacobui notarii de ... et nunc officialis dicti communis, inserta et explicate. Quam quidem electionem dictus dominus imperator illico acceptavit gratanter, presentibus domino Andrea domini Ranucii, domino Francischo domini Beraldi, Masciolo domini Marochi, Oddello Toddini, Bartholello domini Corradi et Nallo domini Rustichi, testibus de Tuderto vocatis et rogatis."

<sup>99</sup> Ibid., "Qui dictus imperator, presentibus dictis testibus, illico in regimine dicte civitatis suum vicarium generalem constituit strenuum virum Baldinum de Marsciano, ad ipsius domini imperatoris beneplacitum et volumptatem, dummodo eidem Baldino satisfiat per dictum commune de salario eius vicariatus pro ratione temporis quo stabit ad regimen civitatis predicte."

On the next day, at the sound of the bell and the cry of the herald, a general assembly (*arengha*) gathered in the main square. The space, which occupied an area larger than today's Piazza del Popolo, was dominated by the two communal palaces, rising up on the east edge of its perimeter. On the north side of the square, the cathedral loomed over the people that had congregated there to watch and participate in the meeting. Baldino stood at the top of the high monumental staircase of the old palace of the commune, facing the congregation that filled the square below. Donadeo, chancellor and notary of the commune—who also recorded the ceremony in the register of the *Riformanze*—read out loud in Latin and then translated into the vernacular the oath of the podestà from the communal statute which Baldino was to swear. The imperial vicar, with his hand on the Gospels, swore “to save, preserve, keep and increase, for the duration of his term in office, the city and its contado, and the liberty, honor, jurisdiction and the peaceful state of the city, and in particular the present state of peace in which the city now lives.”<sup>100</sup>

In these episodes, as they were recorded in the *Riformanze* of the commune of Todi, forms and practices of communal government functioned as an institutional framework for the legitimization of imperial authority in the city. The flexibility of communal forms of power could accommodate radical changes to the institutional structure of municipal magistracies.

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<sup>100</sup> Ibid., fol. 124v. “Publica et generali arengha et contione communis civitatis Tuderti, in platea dicti communis ad sonum campane vocemque preconis more solito congregata, ... existens magnificus vir Baldinus de Marsciano, vicarius domini imperatoris in civitate et comitatu Tuderti, lecto et ulgaricato sibi primo per me Donadeum, cancellerium et notarium reformationum dicti communis, capitulum statuti positum sub rubrica de iuramento potestatis, iuravit ad sancta dei evangelia corporaliter tactu scripturis, et iurando promisit ... salvare, manutenere, defendere et augumentare pro posse, toto tempore sui regiminis, ipsam civitatem eiusque districtum, ac libertatem, honorem, iurisdictionem et statum pacificum ipsius, et specialiter presentem pacem que nunc viget in civitate predicta, et pactis et articulis dicte pacis.”

However, as I will argue, the commune and its councils preserved a central role as sources of legitimacy for any power exercised within the city, even during the government of the imperial vicariate. The decision to appoint Ludwig as podestà was indeed the result of a long series of negotiations intended to preserve the integrity and autonomy of the commune from the policy of Pope John XXII, who sought to integrate the city in the provincial administration of the Patrimony. At the same time, it was an attempt to secure the control that elite families exercised over communal institutions against the claims advanced by the Popolo.

This argument addresses an important body of literature that explores the relations between communal administrative structures and the establishment of urban *signorie* in the fourteenth century, more specifically when the claims of an urban *signore* rested on the investiture granted from a superior authority such as the pope or the emperor. The topic has been extensively studied from an institutional perspective, with a focus on the legal adjustments necessary to allow the personal rule of a *signore* to function within the communal system of government.<sup>101</sup> Recent contributions have shown the complex and dynamic relations that intertwined communal and seignorial regimes in the cities of northern and central Italy, effectively critiquing earlier interpretations that saw these two regimes as antithetical. Similarly,

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<sup>101</sup> Foundational works that approach this relation from a juridical perspective include those of Pietro Torelli, “Capitano del Popolo e vicariato imperiale come elementi costitutivi della signoria Bonacolsiana,” *Atti e Memorie della Regia Accademia Virgiliana di Mantova* 24-26 (1921-1923): 73-221; Giuseppe De Vergottini, “Vicariato imperiale e signoria,” in *Studi di storia e diritto in onore di Arrigo Solmi* (Milan: A. Giuffrè, 1941), 1:43-64. For a more recent discussion of the historiography, see Massimo Vallerani, “La città e le sue istituzioni. Ceti dirigenti, oligarchia e politica nella medievistica italiana del Novecento,” *Annali dell’Istituto storico italo-germanico* 20 (1994): 165-230; Massimo Vallerani, “Il comune come mito politico. Immagini e modelli tra Otto e Novecento,” in *Il Medioevo al passato e al presente*, ed. Enrico Castelnuovo and Giuseppe Sergi (Turin: Einaudi, 2004), 187-206; Riccardo Rao, *Signori di Popolo. Signoria cittadina e società comunale nell’Italia nord-occidentale 1275-1350* (Milan: Franco Angeli, 2011), 15-26.

scholars have successfully criticized the traditional paradigm of a chronological sequentiality between these two forms of government, which interpreted the establishment of an urban *signoria* as the result of a crisis of communal institutions.<sup>102</sup>

This paradigm of crisis is particularly evident in the historiography on the political changes that affected the commune of Florence. In the Florentine context, the establishment of a *signoria* has often been interpreted as the local response to a moment of crisis in communal institutions. The series of Angevin *signorie* from the mid-thirteenth to the mid-fourteenth centuries have been explained as temporary responses to external threats (such as the military campaign of Emperor Henry VII), or momentary solutions to internal instability (such as factional strife).<sup>103</sup> Intrinsic to this view was the myth of Florentine republicanism as a system of government that was inherently opposed to tyrannical regimes.<sup>104</sup>

The historiography on Florence shows the pitfalls that await historians who conceive the formation of seignorial rule (perceived as autocratic) in contrast to communal institutions,

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<sup>102</sup> The historiography on the topic is vast. For works that treat the subject from a more general and theoretical perspective, see Giorgio Chittolini, "Introduzione," in *La crisi degli ordinamenti comunali e le origini dello stato del Rinascimento*, ed. Giorgio Chittolini (Bologna: Il Mulino, 1979), 7-50; Giorgio Chittolini, "'Crisi' e 'lunga durata' delle istituzioni comunali in alcuni dibattiti recenti," in *Penale, giustizia, potere. Per ricordare Mario Sbriccoli*, ed. Luigi Lacchè and others (Macerata: Edizioni Università di Macerata, 2007), 125-154; Gian Maria Varanini, "Dal comune allo stato regionale," in *La storia. I grandi problemi dal medioevo all'età contemporanea*, ed. Nicola Tranfaglia and Massimo Firpo (Torino: Utet, 1986), 1:693-724; Andrea Zorzi, *Le signorie cittadine in Italia (secoli XIII-XV)* (Milan: Bruno Mondadori, 2010).

<sup>103</sup> For a discussion on the historiography on the Angevin *signorie* in Florence, see Amedeo de Vincentiis, "Le signorie angioine a Firenze. Storiografia e prospettive," *Reti Medievali Rivista* 2, no. 2 (2001). See also, Andrea Zorzi, "Toscana, terra anche di signori," in *Le signorie cittadine in Toscana. Esperienze di potere e forme di governo personale (secoli XIII-XV)*, ed. Andrea Zorzi, 7-18 (Rome: Viella, 2013), 9-10.

<sup>104</sup> On the relation between medieval communes and modern ideas of democracy, see the interventions of Andrea Mazzoni, Mario Ascheri, Enrico Artifoni, and Giuliano Milani in "Il governo delle città nell'Italia comunale. Una prima forma di democrazia? Atti della giornata di studi, Prato 12 ottobre 2005," *Bollettino Ronciniano* 6 (2006), 9-49.



imagined as the cradle of participatory government. Thanks to recent studies that have emphasized the multifaceted character of political authority in medieval urban society, we are now experiencing a shift in how historians approach the study of urban *signorie* in the cities of northern and central Italy.<sup>105</sup> Urban communes operated within a political space in which multiple centers of power (including bishops, the Popolo, the guilds, and other *societates*) shared competing claims to legitimate authority, often borrowing from each other, transforming, and deploying similar legitimizing discourses and institutional practices.<sup>106</sup> These historical approaches tend to decentralize the commune from the monopoly it occupies in the historiography on the political experience of medieval Italian cities.

My purpose in this chapter is to show how forms and discourses of political authority were negotiated by competing groups within the city in their relations with supra-urban systems of authority, such as the papacy and the empire. As Mauro Ronzani has recently shown, the presence of the emperors from Henry VII to Charles IV often resulted in substantial changes of municipal institutions to accommodate a specific type of seignorial rule exercised through

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<sup>105</sup> See, for example, Giovanni Ciccaglioni, “Dal comune alla signoria? Lo spazio politico di Pisa nella prima metà del XIV secolo,” *Bullettino dell’Istituto storico italiano per il medio evo*, 109 (2007): 235-269; Giovanni Ciccaglioni, *Poteri e spazi politici a Pisa nella prima metà del Trecento* (Pisa: Edizioni ETS, 2013); Amedeo de Vincentiis, “Firenze e i signori. Sperimentazioni istituzionali e modelli di regime nelle signorie fiorentine degli Angioini (fine XIII-metà XIV secolo),” PhD diss., Università di Milano, 1999; Gian Paolo Scharf, “Signoria e comune. Le riforme istituzionali di Borgo San Sepolcro sotto il dominio di Galeotto Belfiore e Carlo Malatesta,” in *La signoria di Galeotto Malatesti (Belfiore)*, ed. Anna Falcioni (Rimini: B. Ghigi, 1999), 93-125.

<sup>106</sup> Crucial to this understanding of the political space of medieval Italian cities is rejecting the idea that the commune was the only and omni-comprehensive political system in the cities of northern and central Italy, an idea that Gian Maria Varanini has labeled a “pregiudizio filocomunalistico.” See, Gian Maria Varanini, “Francesco Petrarca e i Da Carrara, signori di Padova,” in *Petrarca politico. Atti del convegno (Roma-Arezzo, 19-20 marzo 2004)* (Rome: Istituto storico per il medio evo, 2006): 81-97, citation at p. 84. See also, Andrea Zorzi, “Toscana, terra anche di signori,” 12-15.

imperial vicars. Focusing on Pisa, he elucidates how these changes were the result of intense negotiations with the local society, rather than external impositions from a monarch who saw his authority as diametrically opposed to the local system of communal government.<sup>107</sup> The importance of the title of imperial vicar for the political project of establishing a stable *signoria* is particularly evident in the rise to power of the Visconti in Milan. The turmoil of the early decades of the fourteenth century, caused by the numerous military campaigns of emperors and papal legates, created a new setting in which it became increasingly important to build a network of support that was ultimately connected, at least nominally, to either the empire or the papacy.<sup>108</sup>

Giampaolo Francesconi and Maria Teresa Caciorgna have placed those institutional changes within a broader comparative perspective, emphasizing at the same time the continuity between existing communal structures and the innovations brought by the appointment of an imperial vicar into the municipal system of governance.<sup>109</sup> Both scholars consider the concession of the title of vicar to be a turning point in a process of consolidation of seignorial rule.

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<sup>107</sup> Mauro Ronzani, "L'imperatore come signore della città: l'esperienza pisana da Arrigo VII a Carlo IV," in *Le signorie cittadine in Toscana*, 121-148.

<sup>108</sup> Paolo Grillo, "Signori, signorie ed esperienze di potere personale nell'Italia nord-occidentale (1250-1396), in *Signorie cittadine nell'Italia comunale*, ed. Jean-Claude Maire Vigueur (Rome: Viella, 2013), 26-28. For a recent discussion of the vast historiography on the Visconti in Milan and in Lombardy, see Giovanni Ciccaglioni, "Ricerche recenti sulla Lombardia Viscontea," *Società e storia* 107 (2005): 141-159. See also Luisa Chiappa Mauri, Laura De Angelis Cappabianca, and Patrizia Mainoni, eds. *L'età dei Visconti. Il dominio di Milano fra XIII e XV secolo* (Milan: La Storia, 1993); Jane Black, "The Visconti in the Fourteenth Century and the Origins of their *Plenitudo Potestatis*," in *Poteri signorili e feudali nelle campagne dell'Italia settentrionale fra Tre e Quattrocento: fondamenti di legittimità e forme di esercizio. Atti del convegno di studi (Milano, 11-12 aprile 2003)*, ed. Federica Cengarle, Giorgio Chittolini and Gian Maria Varanini (Florence: Firenze University Press, 2005), 11-30.

<sup>109</sup> Giampaolo Francesconi, "I signori, quale potere? Tempi e forme di un'esperienza politica "costituzionale" e "rivoluzionaria"," in *Signorie cittadine nell'Italia comunale*, 338-343; Maria Teresa Caciorgna, "Alterazione e continuità delle istituzioni comunali in ambito signorile," in *Signorie cittadine nell'Italia comunale*, 371-375.

According to Francesconi, the investiture of a *signore* with the title of imperial vicar changed the very form of legitimacy, which until then had rested on appointment by communal councils. The title of vicar carried instead powers derived from sanction by a superior authority, freeing the *signore* from any juridical restrictions imposed by municipal councils.<sup>110</sup> However, this was not always the case: the presence of the emperor and the appointment of imperial vicars did not restrict *per se* the functions of the communal councils or other municipal institutions.<sup>111</sup>

The events that unfolded in Todi in the 1320s and 1330s, and their rich documentary record, give us a privileged position for observing the ways in which competing groups within urban society shaped urban governing institutions in relation with the variegated claims to legitimate authority. After a decade contesting papal claims to integrate the city in the provincial administration of the Patrimony of St. Peter, Todi's elite found it beneficial to reach an agreement with Emperor Ludwig IV in 1328. It was only when it became clear that the rule of the imperial vicars mostly benefited one group of Todi's elite that the faction led by the Atti family sought an agreement with the leaders of the popular movement in 1331-32. They expelled the imperial vicar, reformed the highest executive magistracy of the commune, and banned the members of Todi's elite families who still supported him. In this process, members of the Atti faction appropriated the charges of heresy brought by the papal inquisitor who had been appointed in 1329 to prosecute the commune for supporting the emperor.

Deploying the language of heresy and tyranny, members of the Atti faction sought to delegitimize their opponents and the government of the imperial vicar. In this, they found support among members of the popular movement. In 1331-32, taking advantage of the lack of

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<sup>110</sup> Giampaolo Francesconi, "I signori, quale potere?," 338-339.

<sup>111</sup> Riccardo Rao presents a similar argument in his study of the *signorie* in northern Italy. Riccardo Rao, *Signori di Popolo*, 37-39.

unity within the elite, members of non-elite families reorganized themselves into a new society of the Popolo. The regime they instituted was the result of the compromise reached with the Atti faction and was meant to ostracize members of the opposing faction led by the Chiaravalle family, who were now targeted as responsible for illegally taking control of the commune, leading to the tyrannical degeneration of municipal institutions. Coexistence between the Popolo and the Atti faction resulted in a series of institutional arrangements that allowed the magistracies of the Popolo to share power with the institutions of the commune. However, in 1337, the Popolo radicalized its position and drastically reformed the statute of the commune in order to align communal offices with membership in the society of the Popolo. The new government excluded elite families—including the Atti and their allies—from participation in the offices and institutions of the commune by placing them under the legal category of magnates.

## 2.1 Rural Lordships and Urban Communes

The relation between rural lordships and urban and rural communes was characterized by ambiguities and conflicts since the first inception of city communes.<sup>112</sup> The historiography on the development of urban communes has highlighted the peculiarity of the communal experience of central Italy in comparison with the more broadly known models of the Po valley and parts of Tuscany. Historians have emphasized the seigniorial component of many urban elites in the cities of northern Italy. This model, however, hardly applies to the regions of central Italy.<sup>113</sup> The

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<sup>112</sup> Alessio Fiore, *Signori e sudditi. Strutture e pratiche del potere signorile in area umbro-marchigiana (secoli XI-XIII)* (Spoleto: Fondazione centro italiano di studi sull'alto medioevo, 2010), 180-182.

<sup>113</sup> Philip Jones has already pointed to the varied character of aristocratic urbanization in some regions of central and north-eastern Italy. See Philip Jones, *The Italian City-State: From*

early communal elite that dominated the consular regime in most cities in central Italy was constituted by families whose wealth was based on rents and other profits generated by their landed possessions in the immediate countryside, but these holdings rarely included fiefs or castles.<sup>114</sup> Thus, in the Duchy of Spoleto, the March of Ancona and in what came to be defined as the Patrimony of St. Peter in Tuscia, urban communes developed later than their northern counterparts and in stark conflict with lay aristocratic clans whose wealth and power were based on castles and lordships in the countryside and who did not partake in any substantial way in urban life.<sup>115</sup>

Open resistance to the new institutional political structures of urban communes—which was common throughout the twelfth and early thirteenth centuries—slowly gave way to forced coexistence. In the mid-thirteenth century, rural lords ceded parts of their sovereignty over their lordships to communal institutions and became variously involved in urban politics, at times even through the acquisition of citizenship within the commune. The cession of jurisdictions in the countryside was not total, and many rural aristocrats managed to negotiate favorable pacts with the urban elites then in control of the commune. In Todi, for instance, members of the

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*Commune to Signoria* (Oxford: Oxford University Press, 1997), 298-299. His paradigm of an urbanized feudal aristocracy (Ibid., 143-151), which to a certain degree can still be thought to be representative of northern-Italian cities, has been recently nuanced by prosopographical studies on the early consular classes in several Italian communes. Chris Wickham's reinterpretation of the classical Milanese model is a case in point, showing the multifaceted ways in which urbanized feudal aristocrats interacted with the nascent commune. See Chris Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton: Princeton University Press, 2014), 37-56.

<sup>114</sup> Jean-Claude Maire Vigueur, *Cavalieri e cittadini*, 320-321; Alessio Fiore, *Signori e sudditi*, 169.

<sup>115</sup> Alessio Fiore, *Signori e sudditi*, 170-177. See also, Jean-Claude Maire Vigueur, "Aperçus sur la noblesse seigneuriale à Pérouse au XIII siècle," in *L'écrit dans la société médiévale. Textes en hommage à Lucie Fossier*, ed. Caroline Bourlet and Annie Dufour (Paris: CNRS éditions, 1993), 233-250.

Alviano clan made allegiance to the Commune of Todi in 1232, retaining almost unscathed their jurisdictional rights over their lordships and only nominally submitting to the commune.<sup>116</sup> Their legal position vis-à-vis the commune was not that of a citizen. They did not have access to the councils nor agree to reside in the city. The 1232 deed instead specified that their status was like that of other aristocratic *comitatenses*.<sup>117</sup> This settlement left them in control of the *castra* of Alviano, Porchiano, and Attigliano, all three of which overlooked the narrow valley around the Tiber river about 25 miles southwest of Todi.<sup>118</sup>

At the time of Emperor Ludwig's Italian campaign in 1329, the Alviano *consorteria* had already split into separate branches. While one of them gravitated around the commune of Todi, the other branches of the family controlled at least three castles and a conspicuous number of *villae* in the area around Spoleto. It seems that, despite a certain degree of solidarity, the various branches of this seigniorial lineage had already started to follow different paths by the mid-thirteenth century.<sup>119</sup> Maire Vigueur's study of the abundant documentation preserved for their lordships in the Spoleto area offers a closer look at the resources that a family like the Alviano

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<sup>116</sup> ASCT, Armadio II, Casella I, Registrum Vetus Instrumentorum Communis Tuderti, fol. 39r. On the topic see also: Laura Andreani, "Todi nel basso medioevo," 56-57; Alessio Fiore, *Signori e sudditi*, 174.

<sup>117</sup> ASCT, Registrum Vetus Instrumentorum, fol. 39r: "ad obediendum et faciendum omnia mandata et precepta tu pro communi Tuderti et tui successores in ipso communi et ipsum commune nunc et in futuro facies vel faciens, et stare subditi sicut aliquis comitatensis Tudertini, et specialiter sicut nobiles Aquasparte et Collazzone, salvo et reservato nobis omni iura et bona consuetudine quod et quam habemus in nostris hominibus de Alviano et de Guardegia et eorum tenutis."

<sup>118</sup> On the extension of the properties of feudal aristocratic families in the contado of Todi, see: Giovanna Bassi, Giovanna Chiurini, and Antonella di Lorenzo, "Todi. L'organizzazione del contado tra espansione comunale e periferie feudali," in *Città, contado e feudi nell'urbanistica medievale*, ed. Enrico Guidoni (Rome: Multigrafica Editrice, 1974), 150-180.

<sup>119</sup> Jean-Claude Maire Vigueur, "Nobiltà feudale, emancipazione contadina e struttura degli insediamenti nel contado di Spoleto (XIII secolo, prima metà del XIV secolo)," in *Atti del 9 Congresso internazionale di studi sull'alto medioevo. Spoleto 27 settembre-2 ottobre 1982* (Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 1983), 493.

could have disposed of throughout the thirteenth and early fourteenth century. Each *villa* could have numbered between six and twenty families, while their most populous castle, Mevale, reached about one-hundred families. Together with the right to administer justice, the seigniorial family had the right to exact tolls (this source of income was quite conspicuous for the Alvianos because of the strategic location of their *castra*) and rents, request labor and, according to the status of the subjects, demand military service from the population, which can be estimated to number about 15 *milites* and 30 foot soldiers for each *castrum*.<sup>120</sup>

For a powerful clan like that of the Alviano, which succeeded in preserving important portions of their power base in the countryside, their relation with the commune of Todi was affected by their interest in protecting their jurisdictions in the countryside. They were not fully integrated within the urban society and could not benefit from direct participation in the communal councils or appointment to regular offices. And probably they did not aspire to be on the same level with all the social components of urban society. Their ability to influence the decisions taken within the commune was thus limited and could only be exercised outside the formalized structures of the communal administration.

While the status of many rural *consorterie* was defined as ‘subjects’ and *comitatenses* of the commune, their control of castles and *milites* made them independent players in alliances with rival communes. Indeed, the lordships of some of these aristocratic clans bordered territories claimed as *contado* by powerful urban communes. The Montemarte family and their castle between the *contado* of Todi and Orvieto became an important point of contention between the two city communes, and consequently, the Montemarte clan was able to negotiate their position and play one city against the other according to their family interests, until the

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<sup>120</sup> Alessio Fiore, *Signori e sudditi*, 315.

commune of Todi finally purchased their castle in 1300.<sup>121</sup> Similarly, the counts of Coccorano succeeded in maintaining their lordship situated on the border between the contadi of Perugia, Assisi and Gubbio, thanks to their pursuit of alliances with the commune of Perugia.<sup>122</sup>

The often conflicting relations between rural aristocratic clans and city communes were further complicated by the careers of some of their members who, because of their social status and legal training, could be called to serve as podestà in many communes of central Italy.<sup>123</sup> Disputes between city communes and rural aristocrats were not permanent and within a generation, members of the same lineage could be appointed as the highest official by the same commune that had earlier been in conflict with their family. The counts of Marsciano, for instance, controlled a vast domain between the territories claimed by the communes of Todi and Perugia. In the thirteenth century they raised and controlled an armed force that, even if not a direct challenge to the military strength of these two communes, still constituted a significant nuisance. In 1220 the members of the elite that controlled the commune of Todi protested against Raniero di Bulgarello da Marsciano because of his military presence in the Ammeto Valley.<sup>124</sup> Yet, only a few years earlier, in 1204, Raniero's father, Bulgarello, had been Todi's podestà.<sup>125</sup>

The appointment of one of their members as podestà could also be a reflection of aristocratic involvement in the factional strife that was endemic to many urban communes. While not fully part of the urban society, members of aristocratic clans could and did play a role in the

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<sup>121</sup> Alessio Fiore, *Signori e sudditi*, 174, 180; Laura Andreani, "Todi nel basso medioevo," 57.

<sup>122</sup> Alessio Fiore, *Signori e sudditi*, 180.

<sup>123</sup> On the recruitment and careers of the people that served as podestà throughout communal Italy, see: Jean-Claude Maire Vigueur, ed. *I podestà dell'Italia comunale* (Rome: École Française de Rome, 2000).

<sup>124</sup> ASCT, Diplomatico, Armadio I, Casella I, 4.

<sup>125</sup> "La cronaca todina di Ioan Fabrizio degli Atti," in *Le Cronache di Todi (secoli XIII-XVI)*, ed. Giuliana Italiani and others (Florence: La Nuova Italia, 1979), 133.



internal factional fights of the commune, forming alliances with one of the parties in which urban society was divided. In 1266, the Venetian podestà Andrea Baptazo was removed and expelled by the Guelfs from the city of Todi. On that occasion, Ugolino da Alviano ruled in the city while the Ghibellines escaped to nearby Acquasparta to regroup and continue the war. Peace, restored in the following year by the podestà Pandolfo Savelli da Roma, lasted only one year.<sup>126</sup> In 1268, the podestà Comaccio Galluzzi was attacked and expelled by the Ghibellines. After his expulsion Ugolino da Baschi ruled the city.<sup>127</sup> Both Ugolino da Alviano and Ugolino da Baschi were members of powerful aristocratic lineages from the contado of Todi. While the former supported the Guelphs, the latter sided with the Ghibellines.<sup>128</sup>

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<sup>126</sup> “La cronaca todina di Ioan Fabrizio degli Atti,” in *Le Cronache di Todi (secoli XIII-XVI)*, 137. Though he offers a fifteenth-century interpretation of thirteenth-century events, his references to members of rural aristocratic clans provides us with an important point for reflection.

<sup>127</sup> “La cronaca todina di Ioan Fabrizio degli Atti,” in *Le Cronache di Todi (secoli XIII-XVI)*, 137. The episode is studied in detail by Jean-Claude Maire Vigueur, who relied on the documentation generated by the trial initiated by Todi’s former podestà, Comaccio Galluzzi, to reclaim the salary that was owed him by the Commune of Todi and which had not been paid, considering the haste in which Comaccio had to flee for his life. See Jean-Claude Maire Vigueur, “Échec au podestat: l’expulsion de Comaccio Galluzzi podestat de Todi (17 juillet 1268),” *Publications de l’École française de Rome* 204 (1995): 251-283.

<sup>128</sup> Party divisions were not permanent, however, and constituted instead rather fluid solidarities. Affiliation to one of the parties could easily change within one’s lifetime and certainly from one generation to the other. Indeed, in the 1320s Ugolinuccio da Baschi and Iannuccio di Francesco da Alviano (probably the great grandsons of Ugolino da Baschi and Ugolino da Alviano) were both defending their family interests by siding with other aristocrats, who by that time were coalescing around the urban family clan of the Chiaravalle, and were organized into a *societas* or *pars* that contemporaries in Todi referred to as the Ghibelline party. On the fluidity of party affiliation see: Philip Jones, *The Italian City-State*, 347-348. Despite Jones’s acknowledgement that party loyalty was susceptible to local interests and that their members often changed sides, he still saw the parties as stable nation-wide institutions. More recent studies have nuanced our understanding of party divisions, linking the process of party creation to the policy of exclusion adopted by the commune. See: Giuliano Milani, *L’esclusione dal comune: conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo* (Rome: Istituto storico italiano per il medioevo, 2003), XXVII-XXX.

By the early fourteenth century, rural aristocratic clans had thus come to be involved in communal politics through varied degrees of participation, either as subjects of many urban communes, providing armed contingents for communal armies, as independent allies of competing communes, or serving as *podestà* and paid officials. Some members of aristocratic clans had taken part in the internal conflicts of the commune, allying themselves with one of the parties in which the traditional urban elites were divided. But in most cases rural aristocratic lineages had managed to preserve a sense of identity that was strongly tied to their landed possessions and castles, in which they still usually resided.<sup>129</sup> Unlike smaller aristocratic families that had gradually urbanized themselves, subsequent generations of big *consorterie*, like the Alviano, the Marsciano, or the Baschi, maintained a certain independence from the urban communes that sought to control their castles and lands and incorporate them into the city's *contado*. Despite their nominal submission to the commune, these families controlled sufficient resources to make them independent from communal politics, and this often resulted in open conflict. Most importantly, they became independent players in the internal factional struggles of the urban elites, able to ally themselves with different parties and take advantage of conflict within urban society.

Philip Jones has shown how the integration and participation of rural aristocrats in city life ignited internal feuds,<sup>130</sup> but the Tudertine case suggests a different picture. Rural aristocratic clans and *consorterie* throughout the thirteenth century did not take a leading role in factional struggles in the city, but rather appear as external allies of groups that originated and were

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<sup>129</sup> This is also supported by the recent study of Chris Wickham on the commune of Milan in its early days, showing that aristocratic families that held lordships in the countryside could easily opt out of the urban commune. Chris Wickham, *Sleepwalking into a New World*, 42-56.

<sup>130</sup> Philip Jones, *The Italian City-States*, 149.

defined inside the city. At the time of Emperor Ludwig IV's campaign in Italy, the Chiaravalle clan occupied the leading position within the Ghibelline party, and rural aristocrats like the Alviano, Baschi, and Marsciano who sided with the emperor coalesced around this family. Their military resources, and the relative independence from communal structures that these rural *consorterie* maintained, played a decisive role helping the Chiaravalle and the other members of the Ghibelline party in Todi to secure Emperor Ludwig's unopposed arrival in the city.

The Chiaravalle clan constitutes an important example of a family that rose from the ranks of the traditional urban elites into a position of preeminence in the city. By the 1330s, members of their *domus* controlled the revenues of many churches and abbeys outside of Todi. Their presence was concentrated around the area of San Gemini, on the road from Todi to Terni. There they controlled churches in important castles, such as Cesi and Quadrelli, which makes us believe that they were likely important landowners in the area, and definitely relevant figures for the local villagers, who in some cases did not hesitate to take sides in the local struggles between potentates to control the revenues of churches. On 2 November 1329, Francesco di Leonardo da Terni went to Perugia to see the inquisitor Bartolino in the Franciscan monastery. He told Friar Bartolino that Mannuccio di Rubeo de' Chiaravalle had received the church of St. Magnus in Quadrelli in benefice from the antipope Nicholas V. Apparently Francesco's son, Andrea, was the previous beneficiary of the church's revenue, which he had received from Pope John XXII. According to Francesco's story, Mannuccio had expelled his son from the church, thanks also to the support of its workers, who refused to obey any longer Francesco's son.<sup>131</sup>

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<sup>131</sup> Vatican Secret Archive (hereafter ASV), Camera Apostolica, Introitus et Exitus, 104, fols. 80v, 81r.

Thus, Mannuccio and other members of the Chiaravalle clan used the emperor and his antipope to secure charters that recognized their control of those regions and castles and expanded it.<sup>132</sup> Numerous anonymous testimonies recorded by Friar Bartolino draw attention to the importance of obtaining an official recognition from either the emperor or the antipope as a basis for claiming new lordships and rights in the countryside. Balluccio di domino Nino and Blasio di Memmo, both members of the Chiaravalle clan, went to serve Ludwig IV when he was in Rome. For their services, and likely for their major role in preparing Ludwig's stay in Todi, they obtained several charters and benefices from him and from the antipope Nicholas V. Balluccio obtained from the antipope the appointment of his son Franco as canon of Todi's cathedral, and received from Ludwig the county of Normandy.<sup>133</sup> This was the name used to refer to the area about fifteen miles southwest of Todi, bordering the lordships of the Baschi and Alviano families, and including several castles, notably Giano and Montecchio, on the Via Flaminia, only five miles east of the castle of Baschi and six north of that of Alviano.

Members of urban elites could thus use imperial authority as a legal source for the recognition of their lordships in the countryside. However, the expansion of the area under their control often implied an extension of the commune's contado. During the brief period of the imperial vicariate in Todi, some urban elites families that were strenuous supporters of imperial rule led the commune in a series of military campaigns against neighboring towns and cities. One of these expeditions targeted the castle of San Gemini, which was under the direct rule of the Church (*terrae immediate subiectae*). The castle was located on the road connecting Todi to Terni, between the castles of Cesi and Quadrelli. It thus lay in an area in which the Chiaravalle

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<sup>132</sup> Ibid., fols. 80v, 136r, 138v, 139v.

<sup>133</sup> Ibid., fol. 137r.

clan had been expanding their personal possessions. However, the acquisition of the castle and the submission of its community were mediated by Todi's communal institutions. The community of the castle agreed to submit to Todi and recognized the commune's right to select the castle's podestà, who would then be approved by the local community. Their submission had to be repeated every year during the feast of San Fortunato, Todi's patron saint, when the community of the castle had to present a *palio* of precious fabric to the commune of Todi. The first podestà appointed by the commune of Todi and voted by the people of the castle was Francesco di Beraldo de' Chiaravalle.<sup>134</sup> The family pursued a personal interest in the region and tried to build a consistent area of hegemony, adopting and assembling together a variegated collage of different rights and forms of control: ecclesiastical benefices, imperial charters securing jurisdictional rights, personal landownership, and indirect rule as communal official.

Thus, while occupying a predominant role in urban politics, members of the Chiaravalle also showed a clear aspiration to acquire extensive rural lordships in the contado, which could provide them with enough resources to influence communal politics and also elevate them to a supra-urban, regional status, like many other neighboring *consorterie*. Like many families of the traditional urban elite, the Chiaravalle accumulated rural possessions and privileges that mimicked forms of domination exercised by rural *consorterie*. However, their urban traditions and their century-old engagement in communal institutions grounded them in the formalized practices of power of conciliar government and made them susceptible to the legitimizing discourses constructed and deployed by communal elites in order to uphold the authority of those institutions, in a way that many rural aristocratic families probably were not.

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<sup>134</sup> ASCT, Diplomatico, Armadio I, Casella V, 243.

The pattern followed by the Chiaravalle throughout the thirteenth century is an example of the vital osmosis between rural aristocrats and urban elites. In the early fourteenth century, after climbing to the top of the urban elite, the Chiaravalle clan became the privileged interlocutor of rural aristocratic clans such as the Baschi, the counts of Marsciano, and the Alviano, whose support they channeled and coordinated independently from communal institutions and within the framework of party affiliation. The various witnesses who testified before Friar Bartolino in 1329 emphasized the central role played by this family within the Ghibelline party and in the negotiations that led to Emperor Ludwig IV's appointment as podestà of Todi. Many witnesses reported that members of these three important aristocratic lineages acted on behalf of the Chiaravalle when they approached Ludwig IV. On Saturday, 23 December 1329, Nicolao di Manni da Todi told Friar Bartolino that he saw multiple times, and in many places, Baldino da Marsciano and Ugolinuccio da Baschi show reverence to Ludwig IV as if he were the true emperor and to the antipope Pietro da Carvario as if he were the legitimate pope. Friar Bartolino asked Nicolao to be more specific about the time and places in which he saw Baldino and Ugolinuccio act in these ways. Nicolao replied that it happened several times in 1328 and in 1329, when they were in St. Peter in Rome, in the papal palace in Viterbo, and then in Todi when Ludwig was either in the old or in the new palace of the commune and when Pietro da Corvario was in the episcopal palace. Nicolao also saw them in Pisa, when Ludwig resided at the comital palace and when Pietro da Corvario was in the archiepiscopal palace. Nicolao also told Friar Bartolino that it was publicly known in Todi that Baldino and Ugolinuccio, together with Cicchino di Ghezzo and Coluccio di Francesco da Alviano, approached Ludwig on behalf

of the Chiaravalle as well as on behalf of Bartolello di domino Corrado and Matteolo di Gentilello, both Captains of the Ghibelline party in Todi.<sup>135</sup>

When using Friar Bartolino's register to analyze the dynamics that led to the appointment of Ludwig IV as podestà of Todi, we need to consider how and why his register was created, as well as the circumstances under which he recorded witnesses' testimonies. The register preserved at the Vatican Archives is not the original record of Friar Bartolino's inquisition, but rather a later copy that was likely composed around 1355, at the time of the Todini's appeal against the inquisitor's sentence. It was probably assembled to defend the conduct of Friar Bartolino against the accusations of the Todini, made before the papal legate and judge Bishop Filippo d'Antella of Ferrara, that his inquisition had involved a series of procedural violations and errors that made the whole trial null. Thus, the selected documents and testimonies that were copied into the register produce a narrative of Friar Bartolino's inquisition step by step, from the moment he received news of a rumor (*fama*) about the Todini's crime (a necessary step to initiate an inquisition *ex officio*), to his final sentence. This narrative was meant to prove that the inquisitor had followed all the proper procedural steps needed to summon the accused and collect their testimonies.

Furthermore, a closer look at the people who testified before Friar Bartolino shows a clear pattern in the rhetorical strategies they used to defend themselves and accuse the Chiaravalle. On 29 September 1329, within a month from Friar Bartolino's summons, Andrea di Ranuccio, the leading member of the Atti clan—a prominent family in the city—sent his procurator to tell the inquisitor that he was ready to submit to his authority. A few days later, he showed up in person, followed by his son and a group of his "friends." They all publicly

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<sup>135</sup> ASV, Introitus et Exitus, 104, fols. 88r, 88v.

accepted the inquisitor's jurisdiction and renounced their right to file an *exceptio*, an act that was explicitly required by the legal procedure—as the party under inquisition had the right to present their reasons for objecting to the trial or to the person of the judge.<sup>136</sup> They all testified that their actions had been done under duress, that they had been threatened and feared for their lives and those of their friends and families.<sup>137</sup> That, they claimed, was why they were forced to vote to elect Ludwig IV as their podestà. But they did not mean it as an act of rebellion against the Church. Indeed, they claimed, they never showed reverence to the antipope who was with Ludwig. Those who threatened them were the Chiaravalle and their allies. Their individual testimonies were well coordinated, and they were very likely part of a common strategy to defend themselves. They were all represented by the same procurator and legal expert, and all went to the inquisitor together and only after their procurator had already met with Friar Bartolino. Moreover, they were all aware of the charges against them beforehand, since according to legal procedure a clear list of charges had to be included in the summons.<sup>138</sup>

However, despite the partisan character of this source, the testimonies it records are extremely valuable and provide us with a different angle of analysis than the one offered by the official documentation of the notaries who recorded the *Riformanze* and other deliberations of the communal councils. The official documentation produced by communal institutions tends to emphasize the orderly and collegial aspects of organized urban life. The formulaic language utilized by notaries to record the actions of the communal councils stresses conformity with the

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<sup>136</sup> Ibid., fols. 62r, 62v.

<sup>137</sup> Ibid., fols. 65v, 92r, 92v, 100r, 100v, 103r.

<sup>138</sup> When Maschiolo Petruccioli could not present himself before the inquisitorial tribunal (which was usually held in Perugia) because of an unspecified illness, he sent his answers to Friar Bartolino's questions via his legal procurator, who read them aloud in one of the meetings of the inquisitorial tribunal. Maschiolo admitted some minor participation in the celebrations for Ludwig's arrival in the city, but of course denied all the other accusations. Ibid., 75v.



procedures laid out in the communal statutes. Adherence to legal procedure provided legitimate authority for the decisions adopted by the councils. These are important points to keep in mind when approaching notarial documents like the *Riformanze*. As rich and detailed as this evidence can be, the social function of these texts was to fashion an efficient institutional machinery whose assemblies operated through free voting processes.<sup>139</sup> Friar Bartolino's inquisition register, as we have seen, tells us a different story, and allows us to go beyond the legitimizing rhetoric of official records. The testimonies recorded by Friar Bartolino show a much more complex situation, one in which the formalized authority of the communal councils coexisted with and could be subject to informal practices of power, including the external threat of violence.

The communal councils embodied the sense of civic identity of the urban collectivity. They constituted the center of the institutional life of the popular commune. In the civic ideology propagated by communal governments, the councils—and more specifically the General Councils of the commune—represented the whole collectivity. Any decision taken within the councils was considered a decision of the whole body of citizens. As the podestà of Orvieto so clearly put it in response to a request of the papal legate in October 1322, “whatever you say in this council, you say it to the whole people; and our answer to you is on behalf of the whole people.”<sup>140</sup> The regime established by members of the Popolo in the second half of the thirteenth century was characterized by the proliferation of conciliar practices as the basis for municipal government. These new regimes throughout communal Italy saw the expansion of the General Council, now enlarged to include representatives of the guilds, the Popolo, and neighborhood

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<sup>139</sup> Lorenzo Tanzini, *A consiglio. La vita politica nell'Italia dei comuni* (Bari: Editori Laterza, 2014), 98-99.

<sup>140</sup> *Ibid.*, 34.

associations. While almost all popular regimes assigned control over the most vital political matters to a restricted council of *anzioni*—usually limited to representatives of the Popolo—the General Council retained important prerogatives, such as the election of municipal officials. In the late thirteenth and early fourteenth century, the General Council of the commune of Todi, composed of members of the traditional urban elites and representatives of the guilds, elected the podestà and other communal officials, such as judges and notaries, decided on various kinds of petitions and diplomatic missions, and retained a certain degree of control over communal expenses.

Most importantly, being a member of the communal councils marked a distinction between citizens and the inhabitants of the countryside.<sup>141</sup> As we have already seen, even powerful aristocratic families like the Alviano or the Baschi, whose lordships were considered part of the contado of Todi and as such were taxed by the commune, did not enjoy the right to have a representative in the municipal councils. Appointment to the General Council in Todi was a prerogative of the councilors themselves, who routinely selected new members and substitutes. In the absence of a clear disposition in the extant communal statutes, it is hard to understand all the considerations that the councilors had to keep in mind when appointing new members. However, besides the representatives of the guilds, who were likely selected according to the internal statutes of each guild, it seems that the councilors followed two main considerations when electing new members: one based on neighborhood, and the other based on family. We can see a clear pattern of appointing the heir to a deceased councilor, or someone who was from the same neighborhood. This maintained a balance among the various neighborhoods, but also preserved the supremacy of certain families, and made them the center of a network of

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<sup>141</sup> *Ibid.*, 90.

clienteles.<sup>142</sup> A similar strategy was also followed for the appointment of new members of the Council of One-Hundred.<sup>143</sup>

The institutional life of the commune poured out of the councils' chambers and into the streets, permeating every moment of urban life. People were always reminded of the meetings of the various councils and committees. Their work was always announced by the communal bell and by the cry of the commune's herald or trumpeters.<sup>144</sup> Everyone within the city walls would have heard the summons and would have been aware that the leading members of the city were assembling in the communal palace. This not only served the immediate and practical purpose of summoning the participants; it kept every man and woman in the city constantly informed of the rhythm of institutional life and made it an integral part of the auditory landscape of their lives. People also learned to recognize the sound of the different bells of the commune and were always ready to respond appropriately, whether it was a call to arms for an imminent threat or a meeting in the public square.<sup>145</sup>

On some occasions, the whole urban population could be called to attend a general meeting, usually referred to by the name of *arengha*, *concio* or *parlamentum*, in the communal square. On 13 April 1323, the podestà of Todi, Rigone Marchioni, called a general *arengha* or parliament to ratify a series of amendments to the communal statute. Although the meeting was called and chaired by the podestà, the capitano del Popolo Cristoforo de' Gualfredi da Cortona was present in order to give his formal assent. The need to summon the *arengha* was dictated by

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<sup>142</sup> ASCT, Riformanze, 12, fols. 11v-13r, 223r.

<sup>143</sup> Ibid., 21, fols., 3r-4v, 6r.

<sup>144</sup> All the meetings of the various councils recorded in the Riformanze of the commune of Todi were announced by the communal bell. See also: Lorenzo Tanzini, *A consiglio*, 10.

<sup>145</sup> Renato Bordone, *Uno stato d'animo. Memorie del tempo e comportamenti urbani nel mondo comunale italiano* (Florence: Firenze University Press, 2002), 23-27.

the importance of the matter under discussion. The assembled citizenry had to approve changes made to the voting procedures of the councils and to the section on “liberties and exemptions.”<sup>146</sup> It was indeed a delicate matter, as changes in the voting procedures could have caused unfairness, exposing the councilors to external pressure and limiting their freedom to express their vote.

As the councils embodied the collectivity of all the citizens, it was essential that the vote of each single councilor not be tainted by the threat of retaliation. Communal statutes throughout Italy had devised different ways to preserve the anonymity of the vote when the matter under discussion required it. But councilors could feel considerable external pressure from important families who disposed of the means to threaten and exercise violence on other members of the councils. The importance of each individual vote in order to pass or repeal a deliberation of the whole council reminds us that, no matter their social or economic background, the vote of each councilor carried the same weight as all the others. This constituted the concrete realization of one of the founding principles of communal urban life as it was propagated by popular institutions: the equality of all citizens. Popular governments used this principle to justify their control over public expenses and taxation in order to end the fiscal privileges of the traditional urban elites, instituting systems of taxation mostly based on a calibrated scale. They devised precise systems of assessing families’ wealth and income that are so clearly epitomized by the proliferation of the *catasti* in every central and northern Italian city throughout the late thirteenth and early fourteenth century.

Urban governments adopted a variety of media to construct and propagate a sense of civic identity that put communal institutions at the center of the cultural representation of

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<sup>146</sup> ASCT, Riformanze, 12, fol. 230v.

political power in the city, from narrative texts and official histories to visual artifacts such as fountains and statues.<sup>147</sup> Everyone lived and walked every day in a landscape that was meticulously crafted and regulated by municipal authorities. The decades between the thirteenth and fourteenth centuries, which saw the stabilization of the popular government in Todi, were characterized by drastic changes to the urban landscape, brought about by massive construction projects. The popular regime invested in the construction of a system of aqueducts and cisterns for the provision of fresh water that culminated in the public fountain located in the main square.<sup>148</sup> The popular elites directed public funds toward constructing a new communal palace, paving the streets, and rebuilding the church of the commune's patron saint, San Fortunato.<sup>149</sup>

Public projects of this kind presented the governing regime as attentive to the improvement of city life and the well-being of the citizens. City chronicles and annals, both those that were officially sponsored by the governing elites as well as those composed by private citizens, carefully recorded the accomplishment of public works and the commune's ordinances that regulated the use of public spaces.<sup>150</sup> For these authors, the commune's management of public spaces constituted the concrete realization of an idealized order on earth, in which the effects of good government found material realization in the peaceful organization of the community. The equivalence between good government and the ordered life of the urban

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<sup>147</sup> Carrie E. Beneš, *Urban Legends. Civic Identity and the Classical Past in Northern Italy, 1250-1350* (University Park: The Pennsylvania State University Press, 2011), 5.

<sup>148</sup> ASCT, Diplomatico, Armadio I, Casella I, 48, 49bis, 50; *Ibid.*, Casella II, Fascicolo 2, 69; "La cronaca todina di Ioan Fabrizio degli Atti," in *Le Cronache di Todi (secoli XIII-XVI)*, 135.

<sup>149</sup> For the building of a new street: ASCT, Diplomatico, Armadio I, Casella II, Fascicolo 2, 53, 57, 61. For the building of the new communal palace: *Ibid.*, 68.

<sup>150</sup> The communal statutes contain meticulous regulations on the use of public water and public fountains, establish standards of cleanliness in the streets and squares, and limit the work of butchers and other jobs that could have polluted the water supplies and dirtied the streets. See: Getulio Ceci and Giulio Pensi, ed. *Statuto di Todi del 1275* (Todi: A. Trombetti tip.-Lit. Editore, 1897), 42, 44, 67, 78.

community found expression also in the visual arts. Lorenzetti's fresco of the effects of good government, located in the Palazzo Pubblico of Siena, makes this connection even more clear by juxtaposing the well-ordered life produced by a virtuous civic government with the chaos and devastation of the urban and rural landscape caused by an inept government.

The communal palaces that dominated the city's main square often became the stage for civic rituals aimed at binding the collectivity of citizens in a shared sense of civic pride underpinned by a feeling of superiority toward the subject communities of the contado. Every year, on the feast day of the commune's patron saint, all the *signori* and other subject towns and castles from the contado presented a *palio* (a banner usually made of silk and other precious fabric) to the commune's podestà as a sign of their obedience to the commune.<sup>151</sup> All the citizens usually participated as spectators. The ceremony was meant to reproduce their sense of belonging to the urban community by emphasizing their collective dominance over subject communities and marking their distinction from the inhabitants of the countryside. While members of the urban elites were able to acquire lordships in the contado and still consider themselves active participants in the urban institutional life of the commune, as did Francesco di Beraldo de' Chiaravalle, the case was different for aristocratic families from the countryside. Members of the Alviano clan and the counts of Marsciano were forced to submit to the commune but did not opt to become active citizens, retaining a strong sense of identity that was built around their family lordships and refusing to take part in city life. Thus, they did not perceive the commune as central to their life as it was for every person living in the city, and when they were presented with an alternative source of authority they did not hesitate to assert their rejection of

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<sup>151</sup> ASCT, Diplomatico, Armadio I, Casella IV, Fascicolo 3, 166, 175; Casella V, Fascicolo 1, 192, 235.

urban society and its institutions. In May 1328, at the peak of Emperor Ludwig's campaign, the General Council of the commune of Todi voted to invest the podestà Vanni da Susinana with the special authority to investigate the crimes committed by "Nicola of the lords of Baschi, *comitatenses* and *districtualis* of the city of Todi,"<sup>152</sup> who was accused of various armed robberies in the contado of Todi. This was apparently not an isolated instance, as an embassy from Orvieto complained that the noblemen of Baschi and Alviano had joined their forces with Emperor Ludwig's army and were pillaging their contado. The ambassadors thus demanded action from the commune of Todi.<sup>153</sup> Within a few days, the elites in control of the commune sent an armed contingent to the castle of Baschi to force Nicola back into obedience.<sup>154</sup> For members of the rural aristocracy, the presence of the emperor and the chance to join his army constituted an attractive opportunity to assert their rights over their lordships against neighboring communes, even if they had been part of the city's contado for decades.

Participation in the public life of the city and its municipal institutions was an integral component of the urban elites' self-representation. To be a citizen meant primarily to administer the *res publica* for the good of the collectivity. The deployment of republican discourses centered around the Roman classics, such as Cicero's works, as well as the attentive and selective recycling of Roman classical images, emphasized the importance of civic values for the unity of the collectivity. The classicizing myth-making of the city's ancient foundation served a similar purpose.<sup>155</sup> A history of Hercules' foundation of Todi was composed by an anonymous author in the last decades of the thirteenth century. By setting the narrative in the familiar

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<sup>152</sup> ASCT, Riformanze, 22, fol. 33r.

<sup>153</sup> Ibid., fols. 35r-38v.

<sup>154</sup> Ibid., fols. 43v-45r.

<sup>155</sup> On the employment of Roman classical myths in communal Italy, see: Carrie E. Beneš, *Urban Legends*.

landscape of Todi and its *contado*, the author appropriated and recycled the Roman past and made it appealing and meaningful for his Tudertine audience. The text addressed issues of political instability and social unrest in the city. The anonymous author opposed the image of an idealized past when the citizens of Todi were living in a state of civic peace to the seemingly endless factional fights of his own times. During those times, the citizens of Todi were governing themselves through conciliar institutions, where harmony reigned and decisions were taken by coming to a general consensus.<sup>156</sup>

City life was therefore permeated by ideals of civic unity. The governing classes had a direct role in the creation and diffusion of civic values. For a person raised in the city, in which everyday life was articulated and shaped by the public rituals of civic governance, and then grew up to become a member of one of the municipal councils or of one of the many neighborhood associations, conciliar practices represented the essence of life as a citizen. He would have taken part in council meetings at least twice a week, debating with other members of the council and voting on every issue concerning urban life. Indeed, every kind of deliberation passed through the councils, from decisions to revise taxation to the appointment of a new podestà, and from the regulation of the selling of meat, fish, and bread to the maintenance of streets' pavement. The daily engagement with his fellow citizens about deliberations that affected the whole collectivity shaped his life and influenced his perception of his role as a citizen and as a member of municipal institutions. Dante reminds us of the idealized bond and sense of civic pride that was supposed to connect two fellow citizens, even when they found each other in a foreign land. When Sordello hears Vergil, who had just started to mention the city of Mantua, he cannot restrain himself from his joy at encountering a fellow citizen: he bursts out saying "O Mantoano,

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<sup>156</sup> "Historia Tudertine Civitatis," in *Le Cronache di Todi (secoli XIII-XVI)*, 66-93.



io son Sordello/ de la tua terra!” and then hugs Vergil.<sup>157</sup> The episode gave Dante the opportunity to digress on the threat of factionalism in Italian cities and on the role of the emperor in bringing order and justice.

Most of the historiography on the urban elites of Italy has stressed the aristocratic character of their members. Many scholars have advanced the thesis that what distinguished the traditional governing classes of consular origin was their ability to fight on horseback and their self-representation as a group embedded in chivalric values. Although the economic background of this group was not solely based on feudal revenues, and although there might have been striking differences in terms of income among its members, the elites of many Italian cities exhibited a homogeneous culture based on aristocratic values.<sup>158</sup> These were the cause of factional strife and vendettas and affected family organization into clans.<sup>159</sup> These same values were also shared by aristocratic families from the countryside. In fact, the two groups of urban elites and rural lords are hardly distinguishable in most historiography and tend to blur into a uniform aristocratic group sharing a similar lifestyle.

Although the ability to fight on horseback constituted an important component of the self-representation of both urban elites and rural aristocratic lineages, I have argued in this chapter that there was a marked difference in how these two groups shaped their individual and group identities in relation to municipal institutions. As many historians have shown, chivalric values were important components of the life of the urban elites in Italy, but that can hardly be separated from the idealized image of the good citizen, which the governing classes (especially

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<sup>157</sup> Dante Alighieri, *Divina Commedia*, Purgatorio, Canto VI, 74, 75.

<sup>158</sup> See Jean-Claude Maire Vigueur, *Cavalieri e cittadini*; Renato Bordone, ed. *Le aristocrazie dai signori rurali al patriziato*; Carol Lansing, *The Florentine Magnates*.

<sup>159</sup> Jean-Claude Maire Vigueur, “Comuni e signorie nelle province dello Stato della Chiesa,” in *Signorie cittadine dell’Italia comunale*, 158-161.

those of popular regimes, though the phenomenon was much older) were so invested in producing and spreading. Nor was one aspect more important than the other, but they both had clear effects on how members of the urban elites shaped and conducted their lives, as citizens, as member of a family clan, and as a *miles*. For a person like Francesco di Beraldo, member of one of the two most prominent families in Todi and leader of one of the urban factions, his life was shaped by his interests in preserving and expanding his family's influence in the city and in the countryside. He was directly invested in the campaign that brought the commune of Todi to invade and force the castle of San Gemini into submission—and was even appointed as the castle's new podestà. In the neighborhood of that very castle, members of Francesco's family occupied important positions in the administration of local churches in the castles of Cesi and Quadrelli, each less than four miles away from San Gemini. Other members of the urban governing class who testified before the inquisitor Bartolino da Perugia interpreted Francesco's and his family's support of Emperor Ludwig IV as an attempt to secure formal recognition of their control of the area around San Gemini as a personal lordship.

However, while Francesco and other members of his family were busy building their personal lordship in the countryside, they remained active participants in Todi's communal life. Francesco was one of the members of the General Council, and his name shows up quite often in the *Riformanze* of conciliar meetings. In those meetings he was required to think about the ordinary administration of the city and vote on deliberations that affected the lives of all the citizens. On at least two or three days a week, he thus took part in the collective processes that ran the city and he was constantly in contact with all the other members of the governing elites of Todi, including members of the artisan and commercial guilds who occupied a seat in the General Council. These aspects of the daily life of members of the urban elites shaped their sense

of self as citizens and members of a collective body that acted through conciliar institutions. Members of the urban elites fashioned themselves and the communal institutions as the embodiment of values of civic unity and pride. These discourses that so deeply affected the ordinary lives of the urban elites only marginally shaped the identity of aristocratic families that did not take part in communal life. Members of the Alviano or Baschi families were excluded from participation in the conciliar institutions of the city. Residing in their castles in the countryside, rural aristocrats' relations with the urban elites were mostly characterized by tension and ambiguity. Most importantly, aristocratic families from the contado were not invested in the preservation of the forms of communal rule, and mostly perceived it as a threat to the solidity of their lordships and an infringement of their rights. As the example of the Baschi and the Alviano reminds us, they were eager to invoke and align themselves with an alternative form of authority that was external to the commune.

The impact of civic ideology on the perception of legitimate authority within the city explains the persistence of conciliar forms of administration after the appointment of a *signore*. In recent years, historians have widely agreed on the inadequacy of an earlier paradigm that conceived the history of Italian communes as a progressive narrative of democratization up until the “crisis” of the fourteenth century, when internal factional strife led to the establishment of seigniorial authority within the city and to the gutting of communal institutions.<sup>160</sup> Giampaolo

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<sup>160</sup> For an overview of the diverse approaches within the historiography, see the contributions of Jean-Claude Maire Vigueur and Paolo Grillo to the volume *Signorie cittadine nell'Italia comunale*: Jean-Claude Maire Vigueur, “Introduzione,” in *Signorie cittadine nell'Italia comunale*, 10-11; and Paolo Grillo, “Signori, signorie ed esperienze di potere personale nell'Italia nord-occidentale (1250-1396),” in *Signorie cittadine nell'Italia comunale*, 19-20. In his contribution on the central-Italian communes, Maire Vigueur still maintains, although in a more nuanced approach, the causal relation between factional strife and the installation of seigniorial authority, a thesis that he had previously formulated. See, Jean-Claude Maire Vigueur, “Comuni e signorie nelle province dello Stato della Chiesa,” in *Signorie cittadine*

Francesconi has reflected on the institutional changes that took place within communal administration in order to accommodate the powers of a new *signore*. He has presented a model of innovation within a framework of constitutional continuity. Thirteenth-century *signori* inserted themselves within pre-existing institutional positions, usually extending the duration of the offices of podestà or capitano del Popolo. After Emperor Henry VII's campaign in Italy, the title of imperial vicar became a legitimizing tool for those who sought to exercise personal authority within the city, releasing them from the need to be legitimized by communal administrative structures. In his thesis, imperial intervention in the peninsula provided compelling political models that, when adopted within the institutional fluidity of communal administrations, opened the way to an institutional compromise between communal conciliar rule and seigniorial aspirations.<sup>161</sup>

## 2.2 Negotiating Legitimate Authority

The decision to bestow the office of podestà upon Emperor Ludwig IV was the result of a long series of negotiations intended to preserve the integrity and autonomy of the commune from the policy of Pope John XXII, who sought to integrate the city into the provincial administration of the Patrimony. At the same time, it was an attempt to secure the control that elite families and wealthy merchants exercised over communal institutions against the claims advanced by the Popolo.

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*nell'Italia comunale*, 158-159; and *Ibid.*, *Comuni e signorie in Umbria, Marche e Lazio* (Turin: Utet Libreria, 1987), 175-188. See also Andrea Zorzi, *Le signorie cittadine in Italia (secoli XIII-XV)* (Milan: Bruno Mondadori, 2010), 1-10.

<sup>161</sup> Giampaolo Francesconi, "I signori, quale potere? Tempi e forme di un'esperienza politica 'costituzionale' e 'rivoluzionaria'," in *Signorie cittadine nell'Italia comunale*, 330-331 and 338-339.

As in many other towns throughout the Patrimony of St. Peter, the Duchy of Spoleto and the March of Ancona, the urban elites of Todi struggled to define their relations with a pope who, from his seat in Avignon, was attempting to tighten his grip on the various rural and urban communities in the provinces of central Italy.<sup>162</sup> In 1318, John XXII ordered the Commune to submit to the authority of the rector of the Patrimony of St. Peter in Tuscia, Guglielmo Costa. He reiterated the same order in 1320, when he appointed a new rector, Bishop Guittone of Orvieto.<sup>163</sup> A few months later, *ser* Angelo, procurator of the commune of Todi, appealed against John's decision and contested both the pope's temporal authority in their city and the rector's jurisdiction. He claimed that Todi was not part of the Patrimony of St. Peter, and that "the city of Todi and all the men of the city and of its contado were and are until now in the peaceful possession of the right to elect their rector or rectors, who rule and govern, and who were accustomed to rule and govern, the city, its contado, and all the men living there."<sup>164</sup>

The core of *ser* Angelo's legal argument was the claim that Todi was not part of the Patrimony and that its inhabitants had always enjoyed the freedom and liberty to elect their own rulers.<sup>165</sup> *Ser* Angelo's argument was imbued with broader discourses on civic and communal identity and invoked a clear notion of legitimate authority within the boundaries of the city. He rejected the subordination of the city to any outside authority and stressed that legitimacy came

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<sup>162</sup> For an overview of Pope John XXII's attempts at centralization, see the brief but effective synthesis in Joëlle Rollo-Koster, *Avignon and Its Papacy, 1309-1417: Popes, Institutions and Society* (Lanham: Rowman & Littlefield, 2015), 44-56. For a more detailed analysis of John XXII's policies in central Italy and Latin Christendom, see Sebastian Zanke, *Johannes XXII, Avignon und Europa: Das politische Papasttum im Spiegel der kurialen Register (1316-1334)* (Leiden: Brill, 2013). For a broader discussion of the political and institutional developments of the papal territories, see Daniel Waley, *The Papal State in the Thirteenth Century* (London: Macmillan and Co., 1961).

<sup>163</sup> ASCT, Diplomatico, Armadio I, Casella IV, Fascicolo 2, 160; Fascicolo 3, 164.

<sup>164</sup> *Ibid.*, Fascicolo 3, 165.

<sup>165</sup> *Ibid.*

from within the city and its population, needing no investment by a superior authority. However, his appeal was rejected by the rector, who placed the city under interdict, as well as by the pope, who responded by clearly reaffirming the authority and power of the rector over the laity and the clergy of Todi.<sup>166</sup>

The campaign of Ludwig IV provided an opportunity for the governing class of the commune to contest papal claims in their city. Despite the assertions of many people who testified before Friar Bartolino, the decision to appoint Ludwig as podestà and to accept his vicars was not imposed by the Ghibelline party, but was instead a coordinated resolution of the two factions. In a series of meetings of the General Council and the Council of One Hundred in the early months of 1328, it was decided to create a *balia* to decide on the best strategy to follow. Both factions agreed on the decision and succeeded in placing their members in the *balia*. The commune then sent a series of official embassies to Emperor Ludwig after his coronation in Rome.<sup>167</sup>

In the official letter that was sent to Rome during one of the embassies, the syndics of the commune made clear that the office of podestà was bestowed on the emperor by a free decision of the councils. Although the letter makes clear that the emperor could have appointed a podestà in his stead, an outcome that was likely expected, the person eventually chosen by the emperor would have been bound by the agreement to respect the communal statutes and the municipal laws. Thus, when Ludwig appointed Baldino da Marsciano—a member of the powerful family of the counts of Marsciano who held a vast territorial lordship between the contadi of Todi and Perugia—to govern the city with the title of vicar general, Baldino had to swear the oath of the

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<sup>166</sup> Ibid., 170. For a brief summary of the dispute between the papacy and the Commune, see Laura Andreani, “Todi nel basso medioevo,” 51-87.

<sup>167</sup> Ibid., Riformanze, 22, fols. 49r, 88v, 89r.

podestà. Thus, the provisions of the communal statutes provided a juridical framework in which both the emperor and his vicar could exercise their authority within the city, on terms defined by the city. The title of imperial vicar did not conflict with the institutional structure of municipal magistracies. On the contrary, the governing class of Todi found an institutional compromise that allowed them to absorb imperial authority within the communal system of governance and retain a form of control over nominally imperial officials. The system worked for several months, with the vicar presiding over meetings of the communal councils and enforcing the decisions taken by their majority. It was only when the faction led by the Atti family felt threatened by the expansion of the Chiaravalle's interests in the region south of Todi, around the castle of San Gemini, that a group of the elite started to oppose the rule of the imperial vicars.

The inquisition begun by Friar Bartolino da Perugia in August 1329 provided members of the Atti faction with the chance to openly undermine the Chiaravalle faction. Friar Bartolino accused the whole governing class of the commune with heresy for having supported the excommunicate Emperor Ludwig as well as for “still obeying [the emperor] and for keeping the city of Todi illegally through his emissaries and under tyranny and in rebellion against the Holy Mother Church.”<sup>168</sup> Friar Bartolino's inquisition was one of a number of trials initiated by Pope John XXII against Italian Ghibellines who were charged with the crimes of rebellion, tyranny, and heresy. These trials played a decisive role in John's campaign to assert papal authority in northern and central Italy and counter imperial aspirations. Papal inquisitors prosecuted for heresy and tyranny powerful *signori* who had received the title of vicar general from Emperor Henry VII, such as the Visconti in Milan and the marquis d'Este in Ferrara in 1321. In addition, other trials for heresy and tyranny were mounted in the 1320s against the “idolatrours” in

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<sup>168</sup> ASV, introitus et exitus, 104, fol. 54r.

Recanati in the March of Ancona, the Montefeltro and their supporters in Urbino, Muzio di Francesco in Assisi, and finally against more than one-hundred and sixty people in Todi in August 1329.<sup>169</sup>

Andrea di Rainuccio degli Atti and his friends and allies quickly took advantage of Friar Bartolino's inquisition, and in their testimonies they blamed the Chiaravalle and other Ghibellines for having subverted the voting procedures within the communal councils in order to force people to vote in their favor. As Gualterello di Viviano recalled before Friar Bartolino, he was present during the meeting of the Secret Council of One Hundred when it discussed whether to impose a tax to raise 10,000 florins to give to the emperor as a gift. Gualterello disagreed and he voted against the proposal three times. Most of the councilors agreed with Gualterello, and they repeatedly voted against the proposal. The party that supported Emperor Ludwig wanted the ballot to be repeated.<sup>170</sup> It was at that point, Gualterello recalled, that Roberto di domino Gregorio advised the podestà Vanni da Susinana, who presided the council, to separate the ballot boxes. In that way, all the councilors would have clearly seen who placed their pebbles into the red or into the white box, and it would have been obvious who voted against the proposal. When the ballot was repeated again with this new arrangement, the councilors were afraid of the

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<sup>169</sup> On Pope John XXII's uses of inquisitorial trials for heresy, see: Sylvain Parent, *Dans les abysses de l'infidélité. Les procès contre les ennemis de l'Église en Italie au temps de Jean XXII (1316-1334)* (Rome: École française de Rome, 2014); Sylvain Parent, "Entre rébellion, hérésie, politique et idéologie: remarques sur les procès de Jean XXII contre les rebelles italiens," in *L'età dei processi. Inchieste e condanne tra politica e ideologia nel Trecento*, ed. Antonio Rigon and Francesco Veronese (Rome: Istituto Storico Italiano per il Medio Evo, 2009), 145-179; Stefano Brufani, "I processi inquisitoriali 'politici' contro i ribelli al tempo di Giovanni XXII. Riflessioni su un concetto," in *Una strana gioia di vivere: a Grado Giovanni Merlo*, ed. Marina Benedetti and Maria Luisa Betri (Milan: Biblioteca Franciscana, 2010), 167-180; Marina Benedetti, "I processi di Giovanni XXII contro gli 'eretici' di Todi," in *Todi nel Medioevo*, 691-715; Mariano d'Alatri, "Gli idolatri recanatesi secondo un rotolo vaticano del 1320," *Collectanea Franciscana* 33 (1963), 82-105.

<sup>170</sup> ASV, introitus et exitus, 104, fols. 96v, 97r.



possible repercussions; yielding to this pressure, the majority cast their votes in favor of the proposal to impose a new tax to raise 10,000 florins for the emperor.<sup>171</sup> Gualterello's testimony, like that provided by other adherents of the Atti faction, stressed that imperial rule in Todi was illegitimate because the favorable vote of the councils had been obtained under duress. This reasoning was meant as a personal defense, but also served as a broader endorsement of the role of municipal councils as the legitimate source of political authority in the city. The tainted nature of the vote that appointed Ludwig as podestà of Todi made his rule tyrannical. The same association of illegality with tyranny constituted the core of Friar Bartolino's charges against the governing class of the commune. However, in his reasoning, the illegality of Ludwig's rule was a consequence of his excommunication and of the fact that the pope had not recognized his election as emperor.

Friar Bartolino's trial thus became a stage on which the two groups contending for control of the city could showcase their respective claims to rule the city and delegitimize their opponents. Friends and supporters of the Atti clan were quick to appropriate papal rhetoric against Ghibellines and use it against the Chiaravalle and their friends. In October 1329, less than a month from their procurator's initial statement at the trial, Andrea di Ranuccio, the leading man of the Atti faction, showed up in person before Friar Bartolino, followed by his son and a group of his friends. They all testified that their actions had been done under duress, that they had been threatened and feared for their lives and those of their friends and families. That, they claimed, was why they had voted to elect Ludwig IV as their podestà. But they did not mean it as an act of rebellion against the Church. Indeed, they claimed, they never showed reverence to the antipope who was with Ludwig. Those who threatened them were the Chiaravalle and their

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<sup>171</sup> Ibid., fol. 100v.

allies. Their testimonies were filled with details about secret meetings between members of the Chiaravalle family and other Ghibelline leaders, Ludwig IV, and the antipope Nicholas V.<sup>172</sup> Their individual testimonies were well-coordinated as part of a common strategy to defend themselves and blame their opponents while preserving the legitimizing role of the communal councils.

The events that surrounded the establishment of an imperial vicariate in Todi provide us with a new angle to reflect on the relations between seignorial authority and municipal institutions. Historians have identified the concession of imperial vicariates by Emperor Henry VII as a turning point in the developments of seignorial regimes throughout the Italian cities. Although the original plan of Henry VII was to use the superior authority granted by the title of imperial vicar as a way to pacify the Italian cities, his project was eventually subverted by the Ghibellines who seized it as an opportunity to expel the Guelfs and take control of the city.<sup>173</sup> Yet despite the failure of the imperial project between 1310 and 1313, the title of vicar created a new process of legitimization for seignorial regimes underlining the external and superior nature of the power exercised by the vicars as representatives of the empire.<sup>174</sup>

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<sup>172</sup> Ibid., fols. 74r, 88v.

<sup>173</sup> Andrea Zorzi, *Le signorie cittadine in Italia*, 86-89. See also Paolo Grillo, "Signori, signorie ed esperienze di potere personale nell'Italia nord-occidentale (1250-1396)," 26-29.

<sup>174</sup> Ibid.; Giampaolo Francesconi, "I signori, quale potere?," 338-339; Maria Teresa Caciorgna, "Alterazione e continuità delle istituzioni comunali in ambito signorile," 371-375.

## Chapter 3:

This chapter explores the role that court cases played in the definition of jurisdictional competences in the lands of the Church. The trial before the provincial rector or other papal representatives constituted one element—albeit an important one—in the process of redefinition and negotiation of political authority between communal governing elites and the papacy. The policies of many urban communes directed toward building their contado constituted the principal cause of conflict with the papacy throughout the thirteenth century. The expansion of the communes' jurisdiction in the countryside targeted castles and monasteries, which often controlled the resources of the countryside and provided a defensive grid of fortifications for the city. The popes and their representatives inserted themselves in these conflicts and attempted to regulate them. The trials they initiated against the communes redefined the terms of the disputes between communes and rural communities in order to assert the authority of the papacy over both parties.

Papal rhetoric framed communal policies directed at expanding the commune's jurisdiction over castles or monasteries as disruptions of the peaceful state of the province or as violations of the freedom of the Church (*libertas ecclesiae*). The accusation of disrupting the peace of the province was also employed as a way to justify papal intervention in internal disputes among families or parties within the city. This rhetorical strategy aimed at presenting papal and rectorial intervention as the only guarantor of peace and order.

Between 1319 and 1320, Bishop Guittone of Orvieto, vicar in the Patrimony of St. Peter, sent a memo to Pope John XXII in Avignon detailing the state of the various cities and villages

in the Patrimony.<sup>175</sup> The picture drawn by Guittone was an alarming one. Most of the cities listed in his memo were in a state of rebellion to the Church. They disobeyed the requests of the rector, they did not pay the taxes due to the provincial officials, and when punished with an interdict, they did not respect it. What follows is Bishop Guittone's description of the city of Todi:

“City of Todi: Disobedient. This city is the last city of the Patrimony toward the border with the Duchy [of Spoleto]. It disputes its belonging to the Patrimony, and for a long time has not been responsive in any matter, although it used to be. It belongs to the Patrimony, as is indeed stated in the decretal *De iureiurando venientes*. Because of its disobedience, *dominus* Guglielmo put it on trial for both temporal and spiritual matters. However, they do not care about spiritual matters, since they do not respect the interdict. As for temporal matters, they have not paid the *procuratio*, since they state that it was suspended. They are now put on trial by me. They are bound to a *talia* of 200 libra ppr., although they do not pay it.

Remedy: Your Holiness should declare that the city belongs to the Patrimony, and any of their appeals against their subjection should be rejected, and temporal jurisdiction should be enforced against them.”<sup>176</sup>

Guittone's memo details widespread defiance of papal rule among the communities of various cities and castles in the Patrimony. Memos like the one composed by Bishop Guittone, and inquests like the one he instituted against Todi, were not rare. On the contrary, they

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<sup>175</sup> Laura Andreani, “Todi nel basso medioevo (secoli XIII-XV): aspetti di vita politico-istituzionale,” in *Todi nel Medioevo*, 72.

<sup>176</sup> Mercurio Antonelli, “Una relazione del vicario del Patrimonio a Giovanni XXII in Avignone.” *Archivio della Regia Società Romana di Storia Patria* XIII (1895), 456-7.

constituted a routine practice during the pontificate of John XXII and his successors. These inquests both expressed and reinforced John's view that the Church was under attack on several fronts. In the papal curia in Avignon, the image of the Italian situation was constructed around a series of memos like Bishop Guittone's, and the pope ordered a series of inquests to deal with the situation. Between April and August 1317, John XXII sent two legates, the Franciscan Bertrand de la Tour and the Dominican Bernard Gui, to inquire into the state of the cities in Lombardy. Their inquest, which opened the trial against the Visconti and other *signori* in the region, conveyed back to Avignon an image of northern Italy dominated by tyrants and illegitimate rulers, who troubled the peace of their urban communities and pursued personal interests rather than promoting the collective good.

In addition to these legatine missions, the papal chancellery maintained very close communications with papal representatives throughout central and northern Italy, receiving constant information on local politics and responding with detailed instructions on how to proceed. Thus, on 23 March 1320, John XXII wrote to his rector in the Duchy of Spoleto, Reginaldo di Santa Artemia, addressing the report he had received of factional conflict in the cities of Spoleto and Assisi. In 1319, Muzio di Francesco, leader of the local Ghibelline faction, had taken control of Assisi. With support from Federico da Montefeltro, *signore* of Urbino, and Bishop Guido Tarlati, *signore* of Arezzo, Muzio then occupied the city of Spoleto and forced the local Guelfs into exile. In his letter to Reginaldo, John XXII reminded the rector that it was necessary to keep these conflicts from affecting the entire province. John lamented that the cities of Assisi and Spoleto suffered under tyrannical rule, which was an obstacle to maintaining peace in those cities and could escalate in further crisis. John thus enjoined the rector to press his case and to call on the neighboring communes to assist him with armed contingents, convincing them

that it was in their best interest, but most importantly in the interest of the public good.<sup>177</sup> By representing the crisis in Assisi as something that imperiled the whole Church, John could invoke the public good as he called upon neighboring cities to help the rector reestablish order in the province. The actions of the rector had to proceed on two levels: he was to pursue his legal measures against the perpetrators of the crimes in Assisi, but he also needed to convince the leaders of other urban communities in the region to provide military support against the rebels in Assisi and Spoleto.

Papal propaganda, expressed through apostolic letters, bulls, and court sentences, presented the ultimate aim of the Church's temporal authority as the preservation of peace and justice. On 17 September 1318, in the second year of his pontificate, Pope John XXII dispatched two letters from Avignon addressed respectively to Guglielmo Costa, rector of the Patrimony of St. Peter in Tuscia, and to the clergy and the people of the city of Todi and of its diocese or contado.<sup>178</sup> In both letters, John explained that in order to preserve the city of Todi in a peaceful state, he had decided to place it under the rule of Guglielmo Costa, rector of the Patrimony, in both spiritual and temporal matters. The pope also clarified that the rector had full power to judge any matter under his jurisdiction and that the Todini could not appeal his decisions. Early in August, John had sent another letter to Guglielmo of a more general content. The pope had learned that many clergymen throughout the Patrimony were guilty of crimes that frequently remained unpunished. John thus urged Guglielmo not to hesitate to inquire and punish the excesses of the ecclesiastics under his jurisdiction, lest their many unpunished crimes drive

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<sup>177</sup> Augustin Theiner, ed. *Codex Diplomaticus Domini Temporalis S. Sedis, Tome premier, 756-1334* (Rome: Imprimerie du Vatican, 1861), 491.

<sup>178</sup> ASCT, Diplomatico, Armadio I, Casella IV, Fascicolo 2, n. 160, fols. 1r, 1v.

others to commit more offenses.<sup>179</sup> Both letters presented the rector as a guarantor of peace and justice in the provinces under his jurisdiction. Defining the mission of his provincial officials in juxtaposition with widespread ecclesiastical corruption throughout the Patrimony, John framed papal temporal rule in the region as the antidote to the degradation of the Church. In this way, the maintenance of peace within the various urban communities of the Patrimony, such as Todi, and the punishment of the corrupt clergy became indissoluble elements of the papal mission aimed at restoring order in the lands of the Church. In order to punish the corruption of the clergy and force urban communities to collaborate with the papal mission, the rector was to prosecute *ex officio* anyone who disobeyed his mandate, both laymen and clergy. Thus, the resolution of any conflict had to be decided within the provincial ecclesiastical courts.

In all these cases, conflicts that had their roots in local society and power dynamics were disconnected from their causes and reconstrued as general violations of the rights of the Church. As Laura Baietto has clearly shown, by the time of Innocent III ecclesiastical courts justified their interventions in the prosecution and regulation of local conflicts by claiming a violation of the *libertas ecclesiastica*. This employment of generalizing legal discourses about a broadly-defined *libertas ecclesiastica* changed the very nature of the conflict. Disputes between the communes and their bishops over control of episcopal land and the taxation of local clergy were reinterpreted by Innocent III, who escalated the importance of the local conflict and transformed it into a crime that affected the whole Christian community.<sup>180</sup> Similarly, Pope John XXII's adoption of a legal language that targeted the heterogenous actions of loosely-defined tyrants and enemies of the peace aimed at obscuring the local causes of the conflict and interpreting it

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<sup>179</sup> Ibid., fol. 2r.

<sup>180</sup> Laura Baietto, *Il Papa e le città*, 12.

instead in terms of disobedience to papal authority. However, local elites contested these definitions, transforming their own ideas of civic rule into legal claims that opposed the authority of the pope as the guarantor of peace and regulator of local order. Viewing the relations between the papacy and local urban communities as a struggle to define the nature of the authority exercised within the city calls into question the notion of a clear program of state-building by the late medieval popes. It is thus necessary to view papal policies in the lands of the Church as an integral part of the papal program throughout all of Christendom. Indeed, the methods and tools adopted to pressure local communities, as well as the discourses deployed to define their opposition to the papal project, aimed at presenting local rebellion to papal temporal rule as a broader fight for the protection of the universal Church. This identification became filled with a sense of even greater urgency when separate episodes of rebellion were categorized as heretical behavior, advancing the notion that the Church as a whole was under attack.

### **3.1 The Organization and Functions of Provincial Courts in the Lands of the Church**

On 30 April 1357, in a general parliament of all the provinces and lands subject to the secular authority of the Church, the cardinal legate and vicar general Egidio Albornoz promulgated a new set of constitutions that attempted to uniform the composition and competences of the rectors' curia throughout all the provinces of the lands of the Church. The legate's constitutions had originally been issued just for the sole March of Ancona, but during the general parliament of 1357 Cardinal Albornoz extended them to other provinces as well. As specified in the preamble, Albornoz's intention was to bring order with this new set of laws to the multitude of constitutions that regulated the work of provincial rectors and their officials,



many of which had fallen into disuse.<sup>181</sup> Albornoz's constitutions reflected functions and prerogatives of papal provincial officials that the papacy claimed for decades throughout the first half of the fourteenth century, and even if they might have not been achieved in practice, his constitutions, in the absence of a systematic description from earlier periods, remain an important source for reconstructing the ways in which the rector's curia operated, at least in an ideal form.

Albornoz's constitutions prescribed that the rector of the March of Ancona be assisted by seven judges, twenty-four notaries, and a marshal, organized according to a system that, with some modification, was applied also to the other provinces. Four of the seven judges constituted the general curia of the rector. One of them ought to be an expert in canon law, who was assigned to cases that pertained to ecclesiastical courts. One was charged with the court of appeal, which received appeals from both the spiritual and secular courts. The constitutions forbid communes and other communities that were directly subject to the Church from instituting local appeal judges, but this was a rule that was constantly disregarded by the communes. The remaining two judges of the general curia were in charge respectively of criminal and civil cases.<sup>182</sup> The three judges that were not part of the general curia were assigned to territorial subdivisions in the March. The procedure adopted within the courts of the ordinary judges and of the judge of appeal was extensively detailed in the constitutions.<sup>183</sup> Trials could be initiated by accusation, by public denunciation, or by inquisition opened by the judge *ex officio*.<sup>184</sup> A trial initiated in any of these

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<sup>181</sup> Pietro Sella, ed. *Costituzioni Egidiane dell'Anno MCCCLVII* (Rome: E. Loescher e Co 1912), 1.

<sup>182</sup> *Ibid.*, 41-42.

<sup>183</sup> *Ibid.*, 124, 137.

<sup>184</sup> *Ibid.*, 138.

ways could change to another, “lest crime remain unpunished.”<sup>185</sup> In any case, it was specified that the *ordo iuris* must be respected, that is, the rights of the defendant must be guaranteed.

From the time of Innocent III, papally-appointed judges and ecclesiastical courts had a number of tools that they could use to pressure the accused to present themselves in court and stand trial before the ecclesiastical judge. The most powerful legal instruments that papal judges could employ were excommunication and interdict, with all the various sanctions that they entailed.<sup>186</sup> Interdict aimed at paralyzing life in the city, making it impossible to conduct even the most basic actions of an organized society, from performing religious rites such as hearing mass to social obligations such as burying the dead. Even fundamental commercial actions like drawing up a contract were called into question, since notarial deeds recorded under interdict were not valid. Excommunication applied to specific individuals, but carried much the same social, legal, and religious liabilities. This pressure was meant to isolate an excommunicated individual or, in the case of a community subjected to interdict, bring urban life to a halt, forcing the accused individual or collectivity to submit to the authority of the ecclesiastical judge. For these sanctions to function, however, they required the cooperation of the local clergy and religious orders, who had to refuse to provide religious services. The system thus imagined a homogeneous and coherent ecclesiastical hierarchy, with the pope at its head and the local churches and religious orders faithfully following the directives coming from judges appointed by the pope. The overall vision of the Church of Innocent III and his successors tended to detach the clergy from their roots in local society, hardly considering that these men of the Church, from a village priest up to cathedral canons and the bishop, were also entangled in local family and

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<sup>185</sup> Ibid.

<sup>186</sup> Ibid., 13-15.

power dynamics. Thus, in times of interdict, the bishop and local clergy would often side with the leaders of their commune and continue to provide religious services to their fellow citizens.

Provincial courts in the Lands of the Church had an important role in defining jurisdictional boundaries between local communities and the papacy. In order to see how this process worked in practice, it will be useful to focus on one specific case. The extant documentation for court cases before provincial rectors is very scarce. One case that is particularly well documented involves the commune of Orvieto and the litigation caused by its efforts to expand its jurisdictional authority over its contado. This case is particularly important because it provides an example from a city that, just like Todi, was inserted in the provincial administration of the Patrimony and thus was subject to the same system of provincial jurisdiction.

During the interregnum between the death of Pope Nicholas IV in 1292 and the election of Boniface VIII in December 1294, the commune of Orvieto took advantage of the vacancy of the Apostolic See to advance its claims to the castles of Acquapendente, Bolsena, and other castles in the Val di Lago on which the Church exercised full jurisdiction (*pleno iure*).<sup>187</sup> These castles controlled the northern shores of the lake of Bolsena, which was an important area for grain production and gave access to the fishing resources of the lake. The castle of Acquapendente, about eight miles north of the lake, was located on the ancient Via Francigena, the road that ran from Rome to Siena. Acquapendente controlled an important point of the Via Francigena, right at the crossing of the River Paglia.

In the late twelfth century, the commune of Orvieto controlled most of these castles but had to release them under the heavy pressure of Pope Innocent III's drive to "reclaim" the lands

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<sup>187</sup> Augustin Theiner, *Codex Diplomaticus Domini Temporalis S. Sedis*, 321.

of the Church. Innocent's plans for the Patrimony of St. Peter led the commune of Orvieto into open conflict with the papacy. The dispute had long-lasting repercussions on the definition of secular and religious authority in the city, as well as on the city's relation with the papacy.

Orvieto controlled a strategic location for communications between Rome and Tuscany. Sitting on a volcanic rock that dominated a bridge on the River Paglia and a section of the Via Cassia, which connected Rome to Arezzo and Florence, the city was a critical point for securing papal control of the Patrimony.

When the community of Acquapendente revolted against Orvietan rule in 1196, Innocent took advantage of the situation to claim the castle for the papacy. He urged the commune of Orvieto to give up its claims to the castle, and when the leaders of the city refused, Innocent recalled their bishop to Rome and placed the city under interdict. According to the author of the *legenda* of Pietro Parenzo, the absence of the bishop from the city caused heresy to spread among the population. It was after the insistence of the Orvietans that in 1199 Innocent sent Pietro Parenzo to deal with the heretics. The episode has been analyzed by Carol Lansing, who has shown persuasively how opposition to papal policies was construed as heretical behavior by the papal envoys and the bishop.<sup>188</sup> In this context, opposition to the secular policy of the pope and the fear of losing Orvietan independence vis-à-vis the expansion of papal jurisdiction were understood and represented as a deviation from broader orthodox beliefs. The energetic actions of Pietro Parenzo against the Orvietan "heretics" provoked his assassination. The bishop used his murder and the ensuing miracles performed by the martyr's body to strengthen the authority of the bishopric in the city. Lansing emphasizes the role of social changes and the political

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<sup>188</sup> Carol Lansing, *Power and Purity: Cathar Heresy in Medieval Italy* (Oxford: Oxford University Press, 1998).

emergence of new families as the backdrop to the episode of Parenzo's murder and prosecution of heresy. When the Popolo in the mid-thirteenth century initiated a policy of expansion in the countryside to the detriment of papal secular jurisdiction, the inquisitors explained this new opposition to papal authority as the reemergence of heretical sects that had survived since the time of Parenzo's murder.

In the 1250s the commune of Orvieto embarked in a policy of energetic expansion of its jurisdiction in the hinterland of its city. This expansionistic policy was part of the broader agenda of the Orvietan Popolo that had recently established its control over communal institutions. The Popolo in Orvieto, just like in many other cities of the region, was concerned with the extension and administration of communal property and engaged in massive projects of public building. These policies were part of a broader effort to legitimize Popular control of the city, a control that often entailed excluding families of the old communal aristocracy from participation in urban political institutions.

The extension of Orvietan jurisdiction in the countryside forced many rural lords to submit their castles and lands to the authority of the commune. The terms of submissions of the rural nobility followed criteria commonly adopted also in other cities as well. Many of these noble families retained the rights to live on and administer their lands, but they renounced their jurisdictional rights over them. They swore allegiance to the commune and promised to take part in the communal army when required, to pay taxes, and not to impose any toll on Orvietan citizens and other inhabitants of their contado. However, the commune's jurisdictional claims in the countryside overlapped with those of the Church.

Papal legal rhetoric tended to represent the communes' military actions as the cause of disorder and violence. In a 1296 letter that ratified the peace between the commune of Orvieto

and the castles of the Val di Lago, Pope Boniface VIII described his office as Christ's representative, entrusted with securing peace and tranquillity among all Christians, but particularly among the inhabitants of the cities and lands that were directly subject (*immediate subiectis*) to the person of the pope and to the Church.<sup>189</sup>

Despite papal condemnation of communal violence as inherently illegitimate and as the major cause of disorder, communal elites calibrated their military actions as a legitimate way to assert a claim, often backed by legal argumentations. When in 1293, during the period of vacancy of the Apostolic See, the leaders of the Popolo in Orvieto decided to attack the castles of the Val di Lago and that of Acquapendente, they acted on the basis of a legal claim that denied the Church's assertion of secular lordship over these communities. In the negotiations with the pope that followed their military occupation of the castles, the representatives of the commune claimed that these castles had been part of Orvieto's diocese since time immemorial. It was customary among the cities of Italy, so the Orvietans argued, that such lands and castles were part of the city's contado (*comitatus*), and thus subject to the secular authority of the institutions that ruled the city. For these reasons, they contended, they had been unjustly deprived of a right they possessed.<sup>190</sup> Violent action on their part was thus a way to reclaim a right of which they had been wrongly stripped.

Violent actions of this kind were usually prosecuted by the provincial rector. In doing so, he rejected the commune's justification for its use of violence and thus emptied the actions of the commune of any meaning, transforming them into a violation of the peace. The trial was thus part of papal strategy to delegitimize communal claims to exercise authority in the lands of the

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<sup>189</sup> Augustin Theiner, *Codex Diplomaticus*, 334.

<sup>190</sup> *Ibid.*

Church under the terms advanced by communal elites. Boniface embraced a starkly different idea of what legitimized a commune's rule over its contado. The pope dismissed the custom of the Italian cities, as claimed by the Orvietans, as an abuse, which hardly gave the communes the rights they asserted over their subject communities. Rather, the pope stated, the *ius commune* established that the Church possessed the high and supreme authority over the lands between the castles of Ceprano and Radicofani, and no custom or agreement between cities, castles, or other communities, nor any violent action or threat, could in any way legally affect the *imperium* of the Church. Furthermore, the pope affirmed, any community that is directly subject (*immediate subiecta*) to the Church—such as the castles in question—could not be ruled by any form of political organization other than that which was ordered by the Church.<sup>191</sup>

However, this unconditional assertion of papal authority in the lands of the Church did not exclude the possibility of negotiations for the practical exercise of authority among the communities subject to papal secular rule. The leaders of the commune initially refused to comply with papal demands and did not respond to his summons. Nevertheless, negotiations continued between the pope's envoys and the Orvietans' ambassadors. To pressure the Orvietans into accepting his terms, Boniface then reiterated the sentences and punishments that the rector of the Patrimony had issued in 1293. He confirmed the fee of 20,000 silver marks imposed on the commune, excommunicated its officials and the leaders of the Popolo, placed the city under interdict, ordered the secular clergy and members of all religious orders to leave the city, and declared the land and the goods of the communal officials up for the taking. The leaders of the commune bent under this intense pressure and agreed to recognize papal jurisdictional claims on

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<sup>191</sup> Ibid., 335.

their lands. In exchange, they were able to reach a new agreement with the pope, who granted the Orvietans all the castles in the Val di Lago and the castle of Acquapendente.<sup>192</sup>

The terms of the grant were not much different from the acts of submission that the rural nobility had to swear in favor of the commune. The pope reserved for the Church the right to appoint the podestà or rector for each castle every other year, alternating with the commune of Orvieto. The communities of the castles had to provide free access to their territories and castles to the inhabitants of the city and contado of Orvieto, and in exchange they had the right to move freely through Orvieto's territory. The inhabitants of the castles had to pay taxes to the commune and send their armed contingents when communal officials commanded. Furthermore, they had to send a gift of 25 pounds of wax to be presented at Orvieto's cathedral during the feast of the Assumption, and a precious cloth (*pallium*) worth 6 pounds to be presented to the podestà of Orvieto on Fat Thursday.<sup>193</sup> These were tokens that represented the castles' submission to the authority of the commune and were common in any act of submission by rural lords or any other community of a commune's contado. What differentiated the agreements between the commune of Orvieto and the castles of the Val di Lago was the presence of the pope as the granting authority behind the terms of the peace accord. The document was not framed as an act of submission, nor as an agreement freely reached between two parties, but as the terms of peace that were granted and imposed on all the parties involved by the superior authority of the pope.

So, what role was played by the trial initiated by the rector of the Patrimony, and then reiterated by the College of Cardinal and the pope himself? The prosecution of the commune's actions labeled them as illegal and voided them of their meaning, forcefully rejecting the

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<sup>192</sup> Ibid.

<sup>193</sup> Ibid.



communal officials' claim to a right that they thought they possessed. When the sentences and penalties issued by the rector were then reiterated by Boniface VIII, the trial provided the pope with the legal basis to condemn the obstinacy of the commune and the willfulness of its leaders if they persisted in their actions. Their decision not to respond to the pope's summons constituted further proof of their contumacy. The rector's trial and the one later opened by Boniface himself made manifest the commune's guilt. It provided a legal decision on the rights contested between the papacy and the commune, asserting that papal jurisdiction in the lands of the Church could not be derogated or affected by agreements reached between communities that were themselves all subject to the authority of the Church. Such a decision did not exclude the possibility of compromises, but it did constitute a legal frame for future negotiations. Any agreement between the papacy and the communes had to be seen as a grant from the Church rather than a right of the commune. Only after recognizing this legal principle, the commune of Orvieto received the castles of the Val di Lago and Acquapendente.

### **3.2 Contesting Papal Provincial Jurisdiction**

The strategy adopted by the governing elites of the commune of Orvieto was to attempt to negotiate with the pope on the legal status of the castles of the Val di Lago. They did not respond to the rector's or the pope's summons within the limit allowed them, for which reason they were initially judged in contumacy. They refused to release control of the castles even though their envoys had repeatedly promised the pope that they would comply with his requests. The resolution of the dispute necessitated the commune's acceptance of papal authority over the castles. The elites of many communes did not have much problem declaring their allegiance to the Church and the pope, at least in theory. In many acts of submission of castles, the parties

included a clause specifying that the city commune would help defend the land, rights, and jurisdiction of the community of the castle in perpetuity and against any person or community except the holy Roman Church and its officials and rectors.<sup>194</sup> However, these clauses might be inserted in agreements that the pope and his rectors clearly opposed.

The recognition of the pope's jurisdiction as secular overlord did not always imply the acceptance of papal provincial representatives. Many urban elites were willing to acknowledge in principle papal rule in the lands of the Church and to use it as a legal source of privileges, including their rights over subject lands and castles, but they strongly opposed any direct intervention of papal rectors in the administration of their city and contado. Throughout the late thirteenth and early fourteenth century, the governing elite of the commune of Todi disputed the jurisdiction of the rector of the Patrimony over their city. Todi's communal elites manifested their opposition to the rector through a series of acts that defied his authority as a judge and as a representative of the pope. They refused to attend the provincial parliaments, and when put under interdict by the rector they refused to respond to his summons and instead appealed to the pope contesting the rector's rights to issue any such order.

In 1320 Pope John XXII appointed Bishop Guittone of Orvieto to the office of rector of the Patrimony, replacing his predecessor Guglielmo Costa. As was customary, the new rector held a parliament at his seat in Montefiascone, to which he called all the lords and representatives of the cities of the province, as well as all the bishops and the most important ecclesiastics.<sup>195</sup> There he publicly read the papal letters that granted him the office of rector of the province and of specific cities, such as Todi, Narni, and Terni. Bishop Guittone threatened to

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<sup>194</sup> ASCT, Diplomatico, Armadio I, Casella V, 244.

<sup>195</sup> Daniel Waley, *The Papal State*, 112-113.

apply temporal and spiritual sanctions if the official representatives of the city did not present themselves to the parliament.<sup>196</sup> The commune of Todi refused to send its representatives, and even its bishop decided to ignore the call.

Provincial parliaments throughout the Patrimony, the Duchy, the March, and the Romagna had become a regular feature of the administration of the lands of the Church since the late thirteenth century. Before then, provincial parliaments were called sporadically and usually in moments of crisis, when the papacy needed military or financial support to face an imminent threat, as it did when Manfred was pressing his claims to the imperial throne.<sup>197</sup> The fiscal function of the parliaments remained a stable feature of these assemblies in both the March and the Romagna, where parliaments were usually held to vote and approve the *tallia militum*. However, this was not usually the case in either the Patrimony or the Duchy, where papal officials claimed the *tallia* as a fixed annual payment.<sup>198</sup> There, the most important role of parliamentary assemblies was to publicly issue provincial constitutions (*constitutiones* or *ordinamenta*) to which the various communities of the province had to consent. In this sense, parliaments were an important framework for providing legitimacy to rectorial rule.<sup>199</sup>

Refusing to attend the meeting of a provincial parliament constituted an open act of defiance of rectorial rule and therefore a rejection of papal temporal authority. For all the apparent seriousness of this gesture, it was not particularly uncommon. In 1295, the procurator of the commune of Bologna declared publicly before the parliamentary assembly of the Romagna that his city “intended in no way to lose its ‘honor, state, liberty, privileges or customs’ through

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<sup>196</sup> ASCT, Diplomatico, Armadio I, Casella IV, Fascicolo 3, n. 165.

<sup>197</sup> Daniel Waley, *The Papal State*, 110.

<sup>198</sup> *Ibid.*, 116.

<sup>199</sup> *Ibid.*, 117.

any proceedings of the parliament.”<sup>200</sup> Something similar happened in a meeting of the provincial parliament of the Duchy in 1292. The rector issued new constitutions to which the representatives of the various communities of the province offered their oaths of consent. But after the terms of those constitutions were heard in the city of Spoleto, the commune sent a new procurator to make clear before the rector that the oath taken during the parliament was meant only “saving all the rights, customs, jurisdictions, and privileges which the commune of Spoleto has and has had.”<sup>201</sup> Thus, the refusal of the leading members of the commune of Todi to attend the provincial parliament of the Patrimony called by Bishop Guittone was not an uncommon event. Indeed, the memo previously composed by Guittone and sent to Pope John XXII included a long list of other communities that regularly defied the demands of the rector. However, the Todini based their refusal to participate in the parliament on an unusual claim: that they were not subjects of the rector nor of the pope.

On 26 October 1320, ser Angelo di Francesco, proctor of the bishop and the commune of Todi, appealed to the pope against Bishop Guittone’s decision to place the city under interdict, excommunicate the commune, and suspend the bishop from his office. He also objected to the right of the rector to summon the commune and the bishop to his parliament, since (he claimed) the city of Todi was not part of the Patrimony and enjoyed freedom from any superior authority. Ser Angelo sent the commune’s appeal to both the rector and the pope. In fact, he petitioned that the commune be placed under the protection of the Apostolic See until a decision could be made on the matter by either the pope himself or a competent judge appointed by him. The rector had issued his excommunication as an administrative action. In the correspondence between the

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<sup>200</sup> Ibid., 118.

<sup>201</sup> Ibid.

commune and Bishop Guittone there is no trace of a trial opened by the rector that preceded his issuing of this excommunication. Thus, the Todini requested that the whole issue be decided in a court of law by a competent judge. Perhaps worried that the case might be remanded to the rector's court, they already anticipated reasons to consider Bishop Guittone an unfair judge.

One common exception presented in many court cases was the objection against the person of the judge. However, when this rationale was presented to invalidate the rector's actions its implications went far beyond the single case contested. It was an attack on claims that the provincial system provided peace and order among cities. Ser Angelo's request was presented by Friar Tebaldo, bishop of Assisi, who had been asked to serve as intermediary because (ser Angelo claimed) it was not safe for a citizen of Todi to appear before a provincial rector, especially since the rector was none other than the bishop of Orvieto, whose commune was a sworn enemy of Todi.<sup>202</sup> To support his claim that the rector's court was not a safe place for the Todini, ser Angelo cited in his appeal two previous episodes in which Todi's procurators had been detained by Guittone's predecessor in office, Guglielmo Costa. Alleging that one could not present oneself safely was a common defensive strategy adopted to delay the progress of a trial. However, for the bishop and the people who controlled the commune of Todi, it became a point of contention that delegitimized Guittone's role as rector and as judge. Being a citizen of Orvieto automatically made Guittone a sworn enemy of any citizen of Todi, incapable of acting fairly as judge—or so the Todini claimed. To prove their point, the Todini invoked a long history of local animosity between their commune and the citizens of Orvieto. Rejecting the assumption that provincial rectors were *super partes* officials appointed to promote peace and reestablish order in the province, the Todini asserted that these officials were themselves deeply embedded in local

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<sup>202</sup> ASCT, Diplomatico, Armadio I, Casella IV, Fascicolo 3, n. 165.

disputes and conflicts. The Todini sought to bar Bishop Guittone from acting as judge when he could not be expected to be impartial.

But the Todini did not only oppose the person of Bishop Guittone and impugn his fairness as judge and rector of the province: they altogether rejected the claim that the provincial rector held any temporal authority in their city. Indeed, ser Angelo's appeal proposed two main arguments questioning the legitimacy of Bishop Guittone's demands and his decision to excommunicate the communal representatives, place the city under interdict, and suspend the bishop from his office. The first was a matter of legal procedure: the Todini had already presented before the Apostolic See an appeal against similar demands on the part of Guittone's predecessor in office, Guglielmo Costa. That appeal had not yet been decided; therefore, with "the appeal still pending, [Bishop Guittone] must not and cannot alter anything *de iure*."<sup>203</sup> The second argument advanced by the Todini and their procurator rested on the idea that their commune was the only legitimate institution through which every citizen contributed to the administration of the city. According to their appeal, "the city of Todi has never been nor is it now part of the Patrimony of St. Peter, nor is it subject to its [the Patrimony's] captain; rather, [the city] has always been free and exempt and in full possession of its liberty for 140 years and more – indeed, for such a long time that no memory to the contrary survives."<sup>204</sup> For this reason, the appeal continued, Bishop Guittone could not have any valid commission, either general or particular, against the bishop and the commune of Todi. Finally, the appeal argued, "the city of Todi and its contado or district are not now nor have ever been subject in temporal matters to the lord pope or to the Apostolic See, and thus the aforementioned lord pope, saving the reverence

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<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

due to him, can not entrust the aforementioned rule [over Todi] to the aforementioned lord bishop of Orvieto," because the inhabitants of the city are in full possession of the right to elect their own rulers.<sup>205</sup> The communal appeal was also joined by the bishop of Todi and by representatives of the main religious and mendicant orders in the city. The whole community, civic and ecclesiastical, united in presenting firm opposition to the prospect of being subject to the authority of the provincial rector. Rejecting the authority of the rector by claiming that the city did not belong to the Patrimony was a strategy used by other communes as well. The communes of Narni and Rieti adopted a similar strategy.

The urban elites of Todi had often butted heads with the papacy in defending the status of their municipal institutions vis-à-vis the Holy See. However, this new clash between the papacy and the commune over the legitimate exercise of temporal jurisdiction represented a significant escalation of local disputes which, in the mid-thirteenth century, had focused on taxation of the clergy in territory claimed by the commune as part of its contado. In the 1250s, the bishop of Todi, Pietro Caetani (uncle of Benedetto Caetani, future Pope Boniface VIII), addressed a letter to Pope Alexander IV in which he objected to the demands of the rector who had requested payment of the *procuratio*. According to Bishop Caetani, the city and the diocese of Todi were not subject to the rector's jurisdiction. In 1259, Pope Alexander IV wrote to Bishop Caetani instructing him to refrain from taxing the Franciscan convent of Monte Santo of the Order of the Poor Ladies, since that convent, like all the clergy of the diocese of Todi, was obliged to pay the *procuratio* to the rector of the Patrimony.<sup>206</sup> As Laura Baietto has convincingly shown, as communes expanded their jurisdiction in the countryside they strove to assert control over

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<sup>205</sup> Ibid.

<sup>206</sup> Laura Andreani, "Todi nel basso medioevo," 59-60; Daniel Waley, "Caetani, Pietro Viatico."

jurisdictional pockets that remained independent from municipal administration, such as monasteries and rural lordships. Communal attempts to control the resources of religious institutions clashed with a similar effort on the part of the papacy, which tried to strengthen its control over local ecclesiastical institutions. Innocent III had drastically changed the relations between the Apostolic See and the bishops, advancing the pope's ability to control their actions through the widespread use of inquisitions led by a restricted number of ecclesiastics who were close to the pope and could be trusted to further his interests.<sup>207</sup> The struggle between Todi's governing elites and the papacy in the mid-thirteenth century was as much about the commune's independence from papal intromission as it was about papal attempts to control bishoprics.

To support their claims against papal rectors, communes invoked privileges secured during previous pontificates. During the pontificate of Boniface VIII the commune of Todi had received a papal privilege that detached the city from the rector's administration. At the time, Todi's communal elite contested the authority of the rector by claiming that their city was not part of the Patrimony but was instead under the direct rule of the pope. Their strategy in opposing rectorial demands thus invoked a different legal definition of the category of "*terrae immediate subiectae*" to the Church. It has been argued that the unusual concession given to Todi by Boniface—who is notorious for his fierce assertion of papal universal authority—might be related to the personal attachment that the pope developed toward the city where he spent a good part of his youth while his uncle served as bishop there. He indeed recognized a similar concession to Anagni, his family stronghold. However, considering the personal relation that Boniface and the Caetani family established with Todi's urban elites, it is possible that—just like with Anagni—the pope wanted to privilege his personal clientage and supporters in the city by

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<sup>207</sup> Laura Baietto, *Il Papa e le città*, 101-118.



releasing it from the rector's control and binding it directly to the person of the pope. Whatever Boniface's reasons were for such a concession, his privilege later constituted one more legal reason adduced by the Todini to claim their freedom from papal provincial administration. However, under the pontificate of John XXII, who once again tried to place the city under rectorial control, Todi's governing elite went so far as to deny that the pope had any secular authority at all in their city.

To involve the papal curia by presenting an appeal or petition directly to the pope was a way to block any legal action—a trial or an administrative decision—by any local or provincial court or official. This had been a strategy that the Todini had employed several times in their efforts to contest the rector's demands. Papal rectors and other officials were aware that in some cases this was a way to delay the progress of the trial. So when Bishop Guittone notified Pope John XXII of the state of disobedience of the city of Todi in his memo from 1319 or 1320, he suggested that all their appeals to the Holy See should be rejected out of hand. Delays could be problematic for the judge, as the *ius commune*, which took this from Roman law, established that any trial ought to be decided within a reasonable amount of time. Roman law specified that a trial could last no longer than three years. This was initially broadly accepted among legists and canonists, but it started to become an issue when it became clear that exceptions could be presented for the sole purpose of delaying the trial for more than three years, which made it automatically null. It was Pope Honorius III (d. 1227) who allowed trials to last longer, so that delays could not be used to avoid conviction. But still, in cases like the one that involved the Todini, appeals to the Holy See were meant to invalidate the decisions adopted by the rector. As their proctor clarified, they had already presented a previous petition or appeal to the Roman curia, and until that was resolved by a legitimate judge, any action taken by the present rector

would not be legally binding. For this reason, the Todini were not bound to respect the interdict or the excommunication issued by Bishop Guittone, as these actions were null *de iure*.

To conclude, in both cases analyzed in this chapter, legal actions constituted the main tool to regulate and define jurisdictional competences between communal institutions and the papal provincial administration. The pope and his rectors could make use of trials in response to communal attempts at expanding their jurisdiction to the detriment of papal secular claims in the lands of the Church. The trials served thus as a way to provide a legal decision to justify the imposition of further penalties, such as excommunication or interdict, that would force the commune to come to terms with the papacy or the rectors. Communes would often disregard these trials, opting not to send their syndics or procurators in an act of defiance that rejected the authority of the judge. Legal actions were employed also by communal governing elites to oppose the rector's authority. Both in the case involving Orvieto and in the appeal presented by the commune of Todi, the representatives of the commune articulated a countervailing ideology that identified the urban commune as the appropriate locus for and agent of the right ordering of a just and peaceful society. What is more, they elevated general notions of civic rule into precise legal claims that opposed the authority of the pope as the guarantor and regulator of local order and peace.

## Chapter 4:

This chapter considers accusations of heresy prosecuted by a papal-appointed inquisitor as one element in a dispute over orthodoxy. The final aim of trials for heresy was not punishment but rather reconciliation with the Church. Reconciliation could be achieved outside of the courtroom, for example by an agreement with a papal legate, and the tribunal was willing to accept a peaceful resolution of the matter. The trial itself was thus susceptible to actions taken outside of the court, which need to be included in a holistic understanding of the legal process. This chapter thus gives meaning to the defendants' actions outside of the court as part of a planned strategy. The restoration of peaceful relations with the Church implied the acceptance of papal definitions of what constituted orthodoxy. But these definitions changed over time. Furthermore, we also need to keep in mind that other authorities claimed the right to define what constituted orthodoxy and heresy. Many German emperors actively intervened in debates over heresy, legislating and issuing decrees that had long-lasting impacts on people's perceptions of heretical behavior and on different courts' ability to prosecute the crime.<sup>208</sup> To make things more complicated, many Italian communes claimed for their courts the right to prosecute heresy in their own jurisdiction.<sup>209</sup> In this context, the defendants' challenge to the jurisdiction of a papal inquisitor could express a claim that strengthened their commune's authority.

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<sup>208</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 37-39; Andrea Padovani, "L'inquisizione del podestà. Disposizioni antiereticali negli statuti cittadini dell'Italia centrosettentrionale nel secolo XIII," *Clio: Rivista Trimestrale di studi storici* 21 (1985), 353-356.

<sup>209</sup> See Diana E. Webb, "The Pope and the Cities: Anticlericalism and Heresy in Innocent III's Italy," in *The Church and Sovereignty: 590-1918*, ed. Diana Wood (Oxford: Basil Blackwell, 1991), 135-152.

On 10 February 1330, Francesco di Beraldo de' Chiaravalle stood in front of the Franciscan inquisitor Bartolino da Perugia in the minorite house in Bettona, a fortified village about twelve miles southeast of Perugia and twenty northeast of Todi. Francesco, a member of one of the most powerful lineages of Todi's urban elite, led a group of prominent members of Todi's governing class. Next to him stood his brother, Polello, and other members of his clan. They had all come to submit to the authority of Pope John XXII, and to accept the inquisitor's verdict and the penance he judged appropriate for their crimes. They also swore "to answer and tell the truth about everything they would be questioned on regarding themselves or others."<sup>210</sup> Friar Bartolino then proceeded to interrogate individually each person present in order to ascertain the degree of their involvement in the crimes that were still being perpetrated in Todi against the Catholic faith and the authority of the Church. Satisfied with the arguments presented by the defendants, and by their acceptance of his authority, Friar Bartolino sentenced them to pay a monetary fine. As he pointed out, their lawyer had been openly challenging the inquisitor's jurisdiction, and the defendants had refused to present themselves at the trial. For their contumacy Friar Bartolino had excommunicated them. Because they had persisted in their errors for so long, he now fined them one-hundred florins each to be paid within a month.<sup>211</sup>

This anecdote might strike us as odd in some of its details: Francesco and his friends and relatives had been excommunicate for a few months already when they showed up before the inquisitor. Their defense had been carried on by a procurator whose initial strategy was to file an objection (*exceptio*) that challenged the inquisitor's right to prosecute his clients. When Francesco and his friends eventually opted to stand trial, all they did was admit some of the

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<sup>210</sup> ASV, Camera Apostolica, Introitus et exitus, 104, fols. 104r, 104v.

<sup>211</sup> *Ibid.*, fol. 109v.

accusations, deny others, and ask for forgiveness, and that was enough for Friar Bartolino. Furthermore, the inquisitor was forced to hold his tribunal in Perugia or in nearby castles because he was not allowed to enter Todi's territory. If our notion of medieval inquisitions into heresy has been shaped by how modern historiography has treated inquisitorial practices in southern France, then we might be struck by the ease with which Francesco and his friends opposed the inquisitor.<sup>212</sup> Friar Bartolino did not attempt to detain them, nor at any moment did he threaten them with the possibility of torture, even when their story conflicted with his.

In order to contextualize this case within broader contemporary discourses on heretical behavior, this chapter traces first the creation of a new category of heresy, ghibellinism. Synthesizing the work of scholars who have recently discussed Pope John XXII's revived fight against heretics, this section makes a new argument that links the exponential growth of heresy trials to John's effort to legitimize his pontificate, and his authority in central Italy, from Avignon, far from Rome. The chapter moves then to the reconstruction of procedural rules for conducting an inquisition into heretical depravity. Mostly drawing from the record of Friar Bartolino's trial, this section also brings in previous studies that have discussed procedural law on the basis of the work of thirteenth- and fourteenth-century jurists and canonists. Finally, I will focus on the actions with which the people accused of heresy by Friar Bartolino responded to the

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<sup>212</sup> The literature on inquisition in southern France is extensive. I will thus limit myself to mention the most important recent scholarship. James B. Given, *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc* (Ithaca-London: Cornell University Press, 1997); John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001); Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245-1246* (Princeton: Princeton University Press, 2001); R.I. Moore, *The Formation of the Persecuting Society: Authority and Deviance in Western Europe, 950-1250*, 2nd Ed. (Oxford: Blackwell, 2007); R.I. Moore, *The War on Heresy* (Cambridge, Mass.: Belknap-Harvard University Press, 2012); Caterina Bruschi, *The Wandering Heretics of Languedoc* (Cambridge: Cambridge University Press, 2009).

charges, appropriating and manipulating the trial to advance their own interests. This will place Friar Bartolino's inquisition into the local context of the long-lasting friction between the governing elites of Todi and papal attempts at imposing supra-urban forms of authority. Therefore, though in my discussion of inquisitorial procedure I draw from a wide array of evidence not limited to any specific geographic area, nonetheless the focus will remain on Todi and on the local context. Only such a sharp focus can provide us with the level of detail necessary for the holistic understanding of inquisitorial trials for heresy that I propose.

Before proceeding any further I feel the urge to reiterate a point that Henry Ansgar Kelly made already in 1989, and even then his argument was not new.<sup>213</sup> Kelly criticized two misuses of the term "inquisition." The first, when the word is capitalized and given a definite article, as in "the Inquisition," is its use to indicate a centralized pan-European office. As Kelly noted, scholars generally agree that this was not the case in the Middle Ages, as there was no such thing as a distinct centralized bureau that prosecuted heresy. There were only papal-appointed inquisitors and bishops who exercised their jurisdiction on a local or provincial level. The second abuse of the term "inquisition" that Kelly underlined has more subtle implications for our understanding of medieval inquisitorial practices and is often overlooked. This involves the use of the term "inquisition" with the restricted meaning of a prosecution for the crime of heresy. As I have previously mentioned, and as Kelly has already stressed, the Latin term *inquisitio* was adopted in the Middle Ages to indicate a legal procedure, that of the inquiry and trial *ex officio* that a judge could initiate under certain circumstances without the need for an accuser or plaintiff to file a charge against the defendant.<sup>214</sup> The unstated implications of using the generic term

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<sup>213</sup> Henry Ansgar Kelly, "Inquisition and the Prosecution of Heresy: Misconceptions and Abuses," *Church History* 58 (1989), 439-451.

<sup>214</sup> On the development of the inquisitorial procedure within ecclesiastical courts, see:

“inquisition” to indicate what medieval people qualified as *inquisitio hereticae pravitatis*, inquisition into heretical depravity, are that it is often implied or assumed that a papal inquisitor, that is, a judge who opened a trial *ex officio* for the crime of heresy, somehow had more powers than a normal judge. This has led scholars to overstate inquisitors’ uses of brutal methods like torture, and it has led to the misconception that the defendants had no rights during a trial for heresy, and that once the accusation was brought against a person he or she was likely to be sentenced to the stake.<sup>215</sup>

Certainly, torture was an option, and some inquisitors abused the powers of their tribunals, but people understood that these were misuses and denounced them as injustices. Moreover, papal-appointed inquisitors received their jurisdiction to prosecute heresy from an *ad hoc* mandate of the pope, who delegated them to prosecute heresy within a specific region and for a specified amount of time. As judges delegate, their jurisdiction could overlap and conflict with the purview of ordinary judges, which in the case of heresy were the local bishops. People were aware of this conflict and indeed used it to their advantage, as we will see in greater detail later.

This is all to say that we need to take papal-appointed inquisitors out of the aura of arbitrary power that some modern historiography and much popular opinion has assigned to them, and consider medieval inquisitions into heretical depravity for what they were: a trial with

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Kenneth Pennington, “Introduction to the Courts,” in *The History of Courts and Procedure in Medieval Canon Law*, 3-29; and his other contribution in the same volume, Kenneth Pennington “The Jurisprudence of Procedure,” in *The History of Courts and Procedure in Medieval Canon Law*, 125-159.

<sup>215</sup> See James Given, “The Inquisitors of Languedoc and the Medieval Technology of Power,” *American Historical Review* 94 (1989), 336-359.

clear procedural rules that regulated the functioning of the tribunal and the legal powers of the judge and guaranteed the rights of the defendants.

#### **4.1 The Heresy of Ghibellinism**

When Jacques Duèse was elected pope in August 1316 with the name of John XXII, the papacy was facing serious challenges to its authority throughout Christendom. Pope Boniface VIII's (d. 1303) policies had revealed the vulnerability of the papacy, exposed as it was to the factional strife of the Roman baronial families that controlled the college of cardinals. The political situation in Rome was rather unstable, like in many other urban centers in central and northern Italy throughout the thirteenth and fourteenth centuries. But things in Rome were complicated by the vast power of the Roman barons. Thus, each pope had to confront not only the expansionist efforts of the Roman commune, but also the struggles between the urban elites that controlled it and the great baronial lineages of the Roman contado, who were also engaged in a constant battle to control the remunerative appointments to the papal curia and the election of new popes. The resulting instability pushed each pope to spend less and less time in Rome. Furthermore, as most popes belonged to one of the baronial lineages and were thus the expression of local power dynamics and family alliances, many popes spent an increasing amount of time in their family possessions in the countryside and nearby towns and cities. This estrangement from the city encouraged a revision of the rituals of papal accession, which became detached from its traditional episcopal seat of the Lateran, and assumed a more universal character.<sup>216</sup>

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<sup>216</sup> Joëlle Rollo-Koster, *Avignon and its Papacy, 1309-1417: Popes, Institutions, and Society* (Lanham: Rowman and Littlefield, 2015), 25.



When Boniface VIII tried to elevate his office above any other authority in Christendom, he clashed with the French monarch, Philip the Fair. Boniface followed in the footsteps of his predecessors, taking great care in regulating symbolic representations of his persona so as to highlight the unity of the pope's body as the coherent living image of the body of the Church.<sup>217</sup> Boniface's bull *Unam Sanctam* (1302) epitomized his conception of the supremacy of the spiritual power of the pope over any other monarch on earth. In it the pope firmly asserted the unity of the Church as a single body, with Christ and his vicar, the pope, as its only head. The bull was issued after a series of quarrels with Philip the Fair for his taxation of ecclesiastical property, which Boniface viewed as a threat to the independence of the Church from secular meddling. Philip's reaction was firm: he had Boniface accused of heresy for his assertions, and then sent his counselor to arrest the pope at his family fief of Anagni. The whole enterprise was successful thanks to the king's alliance with the Colonna clan, who were inveterate enemies of the Caetani pope. Boniface was captured, humiliated, and died a few days later. His demise was clear evidence that Rome and his hinterland were not a safe place for the papacy. In a city and region riven by baronial factionalism, every pope would have been at the mercy of the shifting alliances of the Roman nobility.<sup>218</sup>

Boniface's short-lived successor, Benedict XI, did not have enough time to deal with the issue, but Benedict's successor Clement V had to face the pressure of the French monarch to initiate a trial against Boniface, while also weighing the dangers of Roman politics. He abrogated *Unam Sanctam*, as a concession to Philip, and preferred to avoid Rome altogether. Clement abandoned the more extreme elements of Boniface's policy that asserted papal supremacy over

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<sup>217</sup> Agostino Paravicini Bagliani, *Boniface VIII: Un pape hérétique* (Paris: Payot and Rivages, 2003), 231-253.

<sup>218</sup> Joëlle Rollo-Koster, *Avignon and its Papacy*, 31.

any secular ruler. He also altered the composition of the college of cardinals, promoting many prelates who were close to the French king and thus limiting the monopoly that the Roman baronial families had had until then.<sup>219</sup> Clement convened an ecumenical council to deal with the debate over apostolic poverty that was tearing apart the Franciscan order, with dangerous implications for the authority of the pope as an interpreter of Francis's Rule.<sup>220</sup> The council, which met in Vienne in 1311, also had to deal with the pressing issues of Philip's arrest of the Templars and with the accusations of heresy launched against Boniface VIII. In order to remain closer to Vienne while preparing for the council, Clement had decided to settle in Avignon. A papacy away from Rome was not a novelty, particularly during moments of unrest in the city. Besides, with the celebration of the council of Vienne, which resolved many of the issues facing his pontificate, Clement succeeded in projecting a unified image of the Church gathered around the figure of the pontiff. However, the contentious policies of his successor, John XXII, reopened many of those issues that Clement had apparently resolved. John's intervention in the Franciscan dispute on apostolic poverty and in the election of the new Roman emperor Ludwig IV of Bavaria exposed his pontificate to a series of debates that now targeted the very authority of the pope.

Despite his advanced age at the time of his election to the pontificate (he was seventy-two), John occupied the papacy for eighteen years, leaving an indelible mark on papal administration. Faced with the task of defining and maintaining papal authority while residing far

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<sup>219</sup> Ibid., 35.

<sup>220</sup> On the Franciscan dispute over Apostolic poverty and on the council of Vienne, see: David Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century After Saint Francis* (University Park, Pennsylvania: The Pennsylvania State University Press, 2001); Louisa A. Burnham, *So Great a Light, So Great a Smoke: The Beguin Heretics of Languedoc* (Ithaca: Cornell University Press, 2008).

from Rome, he relied heavily on inquisitorial procedure as a way to reassert the pope's supremacy over religious and secular matters. As John ascended to the papal See, he shared with other high members of the ecclesiastical hierarchy the view that the Church was under renewed attack on many fronts. Inquisitors and theologians throughout the thirteenth century had stressed the ancient roots of the heresies that they were facing. That vision shaped their rhetorical construction of heretical belief in their treatises and the questions they posed to identify and suppress heretical practices. John's papacy, in contrast, promoted the feeling that Christianity was plagued by new forms of heretical behavior, which, because of their novelty and unfamiliarity, required a more meticulous investigation to recognize their characteristics and repress them. It would require all the tools at the disposal of the Church to protect fellow Christians and increase their awareness of the imminent threats posed by heretics. For John XXII the first step toward an efficient repression of heterodoxy had to be its identification. The pope initiated a practice of regular consultations of theologians and canonists to collect, synthesize and elaborate on the many doctrinal facets of new heresies.<sup>221</sup>

It was within this renewed fight against heresy that John built the authority of his pontificate. His response to the Franciscan debates over the poverty of Christ was thus affected by his intransigency and very quickly alienated even the more moderate fringes of Saint Francis's order that up until then had relied on the papacy as a possible mediator. In 1317, John summoned the Franciscans from their houses in Narbonne and Béziers to the papal court in Avignon. They had to answer to very serious charges that included expelling their superiors and seizing their houses by force. The Franciscans of Narbonne and Béziers constituted only one

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<sup>221</sup> Irene Bueno, *Defining Heresy. Inquisition, Theology, and Papal Policy in the Time of Jacques Fournier*, trans. Isabella Bolognese, Tony Brophy and Sarah Rolfe Prodan (Leiden: Brill, 2015), 151.

arena of the controversy over the correct interpretation of the rule. Other groups from Tuscany, the March of Ancona, and individual members of the order such as Angelo Clareno and Ubertino da Casale were all involved in contesting their superiors on the correct interpretation of Francis's notion of poverty. The dispute had serious repercussions for the ways in which these groups thought of themselves as more holy than the rest of the order because of their strict observance of the vow of poverty. But the various bulls issued by John XXII to resolve the dispute show that he saw the whole issue in terms of obedience to authority. He found it unacceptable that members of the order would criticize and act against the decisions taken by their superiors. In a series of bulls John condemned all those who rejected the authority of their superiors on the basis of their own interpretation of Francis's rule as rebels, heretics, and schismatics.<sup>222</sup> This provoked a mounting number of attacks on John's authority by huge sections of the order which, particularly in Italy, could rely on broad social and political support from the urban population.

Sections of the Franciscan order that so openly rejected John's authority acquired even more strength during John's quarrels with the newly elected emperor Ludwig IV of Bavaria and his Italian supporters. It was indeed in the relation with the German monarchy that John XXII forcefully advanced the notion of papal supremacy over any secular ruler. When John was elected pope, Emperor Henry VII had already died in August 1313 without a clear successor, leaving open the problem of the continuity of the titles and offices distributed by the deceased emperor. The matter was particularly pressing in regard to Matteo Visconti, who had received the title of imperial vicar in Milan and its contado, as well as Cangrande della Scala for Verona, and other leading members of local parties who had allied themselves with and supported Henry VII during his campaign in Italy. As soon as John became pope, he issued a series of bulls aimed

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<sup>222</sup> David Burr, *The Spiritual Franciscans*, 179-212.

at asserting his own authority and supremacy during an imperial vacancy. His bull *Si fratrum* from March 1317 addressed the issue directly, stating that since it was the prerogative of the pontiff to take charge of the empire while it was vacant, every person who had received the title of vicar from the late emperor had to publicly renounce it, as it was in the pope's power to appoint new imperial vicars. It is in this context—of John's attempts to lay claim to the powers of the emperor of the Romans—that we need to understand the trials that he initiated against the Italian Ghibellines throughout central and northern Italy: against the Visconti in Milan and the marquis d'Este in Ferrara in 1321; against the “idolatrous” in Recanati, in the March of Ancona, in 1320; against the Montefeltro and their supporters in Urbino, and against Muzio di Francesco in Assisi; as well as against more than one-hundred and sixty people in Todi in August 1329.<sup>223</sup>

In the bull *Vergentis in senium*, issued in 1199, Innocent III established the association of the crime of heresy with lèse-majesté. This identification was pushed even further during the papacy of John XXII. Sylvain Parent has clearly shown the relation between imperial and papal rhetoric regarding the crime of rebellion. He points out that the language used in the 1320s during the various trials against the rebels of the Church in Italy was borrowed from Emperor Henry VII's trial and sentence against Robert of Naples, accused of rebellion and condemned in

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<sup>223</sup> On Pope John XXII's uses of inquisitorial trials for heresy, see: Sylvain Parent, *Dans les abysses de l'infidélité. Les procès contre les ennemis de l'Église en Italie au temps de Jean XXII (1316-1334)* (Rome: École française de Rome, 2014); Parent, “Entre rébellion, hérésie, politique et idéologie: remarques sur les procès de Jean XXII contre les rebelles italiens,” in *L'età dei processi. Inchieste e condanne tra politica e ideologia nel Trecento*, ed. Antonio Rigon and Francesco Veronese (Rome: Istituto Storico Italiano per il Medio Evo, 2009), 145-179; Stefano Brufani, “I processi inquisitoriali ‘politici’ contro i ribelli al tempo di Giovanni XXII. Riflessioni su un concetto,” in *Una strana gioia di vivere: a Grado Giovanni Merlo*, ed. Marina Benedetti and Maria Luisa Betri (Milan: Biblioteca Franciscana, 2010), 167-180; Mariano d'Alatri, “Gli idolatri recanatesi secondo un rotolo vaticano del 1320,” *Collectanea Franciscana* 33 (1963), 82-105.

contumacy.<sup>224</sup> The trial generated a proliferation of polemical and juridical writings on what defined rebellion and how to proceed juridically in order to bring rebels to trial. More specifically, Henry's constitution *Ad reprimendum* established the possibility of using summary procedure to reach a verdict even in the defendant's absence. Pope Clement V responded directly to this imperial decree by issuing the decretal *Pastoralis cura*, which, among other things, established that the defendants could not be summoned to stand trial in an unsafe location. More importantly, Clement V issued the decretal *Saepe* in 1306, defining the rules for the summary procedure. Unlike the imperial decree, the papal bull stressed the importance of due process of law even when adopting summary procedure. In short, Clement asserted the need to provide defendants with all the guarantees needed to protect their rights during a trial. These bodies of competing legislation constituted the basis for a widespread reflection on the nature of the powers exercised by the emperor and the pope, and occasioned a number of polemical writings on both sides that involved people like Dante, who wrote his *De monarchia* in defense of Henry's actions, and Bartolomeo da Capua, who defended Robert of Naples.<sup>225</sup>

The inquisitors that John XXII appointed against the Visconti did not start a trial into the crime of heretical depravity. The trial, initiated in November 1317, was instead meant to pressure Matteo Visconti to give up the title of imperial vicar and release the prisoners from the della Torre family that he detained against the will of the Church.<sup>226</sup> The accusations against Matteo centered around the crime of tyranny, defined as violent and unlawful rule that made the Visconti enemies of the peace. The trial started after the failed mission of Bertrand de la Tour and Bernard

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<sup>224</sup> Sylvain Parent, *Dans les abysses de l'infidélité*, 41-43.

<sup>225</sup> *Ibid.*, 44-45.

<sup>226</sup> *Ibid.*, 67.

Gui sent to Lombardy by John XXII to negotiate with Matteo Visconti.<sup>227</sup> It was only after a witness presented himself in Avignon in 1320 to testify against Matteo Visconti and some of his closest councilors that a new trial for the crime of heresy was opened. The witness, Bartolomeo, described how Matteo and his associates had sought to use sorcery to kill the pope. They had summoned Bartolomeo and ordered him to perform a lethal ritual using a statuette with the appearance of John XXII. Bartolomeo refused and for that reason Matteo had him tortured. In his testimony, Bartolomeo made a detailed report of Matteo's accusations against John XXII. He recalled Matteo saying that John was not the legitimate pope and that he was precipitating the whole world into error. It should be noted that Bartolomeo testified before a committee composed of persons belonging to the closest circles of John's curia: Bertrando del Pogetto, who was named papal legate in northern Italy few months after this episode; Arnaud de Via, already appointed to the trial of the bishop of Cahors; and Pierre Tessier, who was also involved in that trial, and had also tried one of the Franciscan leaders, Bernard Delicieux.<sup>228</sup>

In the effort to legitimize his pontificate, which faced opposition on multiple fronts, John and his circle of intellectuals and jurists focused on the person of the pope as the embodiment of both religious and political authority. Their response to the dispute over Franciscan poverty shifted the terms of the debate, making it a matter of obedience to papal authority. The main accusation that the inquisitor Bartolino da Perugia leveled against the friars from the Franciscan house of San Fortunato in Todi cited their rejection of John's constitutions *Ad conditorem canonum*, *Cum inter nonnullos*, and *Quia quorundam mentes*.<sup>229</sup> Rejection of John's bulls constituted a heretical act that allowed the inquisitor to identify the schismatic friars, or as he

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<sup>227</sup> *Ibid.*, 53.

<sup>228</sup> *Ibid.*, 70-71.

<sup>229</sup> ASV, *Introitus et exitus*, 104, fols. 13r, 13v.

called them “pseudo-friars.” The whole controversy of apostolic poverty was thus reinterpreted as an issue of obedience to the pope. Similarly, the trial against the Visconti, which initially targeted Matteo as a tyrant who had imprisoned his political adversaries from the della Torre family and had usurped the title of imperial vicar, was suddenly refocused around the person of the pope. Matteo’s crime was thus redefined as an attempt on the life of the pontiff. His illegitimacy as a tyrant manifested itself in his association with the devil and his use of magic to try to murder John XXII. Bartolomeo’s testimony created the image of the Ghibelline tyrant who partnered with the devil in order to preserve his power. Matteo’s illegitimacy was originally defined in terms of his unwillingness to give up the title of imperial vicar that was bestowed on him by the deceased Emperor Henry VII; but after 1320, his persistent refusal to accommodate John’s requests and accept his authority was framed within discourses of heretical depravity. In 1322 the trial for heresy against Matteo Visconti brought these two elements together, linking the crime of tyranny with heresy, and making ghibellinism another heresy.<sup>230</sup>

#### **4.2 Inquisition into Heretical Depravity: Legal Procedure and the Rights of Defendants**

The inquisitorial procedure, which was systematized by Pope Innocent III (d. 1216), was likely in use before his pontificate. Its procedural norms and their rationale developed for the prosecution of crimes committed by clerics, as a sort of disciplinary action, in the absence of a clear accuser or plaintiff that could bring the case before an ecclesiastical court. The bishop, ordinary judge within his diocese, had the duty to seek out and prosecute crimes committed by clerics in his diocese. The procedure became particularly useful for the prosecution of heresy.

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<sup>230</sup> Sylvain Parent, *Dans les abysses de l’infidélité*, 85; Jacques Chiffolleau, “Avouer l’inavouable: l’aveu et la procédure inquisitoire à la fin du Moyen Âge,” in *L’aveu: histoire, sociologie, philosophie*, ed. Renaud Dulong (Paris: Presses Universitaire de France, 2001), 63.



The development of inquisitorial proceedings found a strong moral justification in the principle that “it is in the interest of the public good that crimes do not remain unpunished.”<sup>231</sup> In the absence of an accuser, *fama*—public reputation—functioned as the leading cause that moved the competent judge to begin an investigation *ex officio*. *Fama* embodied the whole community. It was as if the whole collectivity was damaged by the crime, and thus the collectivity as a whole had the right to bring the case to court. Thus, the first necessary step to start an *inquisitio ex officio* was the existence of *fama* or *clamor* about the crime.<sup>232</sup> That is, the judge had to receive news that a crime had been committed. This was the case both in ecclesiastical and secular courts whose judges were allowed to adopt the inquisitorial procedure for the prosecution of certain crimes.

The people who assembled the 1355 register of Friar Bartolino’s inquisition were very careful about organizing the documents of his inquisition to highlight the ordered sequence of procedural steps that had structured Friar Bartolino’s inquest and trials. This was a calculated response to the 1355 appeal that many Todini lodged against his final sentences, which centered on a series of procedural objections. The register is divided into three distinct sections, recording the inquisition and trial against the friars minor of San Fortunato of Todi, the laymen and the clergy of Todi, and the laymen and clergy of Amelia, a city that was one of Todi’s subject communities. In all these sections, *fama* plays the main role as the trigger of Friar Bartolino’s inquiry.

The accusations leveled against the Franciscans of San Fortunato, as we mentioned already, focused on their rejection of John XXII’s bulls that disciplined the interpretation of

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<sup>231</sup> Kenneth Pennington, “The Jurisprudence of Procedure,” 140.

<sup>232</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 35.

Francis's rule regarding the vow of poverty and obedience to superiors within the order. The first folios of this section contain Friar Bartolino's gathering of various testimonies that eventually made manifest the existence of a *fama* of the crimes perpetrated in Todi and in other cities against the catholic faith. During this preliminary stage of the investigation, the inquisitor was interested in assembling a number of testimonies that would allow him to piece together and reconstruct a narrative of events that he could then verify through more specific questions to other witnesses. All of the testimonies recorded in the register that can be circumscribed within this phase of the inquiry stress the broad notoriety of the events recalled. Thus, Friar Rainaldo da Todi on 2 August 1329, was recorded as saying that "it is public voice and *fama* among the friars minor of Narni that Friar Marino da Terni ... is a protector and supporter of the rebel friars of Todi."<sup>233</sup> *Fama* could also target a specific person as the perpetrator of the crime. Friar Paolo di Telli da Todi was thus recorded saying that "it was public voice and *fama* among the friars minor of the custody of Todi that the protectors and supporters of the rebel friars of Todi ... are Friar Paolo da Arrono, Friar Angelo da Baschi, Friar Nicolao da Alviano ..." The notarial formula "it is public voice and *fama*" that framed the written record of Friar Rainaldo's and Friar Paolo's testimonies was meant to show that their statements were not simply personal accusations, but the manifestation of public *fama* denouncing a crime on behalf of the collectivity. This quality of Friar Rainaldo's testimony was emphasized in the following account of the inquisitor's actions. On the same day and place, in the presence of the same witnesses, "the aforementioned Friar Bartolino, hearing that there were other rebel friars in Todi and in Narni, and since the inquisitor could not personally go to the aforementioned custodies, he appointed Friar Rainaldo da Todi ... as his vicar, to collect any deposition that he will come upon against the friars of the

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<sup>233</sup> ASV, Introitus et exitus, 104, fols. 2v, 3r.

aforementioned order rebel to the holy pontiff.” Thus, after receiving *fama* of the crime, the inquisitor set out to investigate the issue further, delegating another person to collect any testimony he could find on the matter.

After having assessed the existence of *fama* of the crime and of the alleged perpetrators, the inquisitor proceeded to gather incriminatory evidence. Having yet to define a clear list of charges against specific persons, the inquisitor was still selecting and piecing together the different information he could collect. This part of the procedure was protected by secrecy.<sup>234</sup> During this phase the judge was not required to inform the suspects that they were under investigation. In this phase the inquisitor could avail himself of sworn witnesses who would take an oath to tell the truth (*de veritate dicenda*).<sup>235</sup> Having thus collected enough testimonies that confirmed the *fama* of the crime, the inquisitor constructed a narrative of the events constituting the crime, making sure that the events were organized into a clear list of charges, and a list of the accused. This had to be recorded by a notary in the inquisitor’s register and constituted an essential component for initiating the trial. At this point, the inquisitor/judge had all he needed to claim the existence of *fama*, which he had already reconstructed thanks to his secret investigation; he could thus draw up a formal list of the accused and summon them to answer the accusations and defend themselves before the tribunal. The inquisition had thus moved from the secret stage of the investigation into the crime to the actual trial of the defendants. Furthermore, once an official trial was opened against a specific person, the defendant had to be notified.

After collecting the various testimonies that confirmed the initial *fama* of the crime, Friar Bartolino opened two distinct investigations: one against the friars minor, and the other against a

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<sup>234</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 36-37; Jacques Chiffolleau, “Avouer l’inavouable,” 85.

<sup>235</sup> ASV, Introitus et exitus, 104, fols. 31r, 32v.

group of laymen and clergy. In the opening records of both investigations, the inquisitor listed all the names of the accused and provided a clear narrative of their crimes. The documents end with the statement that in all the previous crimes “the aforementioned inquisitor plans to investigate and to find the truth against each and everyone . . . , and in the aforementioned [crimes, he plans] to proceed against them [the defendants] in conformity with the *ordo iuris*”<sup>236</sup> Thus, the inquisitor emphasized that these crimes were to be prosecuted with full respect for the rights of the defendants.<sup>237</sup> This official document, which was recorded in the inquisitor’s register, also had to be notified to the defendants. Friar Bartolino first received news of the *fama* of the crimes perpetrated in Todi on 1 August 1329; he then drew up an official list of charges and accused on 10 September. The preliminary investigation had thus lasted about a month, during which the inquisitor collected and assembled a series of testimonies from sworn witnesses as he built his case against the accused. On the same day that he drew up the list of charges, Friar Bartolino sent an official summons to the defendants, in which he set a date for them to appear for their defense. The summons included a detailed list of accusations and a clear narrative of the events that the inquisitors had reconstructed and that provided the basis for his trial. The defendants were given fifteen days to appear in court, to be counted from the day the summons were hung on the door of the cathedral church. They would have received a warning every five days, and if they presented a reasonable excuse their hearing could have been postponed. However, if they would not show up in time without an acceptable excuse, they would be excommunicated.

I want to pause briefly on this point, because it will figure prominently in the 1355 appeal. The *libellus* presented by the plaintiff against Friar Bartolino’s sentences argued that one

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<sup>236</sup> *Ibid.*, 51r.

<sup>237</sup> Kenneth Pennington, “Introduction to the Courts,” 4.

of the reasons why Friar Bartolino's trial should be declared null was that he condemned in contumacy a number of people who in fact could not be considered in contumacy because they had not been summoned appropriately.<sup>238</sup> According to the Todini's procurators, Friar Bartolino's procedural errors had resulted in a violation of their clients' rights to due process of law, and were thus reason for the whole trial to be declared null. The *libellus* does not explain in what way the Todini were not summoned correctly, so we can only speculate on this point. It is possible that the procurators referred to the way in which the summons was delivered. Friar Bartolino appointed a nuncio to deliver the summons to Todi and hang it on the door of Todi's cathedral because, as he specified in the citation, his nuncios could not get safe direct access to the defendants.<sup>239</sup> For the same reason, Friar Bartolino had the summons read out loud and hung on the door of the main church in Assisi, Foligno, and Spoleto, so that the defendants could not miss the summons.<sup>240</sup> The procurators for the Todini might have objected that the summons had not been delivered to the domicile of the defendants, as was customary in other communes.<sup>241</sup> There is also no record that Friar Bartolino had his nuncio announce the summons three times during the fifteen-day limit he provided for the defendants' appearance in court. But there is another option that we need to keep in mind. The claim that the summons had not been correctly delivered did not necessarily need to correspond to what happened in reality. The claim could have been part of the notarial formulary required in order to file an appeal, objecting to alleged procedural errors of the trial. Massimo Vallerani has clearly demonstrated that when accusations were transformed into legal claims they underwent a process of translation from the events as

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<sup>238</sup> Mariano d'Alatri, "Documenti sulla vertenza del 1355/56 tra inquisizione e tudertini," *Collectanea Franciscana* 33 (1963), 302.

<sup>239</sup> ASV, Introitus et exitus, 104, fol. 55v

<sup>240</sup> Ibid.

<sup>241</sup> Kenneth Pennington, "Introduction to the Courts," 17.

they had happened into requisite legal formulae. Notaries or legal practitioners would thus make the events recalled by the actor fit into a predetermined number of legal formulae. Thus, in all the cases analyzed by Vallerani for just the first half of 1286 in Bologna, 116 legal actions were brought to court with the accusation that the defendant assaulted the plaintiff with a weapon, shouting “latro necesse est quod ego te occidat” (thief, it is necessary that I kill you).<sup>242</sup> It is clear that in all these cases the words reportedly pronounced by the assailant had nothing to do with whatever he may have said in reality, but rather constituted an essential component of the formulary that guided the notary as he drew up the accusation in accepted legal terms. Whatever the cause was for the procurators’ objections to the way Friar Bartolino handled the delivery of the summons, the issue was certainly considered a serious violation of the rights of the accused, one that jeopardized their ability to defend themselves properly in a court of law. It was thus a legitimate reason to ask for appeal and to declare Friar Bartolino’s trial null.

In a trial regulated by the *ordo iudiciarum*, the defendants had the right to be represented in court by a procurator and be assisted and advised by advocates who were competent in the law. We will see later what strategies the defendants followed in choosing their proctors. For the moment it is important to state that people accused of heresy in an ecclesiastical court had such a right and indeed used it. On the day set for the hearing, the procurators would appear in court and present their mandate to the judge. They would then present any objection against the beginning of the trial, if they had any. Two of the procurators who appeared before Friar Bartolino objected to his jurisdiction and asked him to exhibit his mandate, that is, the papal letter that delegated to him the prosecution of heresy in this jurisdiction. Usually, in other trials which adopted either the accusatory or the inquisitorial system of proof, the judge would present his mandate and declare

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<sup>242</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 122.

his legitimacy; then, the trial would proceed. In the specific case of Friar Bartolino's inquisition, the two procurators who presented their objections did not show up on the appointed date to hear the judge's response to their objection. Friar Bartolino thus excommunicated them and their clients.<sup>243</sup> Proctors or procurators could not stand in for the defendant during the trial; the defendant had to be physically present.<sup>244</sup> However, defendants could still request that the trial be delayed if they had good reasons that impeded them from being in court. On 9 October, the procurator Nicolao Manni requested that the hearing for his clients be postponed. He argued that his clients were barred by the imperial vicar Giovanni di Sciarra from leaving the city of Todi without his permission. Friar Bartolino granted the requested postponement.<sup>245</sup>

After the defendant's procurator had presented any objection and received the judge's response, the defendant himself had to appear in court. The defendant would swear to accept the inquisitor's jurisdiction and promised, under the penalty of a monetary fine, to carry out the penance that the inquisitor decided.<sup>246</sup> The judge/inquisitor would then have him swear an oath *de veritate dicenda* to respond truthfully to the judge's questions. These questions (*articuli generales*) were composed with reference to the charges listed in the summons. They were meant to prove the facts that the inquisitor/judge had reconstructed on the basis of his preliminary investigation, and most importantly, they were meant to ascertain the guilt of the defendant. The judge could then initiate a parallel secret inquiry to verify the truth of the defendant's answers.<sup>247</sup> It seems plausible that a list of the questions was given to the defendant. When Maschiolo Petruccioli could not present himself for trial, his procurator answered Friar Bartolino's

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<sup>243</sup> ASV, Introitus et exitus, 104, fols. 77r-79v.

<sup>244</sup> Kenneth Pennington, "The Jurisprudence of Procedure," 143.

<sup>245</sup> ASV, Introitus et exitus, 104, fols. 62v, 63r.

<sup>246</sup> *Ibid.*, 62r, 62v.

<sup>247</sup> *Ibid.*, 68r-69r.

questions on behalf of his client.<sup>248</sup> Maschiolo might have been allowed to know the list of questions, as an exceptional case, because his condition prevented him from appearing in court, but it seems more likely that the other defendants were given the same right. As we will discuss more in detail later, their answers to Friar Bartolino's questions proposed very similar arguments and were very likely coordinated and prepared beforehand, probably with the legal advice of their procurators.

After this phase, the accused still had the occasion to defend themselves. Although they were not permitted to produce witnesses nor question those interrogated by the inquisitor in his preliminary investigation, who remained secret, the defendants were still allowed to present their reasons and argue for their case. Within the dynamics of an inquisitorial trial for heresy, the defendants had to face a judge who had already created a version of the events through his preliminary investigation.<sup>249</sup> Unlike an accusatory trial, the defendants could not propose their own version of the events. They were limited to the narrative that the judge/inquisitor had crafted and thus had to build their defense within the parameters defined by the inquisitor's version of events. It has been argued that this striking difference between accusatory and inquisitorial systems of proof was a consequence of the different purposes of the trials and the different role assigned to the public authority of the judge.<sup>250</sup> In an accusatory trial, the judge was mostly a mediator, and the progression of the whole trial rested in the hands of the actor (accuser). The two parties would confront each other in a debate before the judge, respectively producing and counter-questioning witnesses, in order to allow the judge to establish a version of the events that

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<sup>248</sup> *Ibid.*, 75v.

<sup>249</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 79.

<sup>250</sup> For a discussion of the "evolutionary" theory of juridical structures and methods, see Massimo Vallerani, *La giustizia pubblica medievale*, 9, 19-20.



would come close enough to the truth. In an inquisitorial trial, on the other hand, the judge himself had the duty to reconstruct the truth and identify the people responsible for a crime. *Fama*, as previously mentioned, did not need to be verified by questioning the defendants. When the judge drew up the list of charges and produced the summons, it was because he had already crafted the truth. The role of the defendants would thus be limited to finding a reasonable justification for their behavior. This does not mean that the defendant walked into a tribunal that had already decided his guilt. The defendants could admit the crime but adduce justifications for their actions. Many of the people accused by Friar Bartolino claimed that their actions had been done under duress, because they were threatened by the opposing faction or because they feared for a greater danger.

Let us have a closer look at the hearing of Andrea di Ranuccio, one of the leading members of the faction that opposed the Chiaravalle clan in Todi and a supporter of the Popolo. Andrea's proctor, Nicolao Manni, who also represented Andrea's son and friends, appeared in court on 29 September 1329. He declared that he would not object to the trial and communicated to the tribunal that his clients were ready to accept the judge's jurisdiction and the penance he thought appropriate for their behavior. He asked Friar Bartolino to postpone the hearing for his clients. On 9 October, Andrea, his son and friends appeared before Friar Bartolino. They swore to accept the judge's penance under a monetary penalty. In the presence of Bonifacio da Mutina, doctor in canon law, Andrea told the tribunal that a few days before Friar Bartolino summoned him to court, he had sent his son, Francesco, to tell the inquisitor that Andrea was ready to submit to the judge's decision and accept his penance, "since whatever he did for 'the Bavarian,' he had done out of fear of death for his own person and for that of his sons and friends."<sup>251</sup>

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<sup>251</sup> ASV, Introitus et exitus, 104, fol. 65v.

Francesco, Andrea's son, was there by his father's side, and he testified that what Andrea said was indeed true. Friar Bartolino accepted that that was the case, and proceeded to question Andrea on the *articuli generales*. Questioned on the first article, whether he was present at any council meeting in which it was decided to invite Emperor Ludwig IV and the antipope Nicholas V to Todi, Andrea answered that he was not present, and that he was not aware of any decision taken within the council of Todi to invite the emperor to enter the city.<sup>252</sup> On this point we know for sure that Andrea was lying, because he had been appointed by the General Council to a restricted committee of twelve members with the specific task of deciding what the policy to adopt regarding the emperor's campaign.<sup>253</sup> Andrea maintained the same line of defense throughout his questioning. The second question he was asked was whether he left the city to welcome the emperor and the antipope and whether he showed reverence to them as if they were the true emperor and the true pope. Andrea answered that he indeed left the city to welcome Ludwig IV and show him reverence, but only in fear for his life. However, he specified that he did not show reverence to the antipope.<sup>254</sup> Andrea was thus very careful to not openly deny elements of Friar Bartolino's narrative that could be crosschecked by the inquisitor, such as his presence in the procession that met Ludwig IV outside the city gates. However, he offered Friar Bartolino a reasonable excuse for his behavior. He constantly maintained that his actions were dictated by fear of retaliation. We need to remember that, even though the defendants were not informed of the individual witnesses heard by the inquisitor, they were presented with the narrative that the inquisitor had reconstructed and claimed to be the *fama*, which was clearly recorded in the official summons. Andrea was thus aware of what Friar Bartolino knew, and so

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<sup>252</sup> *Ibid.*, 66r.

<sup>253</sup> ASCT, Riformanze, 22, fols. 118v-119r.

<sup>254</sup> ASV, Introitus et exitus, 104, fols. 66r-66v.

was able to shape his testimony to fit the inquisitor's narrative, manipulating that part of the story on which he knew that Friar Bartolino lacked information. On 24 October, Andrea's son, Francesco, presented himself before Friar Bartolino as his father's procurator. Francesco informed the inquisitor, on behalf of his father, that Andrea renounced any further defense and submitted to the judge's decision. He reminded the tribunal that what Andrea did in favor of the excommunicate emperor Ludwig IV, he had done in fear of death for himself, his son and friends, all of whom were faithful to the Church. On 31 October 1329, Friar Bartolino opened a secret investigation to confirm whether Andrea had told the truth.

We need to address an important question at this point. If Friar Bartolino did not believe Andrea's version of the story, why did he open a separate investigation? Why did he not use torture to test whether Andrea was indeed telling the truth? Very many scholars have written on the employment of torture by medieval tribunals in general and by papal inquisitors in particular.<sup>255</sup> It is widely accepted that inquisitors into heretical depravity appointed by the pope could not themselves apply torture but had to rely on secular authorities to administer torture.<sup>256</sup> However, this still leaves open the issue of the frequency with which secular authorities were allowed to apply torture, even when requested to do so by a papally-appointed inquisitor, and to what ends. Some historians still argue that torture was widespread among medieval tribunals as a

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<sup>255</sup> For a detailed discussion of the debate on the use of torture in medieval tribunals, see Kenneth Pennington, "Torture and Fear: Enemies of Justice," *Rivista internazionale di diritto comune* 19 (2008): 203-242.

<sup>256</sup> Yves Dossat, *Les crises de l'Inquisition Toulousaine au XIIIe siècle (1233-1273)* (Bordeaux: Imprimerie Bière, 1959), 211-215; Piero Fiorelli, *La tortura giudiziaria nel diritto comune*, 2 vols (Milan: Giuffrè, 1953), 1:80; Kenneth Pennington, *The Prince and the Law, 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley and Los Angeles: University of California Press, 1993), 157-164.

means to force a confession.<sup>257</sup> These arguments about the extensive use of torture are the product of modern misconceptions about the primitive stage of medieval tribunals.

Medieval jurists were concerned about the adoption of torture and some, at least, were aware of its limited value as an instrument to discover the truth. Torture could have forced a confession that was not true, but only meant to stop the pain and appease the judge. That was why a confession obtained under torture was not valid if not confirmed afterwards in the courtroom and if not substantiated by other evidence. The use of torture was strictly regulated to fit the ability of individual persons to endure pain. Most importantly, the judge could not arbitrarily decide to apply torture just because he did not have enough evidence to decide on the defendant's guilt. Alberto Gandino, one of the most famous thirteenth-century jurists, wrote extensively on whether and in which cases torture could be used by the *podestà*. Although his discussion was framed within the boundaries of secular municipal jurisdiction, it does reflect broader concerns and awareness about the adoption of torture. It also shows the intense debate that the use of torture as an instrument of proof generated in the thirteenth and fourteenth centuries. Gandino was clear in his discussion: no one could be tortured without compelling evidence of their guilt. Furthermore, a confession obtained under torture did not alone constitute compelling evidence for condemnation. The same was true, according to Gandino, for confessions made under fear or threat of torture.<sup>258</sup> If we think that jurists' debates about the

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<sup>257</sup> Kenneth Pennington addresses the issue in relation to secular courts in medieval Italian communes. See Kenneth Pennington, "Torture and Fear," 213. Arguing against Sarah Rubin Blanshei and Laura Ikins Stern (Sarah Rubin Blanshei, *Politics and Justice*, 320; Laura Ikins Stern, *The Criminal Law System of Medieval and Renaissance Florence* (Baltimore and London: The Johns Hopkins University Press, 1994), 211), Pennington shows the numerous legal restrictions that were imposed on secular authorities for the application of torture in court proceedings. See also Massimo Vallerani, *La giustizia pubblica medievale*, 230-231.

<sup>258</sup> Kenneth Pennington, "Introduction to the Courts," 15.

dangers of torture for reaching a verdict would not necessarily find confirmation in the practice of medieval tribunals, we need to remember that city statutes throughout northern and central Italy included legislation that strictly regulated the use of torture. The Bolognese statute of 1288 established an elaborate procedure for applying torture. If the judge thought he had sufficient evidence to justify the employment of torture against the defendant, his decision was not final. The defendant's testimony had to be heard before a committee of four city officials, two of whom had to be judges. Then, the capitano del Popolo had to examine the request. And if he consented, torture had to be applied in the presence of a notary, six anziani, and a member of defendant's family. The family of the defendant had also the right to accuse the magistrates and take them to court if these procedure was not followed.<sup>259</sup> An important component of the legislation about torture was linked to social status and *fama*. In this case *fama* (also called *opinio, status, dignitas*)<sup>260</sup> referred to the reputation of the defendant, what people thought of the defendant as a person. A person's status conditioned the decision of the judge and affected the acceptability of applying torture.<sup>261</sup>

While most of the evidence for the procedure followed for the application of torture comes from secular courts, there is no reason to think that the practice was different in ecclesiastical courts. In fact, ecclesiastical courts could not administer torture on their own. Torture had to be applied by the secular authorities. In northern and central Italy there were ample restrictions on secular municipal authorities for the employment of torture. While these regulations might have been more relaxed in the kingdom of France, where most of the scholarship on inquisitorial practices against heresy has focused, we cannot overlook the

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<sup>259</sup> Ibid., 13-14.

<sup>260</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 48.

<sup>261</sup> Ibid., 48-49.

widespread concerns among legal practitioners and political elites on the arbitrary use of torture. Furthermore, there were points of frictions between the jurisdiction of a papal inquisitor delegated for the prosecution of heresy and the claims of other jurisdictions to prosecute the same crime. The jurisdiction of inquisitors delegated by the pope fit within a multi-layered system of authorities: municipal, imperial, episcopal, and papal rectors and nuncii. As we will see in greater detail in the last part of this chapter, people were aware of the conflicts generated by the overlapping of multiple jurisdictions and were willing to use them to their advantage.

This brings us to one last element of the inquisitorial procedure of a papal-delegated inquisitor that we need to address: the defendant's right of appeal. In 1355, the heirs to the people Friar Bartolino sentenced as heretics appealed to the pope to revise the inquisitor's decisions. Their request rested on a series of procedural errors that they claimed invalidated the trial. We have already discussed one of them: the mistakes in summoning the defendants to court. The other reason was the illegitimacy of the judge.<sup>262</sup> Of course, the reasons adduced by the Todini's procurators might have more to do with the notarial formulae necessary to request that a sentence be nullified, rather than with the underlying facts of the case. But the two things are not always that easy to separate, and the choice of these legal formulae to present the request of appeal had important repercussions for the definitions of the powers of the judges delegate in relation to the ordinary judge for the prosecution of heresy in Todi's territory, the bishop.

The appeal followed the procedure of an accusatory trial. The procurators of the Todini, ser Giovanni and ser Luca, lodged an appeal to the pope, the authority who had delegated Friar Bartolino to the prosecution of heresy; the pope then appointed a judge in the person of Bishop Filippo of Ferrara, rector of the Duchy of Spoleto, to hear the case. The judge summoned the

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<sup>262</sup> Mariano d'Alatri, "Documenti sulla vertenza," 302.

papal inquisitor Simone who resided in Assisi and the treasurer of the Duchy for the Roman Church, who was also tasked with collecting the goods confiscated from those sentenced for heresy,<sup>263</sup> to act as defendants. The appeal inverted the roles of the parties involved in Friar Bartolino's trial: the defendants had become the actors and the inquisitor was now the defendant, who had to justify the actions of a previous inquisitor. On 5 June, both parties appeared in court before the judge, Bishop Filippo of Ferrara, to show their mandates, and the judge set a day for the court hearing. On 9 June, the inquisitor Simone, the defendant, presented his preliminary objections to the trial, against the mandate of the Todini's procurators and against the papal mandate of Bishop Filippo. The judge then rejected the inquisitor's objections and allowed ser Giovanni and ser Luca to present the *libellus*. The defendants presented their objections to the legitimacy of the *libellus*, which were also rejected by the judge, allowing the trial to proceed to the specific contents of the *libellus*. There is no need to reconstruct here all the steps of an accusatory trial, since other scholars have done that in remarkable details.<sup>264</sup> However, the possibility of an appeal from a papal-appointed inquisitor into heretical depravity changes the way we have so far understood the role of the defendant in medieval prosecutions for heresy. People charged with heresy in an ecclesiastical court by a papal-appointed judge did not passively accept the inquisitor's verdict. They could and did actively use ecclesiastical courts to contest the inquisitor's authority.

#### **4.3 Inquisition, Heresy, and the Struggle to Define Legitimate Authority**

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<sup>263</sup> Ibid., 284.

<sup>264</sup> Massimo Vallerani, *La giustizia pubblica medievale*, 113-166.

We started this chapter with an anecdote describing Francesco di Beraldo's appearance in court before Friar Bartolino. As we have already mentioned, the inquisition against Francesco di Beraldo, his brother, and his friends and relatives fit within a series of trials initiated by Pope John XXII against the Italian Ghibellines, charged with the crimes of rebellion, tyranny, and heresy. These trials played a decisive role in John's strategy aimed at asserting papal authority in northern and central Italy against the imperial aspirations of the German monarch Ludwig IV "the Bavarian" and the claims of local elites. While this aspect of John's inquisitorial trials against the Italian Ghibellines has attracted much scholarly inquiry, very little attention has been devoted to the ways in which local communities reacted to this papal assertion of religious and political orthodoxy.

In 1327 the emperor-elect Ludwig IV of Bavaria crossed the Alps to claim the imperial crown in Rome. His election had been contested by Pope John XXII, who had excommunicated Ludwig in 1324. Ludwig reached Rome in January 1328, where he was crowned Emperor of the Romans by the Captain of the People Sciarra Colonna, the same fervent Ghibelline who had roughed up Boniface VIII twenty-five years earlier. Still deprived of papal recognition of his imperial authority, Ludwig issued a decree in which he deposed John XXII under accusations of heresy. He then appointed the Franciscan Pietro Rainalducci in his stead, christening him Pope Nicholas V. The population of many cities, in most cases already divided by internal factional strife, radicalized their positions by supporting or opposing the emperor's campaign. As the bishop of Amelia wrote to the Inquisitor Bartolino on 26 October 1329, when Ludwig entered the cities of Pisa, Viterbo and Rome, and at the time of his coronation in Rome, the people of Amelia took to the streets to celebrate. As the bishop reported, the people lit huge bonfires in honor of the heretical Bavarian, and they chanted loudly "Long live the Holy Emperor! Death to



the Roman Church! Jacques de Cahors heretic and Patarene! and, Pope John is a dog!”<sup>265</sup> The success of Ludwig’s campaign against Pope John XXII could have meant drastic changes for the position of the Church in the provinces of central Italy, and for the pope’s claims of overlordship over those regions.

When Ludwig withdrew from the peninsula by the end of 1328, Pope John XXII set about recovering those cities in the lands of the Church in which the pro-Ludwig faction had managed to establish control. One of the means the pope used to pressure local pro-imperial elites to accept papal authority was the deployment of inquisitorial trials for heretical depravity to prosecute the supporters of Emperor Ludwig IV. As part of a broader program of papal propaganda aimed at redefining the boundaries between orthodoxy and heresy, these trials played an important role in shaping contemporary discourses on the extent of papal authority in the lands of the Church.<sup>266</sup>

Much of the historiography on Pope John XXII has interpreted his employment of inquisitions into heretical depravity as a distortion of religious principles for merely political purposes. This has changed in the last couple of decades, together with broader changes in our understanding of medieval heresy and inquisition. Recently, scholars such as Stefano Brufani and Sylvain Parent have taken a fresh look at John’s trials.<sup>267</sup> Parent has suggested we need to

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<sup>265</sup> ASV, Introitus et Exitus, 104, fol. 142.

<sup>266</sup> Sylvain Parent, “Publication et publicité des procès à l’époque de Jean XXII (1316-1334). L’exemple des seigneurs gibelins italiens et de Louis de Bavière,” *Mélanges de l’École française de Rome* 119 (2007), 93-134.

<sup>267</sup> Sylvain Parent, *Les procès contre les ennemis de l’Église en Italie au temps de Jean XXII (1316-1334)* (Rome: École française de Rome, 2014); Parent, “Entre rébellion, hérésie, politique et idéologie: remarques sur les procès de Jean XXII contre les rebelles italiens,” in *L’età dei processi. Inchieste e condanne tra politica e ideologia nel Trecento*, ed. Antonio Rigon and Francesco Veronese (Rome: Istituto Storico Italiano per il Medio Evo, 2009), 145-179; Stefano Brufani, “I processi inquisitoriali ‘politici’ contro i ribelli al tempo di Giovanni XXII. Riflessioni su un concetto,” in *Una strana gioia di vivere: a Grado Giovanni Merlo*, ed. Marina Benedetti

interpret John's reliance on inquisitorial trials, and more specifically the broad publicity given to them, as an attempt to promote new notions of holiness and heresy that were first articulated within the intellectual and legal circles of his curia. Focusing on John's trials against the Visconti in Milan and the Este in Ferrara in the early 1320s, Parent analyzes the legal and theological patterns that brought accusations of tyranny and ghibellinism to be included in the always-growing list of heretical behavior.

These scholars' approaches allow us to move beyond the modern dichotomy between secular and religious when discussing medieval notions of heresy and their application to what we see as purely political institutions. However, it is an approach still limited by its view of inquisitorial trials as a one-sided process in which the inquisitor, and by extension the papacy to whom he responded, always had the leading role, both in defining the content of the accusation for heresy as well as in conducting the inquiry and issuing the sentence. This, I contend, was not always the case.

Francesco di Beraldo and all the other Todini accused of heresy for supporting Ludwig IV—more than one-hundred and fifty people, including laymen, members of the secular clergy, and Franciscan friars—resisted papal attempts at establishing the boundaries between heresy and orthodoxy. In doing so, they actively participated in shaping discourses on religious and political authority, negotiating notions of legitimacy, and defining the place of local communal institutions in relations to papal claims. Francesco's submission to the inquisitor in February 1330 should not suggest any passive acceptance of Friar Bartolino's authority. Francesco and his friends were not worried about imprisonment or torture. Most likely they thought it was more beneficial to stand trial instead of continuing to challenge the judge's legitimacy, as other

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and Maria Luisa Betri (Milan: Biblioteca Franceseana, 2010), 167-180.

members of Francesco's family were still doing. When Francesco and his friends appeared before the tribunal, they had already crafted a version of the events that did not fully contest the inquisitor's reconstruction of the *fama* of the crime, but that disagreed with it in key details. Despite the fact that his family clan and the urban faction they led stood accused by Andrea di Ranuccio and his family's allies, Francesco and his followers minimized their involvement with Emperor Ludwig IV. Francesco also pointed out that when he welcomed Ludwig IV outside of Todi, Andrea di Ranuccio was also there, helping him lead Ludwig IV's horse.<sup>268</sup> Although Francesco was not officially informed of Andrea's testimony, he could well have suspected Andrea of providing hostile information. Indeed, the two urban factions followed different strategies for dealing with Friar Bartolino's trial. A closer look at how they navigated the legal procedure of the trial, as well as their attempts to negotiate a resolution outside of the courtroom, shows how people in Todi used Friar Bartolino's investigation for their own advantage.

As individuals who were personally accused of heresy, people in Todi relied on legal experts to design their defense. Four lawyers from Todi, Nicolao Manni (later replaced by Giacomo Gualterelli) and Attavio Massei (later replaced by Pozio Vignozzi), handled the appeals of more than 160 people charged by the papal inquisitor. The choice of one or the other of the two teams of lawyers was dictated by party affiliation. Supporters of the Chiaravalle clan who led the Ghibelline party, relied on the legal expertise of Attavio. Followers and friends of the Atti clan hired Nicolao and Giacomo instead.<sup>269</sup>

Party affiliation had a clear impact on the strategy designed by the two procurators to build the case in favor of their clients. Nicolao and Attavio showed up at the trial on 29

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<sup>268</sup> ASV, Introitus et exitus, 104, fol. 105r.

<sup>269</sup> Ibid., fols. 60r-61v.

September 1329. Nicolao, on behalf of his clients, all supporters of the Atti clan, submitted to the authority of Friar Bartolino and accepted his jurisdiction as a true inquisitor delegated by the pope. Attavio, on the other hand, on behalf of his Ghibelline clients, rejected the inquisitor's jurisdiction, arguing that Friar Bartolino was not the legitimate and competent judge on the matter.

Local family and party dynamics also determined the official line of defense of the commune. As the two leading families and their party supporters competed for the leading position within the communal institutions, the official line taken by the commune shifted according to whether the Ghibelline Chiaravalle or Guelf Atti had the upper hand. On 29 September 1329, Giovanni Gerardi, the legal expert and syndic of the commune, walked to the trial together with the procurator of the Chiaravalle clan and their Ghibelline friends and supporters. His legal arguments against Friar Bartolino's inquisition were the same as those presented by ser Attavio.<sup>270</sup> But this line of defense was to change (at least initially) in 1331, when the Atti clan, their supporters, and members of the Popolo succeeded in gaining control of the communal councils and reforming the internal constitution of the commune in order to guarantee them a lasting grip on municipal institutions.<sup>271</sup>

In this context, Friar Bartolino's trial became a stage on which the two groups contending for control of the city could showcase their respective claims to rule the city and delegitimize their opponents. Friends and supporters of the Atti clan were quick to appropriate papal rhetoric against Ghibellines, and use it against the Chiaravalle and their friends. In October 1329, less than a month after their procurator's initial statement at the trial, Andrea di Ranuccio, the leading

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<sup>270</sup> Ibid.

<sup>271</sup> ASCT, Riformanze, 21, 22, 23, 24.

man of the Atti faction, showed up in person before Friar Bartolino, followed by his son and a group of his friends. As previously mentioned, they all publicly accepted the inquisitor's jurisdiction and renounced their right to file an *exceptio*. They all testified that their actions had been done under duress, that they had been threatened and feared for their lives and those of their friends and families. That was why, they claimed, they were forced to vote to elect Ludwig IV as their podestà. But they did not mean it as an act of rebellion against the Church. Indeed, they claimed, they never showed reverence to the antipope who was with Ludwig. Those who threatened them were the Chiaravalle and their allies. Their testimonies were filled with details about secret meetings between members of the Chiaravalle's clan, Ludwig IV, and the antipope Nicholas V.<sup>272</sup> Their individual testimonies were well coordinated, forming part of a common strategy to defend themselves and blame their opponents. Since they knew beforehand the accusations and the list of questions (*articulis generales*) to which they had to respond, they were able to prepare their defense carefully, drawing on the legal expertise of their lawyers.

The forum of the inquisitorial tribunal provided a space for those who contested papal authority to publicly express their dissent. Rules of legal procedure could be used to translate the guarantees they reserved to the defendant into broader claims that reached far beyond the immediate case on trial and challenged the very authority of the inquisitor and the pope who appointed him. At the beginning of the trial, ser Attavio, on behalf of his Ghibelline clients, filed an *exceptio* against Friar Bartolino. The *exceptio* was an act through which the defendant could raise doubts about the legitimacy of the trial, citing a series of well-defined reasons, such as the lack of good faith on the part of the judge. Ser Attavio's *exceptio* claimed that Friar Bartolino had no jurisdiction to prosecute his clients, and asked Friar Bartolino to present his letters of

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<sup>272</sup> ASV, Introitus et exitus, 104, fols. 74r, 88v.

credentials. The inquisitor was ready to present a copy of the papal bull that delegated to him the jurisdiction over the crime of heresy, and told ser Attavio to come back on the following day to examine the letter. Ser Attavio walked away instead, and did not show up on the next day. The decision to file an *exceptio* against the legitimacy of the tribunal and then not to show up again was an open act of defiance of inquisitorial authority, and by extension, of papal claims to prosecute the defendants as supporters of Ludwig IV.

Friar Bartolino's inquisition had ramifications outside the courtroom, as his trial was part of a coordinated effort to pressure the urban elites of Todi to accept Pope John XXII's authority. Already in September 1329, when Friar Bartolino's summons were delivered to Todi, the Augustinian Friar Dionisio da Borgo was in Todi as an envoy of Cardinal Napoleone Orsini, papal nuncio in Tuscia. Friar Dionisio wrote to the inquisitor to let him know about his mission to negotiate a peace with the people of Todi. He had found them "ready to make peace and obey the Church, just like good and devout sons of the Holy Roman Church."<sup>273</sup> He thus asked Friar Bartolino to suspend his inquisition for a while and allow him to reach an agreement with the people of Todi. Nothing came of this mission, however, and Friar Bartolino eventually resumed his inquisition.

As the work of Massimo Vallerani shows, trials resulting from legal charges—whether within an accusatory or inquisitorial procedure—cannot be analyzed as isolated cases. They are rather only one element in a dispute process.<sup>274</sup> Vallerani's work focuses on the communes' secular jurisdiction; I argue that inquisitions into heretical depravity were no different, and that we need to understand the work of the inquisitor as only one element in a wider effort to define

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<sup>273</sup> Ibid., 58r-59r.

<sup>274</sup> Massimo Vallerani, *La giustizia pubblica medievale* (Bologna: Il Mulino, 2005).

orthodoxy and assert authority. The Todini were well aware that Friar Bartolino's inquisition was only one aspect of John XXII's strategy to build papal authority in the region. They knew that an agreement could thus be reached with the pope outside of the courtroom, which could bypass the inquisitor's trial. But blaming the Chiaravalle and apologizing for supporting Ludwig could not be enough. They needed a concrete token of their sincere contrition. On 2 December 1330, two syndics elected by the General Council and the Consuls of the Arts of the commune of Todi presented themselves before the papal legate, Cardinal Giovanni Gaetano Orsini. On behalf of the commune, they relinquished the castle of San Gemini into the hands of the cardinal.<sup>275</sup> The *castrum* of San Gemini had become a point of contention between the commune and the papacy. It was under the direct rule (*terrae immediate subiectae*) of the Church, but during the rule of Ludwig IV's imperial vicar in Todi, the commune occupied it and forced the community of the castle to swear subjection and accept a podestà sent by the commune, in the person of a member of the Chiaravalle family.<sup>276</sup> The status of the castle then became intertwined with the undoing of Friar Bartolino's trial, as tangible evidence of the commune's good faith to accept papal authority and free themselves from the stain of heresy for supporting the excommunicate emperor. On 5 December, Cardinal Giovanni Orsini lifted the interdict that had been placed on Todi by Friar Bartolino, and absolved the Todini from the excommunication launched by the inquisitor for their support of Ludwig IV.<sup>277</sup>

While Todi's new regime was eager to establish peaceful relations with Pope John XXII and put behind them the whole dispute about their commune's support of Ludwig IV, they were not willing to sacrifice a large part of their authority and abandon a strategically important

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<sup>275</sup> ASCT, Diplomatico, Armadio I, Casella V, 246.

<sup>276</sup> Ibid., 243, 244.

<sup>277</sup> Ibid., 255, 256.

location and addition to their contado. Despite their promises, they did not return the castle of San Gemini, and in July 1331, the pope wrote to his legate, Cardinal Giovanni Orsini, complaining that the cardinal had been fooled by the Todini, who were not sincere in their submission to the Church. John XXII thus told the cardinal to place the interdict on Todi and reinstate Friar Bartolino's excommunication.<sup>278</sup>

Pope John XXII's employment of inquisitorial trials for heretical depravity constituted a tool in the pope's policy to reintegrate local communities into "the bosom of Holy Mother Church." Triggered by communes' support of Ludwig IV's imperial policies in the region of central Italy, John's trials associated ghibellinism with tyrannical rule and with rebellion against the temporal authority of the Church. John's trials made ghibellinism into a crime of heresy harmful of the *libertas ecclesiae*. In the pope's view, these trials were part of a coordinated effort to restore peace in central Italy, and to push urban elites to recognize papal temporal authority as integral to orthodoxy.

For local elites, however, it was an open infringement of their commune's jurisdiction. As Diana Webb has shown, the relations between municipal authorities and papal inquisitors in Italy had always been dominated by conflict, as communes considered the prosecution of heresy an important part of their own jurisdiction.<sup>279</sup> Municipal statutes included provisions that granted their podestà the power to prosecute heresy. As Andrea Padovani has shown, these powers went far beyond the mere execution of a sentence already issued by a papal inquisitor, and included the ability to start an inquisition *ex officio* for the crime of heresy.<sup>280</sup>

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<sup>278</sup> Ibid., 250.

<sup>279</sup> Diana E. Webb, "The Pope and the Cities: Anticlericalism and Heresy in Innocent III's Italy," in *The Church and Sovereignty*

<sup>280</sup> Andrea Padovani, "L'inquisizione del podestà. Disposizioni antiereticali negli statuti cittadini dell'Italia centro-settentrionale nel sec. XIII," *Clio: Rivista trimestrale di studi storici*



In the provinces of central Italy, John's adoption of inquisitions into heretical depravity to prosecute ghibellinism intersected with papal claims to appoint provincial rectors and to demand the communes' compliance with provincial administration. As seen in a previous chapter, from the early 1320s and 30s, the communal elites of Todi had been involved in a decades-long series of legal appeals to oppose the pope's decision to submit their city to the rector of the Patrimony. When, in the 1350s, Cardinal Albornoz's campaign drastically redefined the status of the communes within the provincial administration of the Patrimony of St. Peter, people in Todi used Friar Bartolino's trial to redraw the boundaries of papal jurisdiction over their city.

In 1354, the Todini appealed to Pope Clement VI for a revision of the whole trial. The pope delegated Bishop Filippo d'Antella of Ferrara, papal legate and rector of the Duchy of Spoleto, to assemble a tribunal to consider on the appeal. The bishop called Friar Simone di Lello da Assisi, inquisitor into heretical depravity, and Pietro Constuti, *camerario* of the Duchy, to act as defendants for Friar Bartolino's trial. Among the reasons adduced by the Todini to overturn the inquisitor's sentence was Friar Bartolino's illegitimacy as judge, his lack of jurisdiction in Todi, his procedural errors in citing the accused, and his failure to consult with the bishop of Todi, who was the ordinary judge for crimes of heresy in Todi. After a long hearing, the papal legate declared Friar Bartolino's trial null and void. He did not accept all the arguments offered by the Todini, but he did specify that Friar Bartolino had not consulted with the bishop of Todi nor had he summoned the accused according to correct legal procedure.<sup>281</sup> It was a clear statement in favor of local control over the prosecution of heretical depravity.

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21 (1985), 345-393.

<sup>281</sup> ASCT, Diplomatico, Armadio I, Casella VIII, 367B.

To conclude, Pope John XXII's legal prosecution of Ludwig IV's supporters as heretical played a significant role in defining the relations between local communal elites and papal authority in the provinces of central Italy. As a well-coordinated policy to reintegrate Ghibellines into unity with the Church, these trials were meant to pressure local urban elites to renounce their aspirations for communal sovereignty from papal temporal claims. Approaching John's inquisition trials as a space in which the accused could challenge the inquisitor's authority allows us to see alleged heretics as active participants in the inquisitorial process. This point disputes the established historiography on the passive position of those summoned to appear before the inquisitor on charges of heresy. More broadly, it challenges our notions that the production of categories of orthodoxy and heresy were the monopoly of Church hierarchies.

In his first book, published half a century ago, Carlo Ginzburg confronted the methodological problems of dealing with inquisitorial records, a challenge that has continued to preoccupy him for decades.<sup>282</sup> Reflecting on the imbalance of power during the interrogation procedures, and the adoption of torture as an acceptable means for the establishment of truth, Ginzburg emphasized the creative force of the inquisition, able to construct the very category of heresy and impose it on the accused, who in the end accepted the image the inquisitors crafted for them. As Ginzburg suggests through his study of the *benandanti* in Friuli, "[t]he inquisitors' prestige, as well as the impending threat of torture and death at the stake, had proven ineluctable" in making the *benandanti* themselves accept "the hostile image their interrogators had constructed."<sup>283</sup> In short, heresy did not exist outside of the inquisitorial practice that produced it.

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<sup>282</sup> Carlo Ginzburg, *I Benandanti: Stregoneria e culti agrari tra Cinquecento e Seicento* (Turin: Einaudi, 1966).

<sup>283</sup> Carlo Ginzburg, "Our Words, and Theirs. A Reflection on the Historian's Craft, Today," in *Historical Knowledge. In Quest of Theory, Method and Evidence*, ed. Susanna Fellman and Marjatta Rahikainen (Cambridge: Cambridge Scholars Publishing, 2012), 105.

Ginzburg's work led the way for many historians who have nuanced our understanding of the production of inquisitorial records and the rhetorical processes behind the creation of heresy.<sup>284</sup>

All of this scholarship, however, located the center for the production and reproduction of heretical discourses within the educated clerical elites. According to this historiographic tradition, notions defining religious orthodoxy and heresy originated among the clerical elites within monasteries, cathedral schools, and the nascent universities as a rhetorical weapon to delegitimize one's opponents. These categories were then employed to make sense of popular practices that in the eyes of the educated clergy did not conform with their ideas of Christian doctrine.

Ginzburg's work and the generations of scholars it inspired have been pathbreaking in our understanding of medieval heresy and inquisition, but their depiction of people accused of heresy tends to be rather passive, restricting the alleged heretics to submissive acceptance of their fate. Reading the evidence extant from Friar Bartolino's trial of the people of Todi and their subsequent appeals against his sentences allows us to see a drastically different picture from the ways in which historiography has so far depicted medieval inquisitorial trials for heresy. Local elites, drawing on their own legal expertise, used John's trials for heretical depravity to their own advantage: as an arena for advancing factional interests by delegitimizing their opponents' rule of the city, and as a forum for expressing dissent toward papal jurisdiction in their city. These trials constituted one element in a long-lasting and contentious effort to define the status of communal authority vis-à-vis papal definitions of orthodoxy and heresy in the provinces of central Italy. Local elites were ready to appropriate and take charge of the legal action to challenge papal claims and safeguard their commune's jurisdiction.

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# Conclusions

When from Todi we widen our vision to embrace the rest of northern and central Italy, this study pushes us to reconsider the whole narrative of the fourteenth-century crisis of the communes and of their slow decline into seignorial regimes legitimized by either popes or emperors. We first need to abandon the old dichotomy that juxtaposed communal and seignorial regimes, which assigned to medieval communes the role of precursors of democratic governments and tagged any personal rule of a *signore* as inherently tyrannical. Thanks to recent studies that have emphasized the multifaceted character of political authority in medieval urban society, we are now experiencing a welcome shift in how historians approach the study of urban *signorie* in the cities of northern and central Italy. Urban communes operated within a political space in which multiple centers of power—including bishops, the Popolo, the guilds, and other *societates*—shared competing claims to legitimate authority, often borrowing from each other, transforming, and deploying legitimizing discourses and institutional practices. These new studies tend to decentralize the commune from the monopoly it occupies in contemporary historical narratives of the political experience of medieval Italian cities.

This dissertation has suggested a new angle for approaching the study of political authority in fourteenth-century Italy by emphasizing processes of negotiation between local elites and supra-urban systems of authority. Throughout this dissertation, I have explored the ways in which the urban elite of Todi reacted to the claims of both Emperor Ludwig IV of Bavaria and the papacy throughout the first half of the fourteenth century. My purpose has been to show how forms and discourses of political authority were negotiated by competing groups within the city in their relations with one another and with supra-urban systems of authority, such

as the papacy and the empire. Throughout this dissertation my argument has been twofold. First, I have contended that the commune and its councils preserved a central role as sources of legitimacy for any power exercised within the city, even during the government of the imperial vicariate. The failure of this institutional arrangement to acknowledge the claims of other non-elite groups in urban society pushed non-elite guildsmen to react. In 1331 or 1332, they first sided with one of the urban elite factions led by the Atti family and restructured the commune by expelling the imperial vicar and the faction led by the Chiaravalle family. However, by 1337 guildsmen coalesced into a new society of the Popolo and reformed the whole system of municipal institutions. Membership in the Popolo now became the requisite for participation in the institutional political life of the city. The Popolo and its internal organizations secured control of the commune and ostracized those families that had hitherto monopolized urban political institutions. Heretical discourses and accusations played a central role in the processes of restructuring municipal institutions and replacing the leading families that formerly controlled the commune.

The events that surrounded the establishment of an imperial vicariate in Todi provide us with a new angle to reflect on the relations between seignorial authority and municipal institutions. Historians have identified the concession of imperial vicariates by Emperor Henry VII as a turning point in the development of seignorial regimes throughout the Italian cities. Although the original plan of Henry VII was to use the superior authority granted by the title of imperial vicar as a way to pacify the Italian cities, his project was eventually subverted by the Ghibellines to expel the Guelfs and take control of the city.<sup>285</sup> Despite the failure of the imperial

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<sup>285</sup> Andrea Zorzi, *Le signorie cittadine in Italia*, 86-89. See also Paolo Grillo, "Signori, signorie ed esperienze di potere personale nell'Italia nord-occidentale (1250-1396)," 26-29.

project between 1310 and 1313, the title of vicar created a new process of legitimization for seignorial regimes underlining the external and superior nature of the power exercised by the vicars as representatives of the empire.<sup>286</sup>

Seen in the long history of imperial attempts to establish control in the *Regnum Italiae*, the concession of the imperial vicariate in the fourteenth century granted ample powers to the individuals invested with such authority in ways that differentiated them from the imperial officials appointed by the Hohenstaufens in the thirteenth century.<sup>287</sup> However, I have contended in this dissertation that the case of Todi shows that such powers were not detached from long-established forms and practices adopted to legitimize municipal authorities. Rather than appearing as the imposition of an external authority, imperial *signori* holding the title of vicar could be integrated into the municipal political space. Furthermore, I have argued that the acceptance of the emperor and of his vicar was not necessarily connected to the internal instability of communal institutions. The parties in Todi indeed held a strong monopoly on municipal institutions, whose offices they shared through a system that allowed them to exercise equal influence in the city. Thanks also to the support of Todi's merchants who, because of their wealth and social status, identified with the elite families and their factions, the governing class of Todi in the early fourteenth century formed a compact block that succeeded in curbing the demands of the Popolo. Thus, the establishment of an imperial vicariate can be understood as an institutional compromise between urban factions in an attempt to preserve the peace between the parties and their monopoly on urban government. It was only when one faction felt that the new vicar general, Giovanni Colonna, favored the Chiaravalle faction that the Atti family and their

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<sup>286</sup> Ibid.; Giampaolo Francesconi, "I signori, quale potere?," 338-339; Maria Teresa Caciorgna, "Alterazione e continuità delle istituzioni comunali in ambito signorile," 371-375.

<sup>287</sup> Andrea Zorzi, *Le signorie cittadine in Italia*, 89.

allies actively opposed his rule and sided with the Popolo to reform municipal institutions and ban the Chiaravalle.<sup>288</sup>

The Atti faction borrowed papal discourses that identified ghibellinism with heresy and tyranny; they portrayed their Chiaravalle opponents as well as of the rule of the imperial vicar as illegitimate because it was based on a tainted vote of the councils, obtained under duress. This rhetoric cleared the commune from charges of heresy, preserving its legitimacy as a form of government. At the same time, it denounced the rule of the imperial vicar as tyrannical because it had been achieved by an illegitimate vote of the communal councils. For those who testified before Friar Bartolino, legitimacy of rule in the city rested on municipal institutions, and the decision to accept the emperor and his vicars did not violate or vitiate the forms and practices of communal authority. Sudden changes of this sort should not be understood in terms of a weakness or crisis of the commune, nor as the absence of stable institutions. On the contrary, the multiplicity of centers of authority within and outside of the city (the commune, the Popolo, the guilds, the empire, and the papacy) provided ample possibilities for modeling legitimizing discourses and crafting institutional practices that allowed often-competing interests to coexist.

Second, I have argued that papal secular rule in the lands of the Church was the result of a highly localized process of negotiation and compromise in which inquisition trials for heresy played a central role. My analysis of the specific case study of Todi has allowed my argument to remain grounded in the specificity of the local context, paying special attention to the social and

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<sup>288</sup> *Iohannes de Columpna* was still vicar general on 4 July 1329 when the commune of Todi received the submission of the commune of the castle of San Gemini, which had been militarily forced to accept a podestà sent from Todi. The podestà appointed in San Gemini was no other than Francesco di Beraldo dei Chiaravalle (ASCT, Diplomatico, Armadio I, Casella V, 244, fol. 1). We have seen how the Chiaravalle family had vast interests in the region south of Todi, an area bordering the castle of San Gemini.



power dynamics within the urban society of an early fourteenth century city. Despite its close attention to one case study, my argument has broader implications for our understanding of the ways in which political authority was legitimized throughout communal Italy during a moment that has been at the center of historiographical debate for decades and is now experiencing an important historiographical shift.

From a broader historiographical perspective, this dissertation has engaged two distinct bodies of scholarly literature that until now have not been in conversation with each other. First, it has challenged previous studies that view papal policies in the fourteenth century as a clearly planned process of state-building. It has argued instead that papal secular authority was the result of a highly localized process of negotiation and compromise with local elites. Second, it has shown how a discussion of papal secular rule in the fourteenth century cannot be detached from a broader understanding of the processes through which power and authority were legitimized within local urban society, either with regard to competing claims internal to the city, such as those of the Popolo, the guilds, or rural aristocratic lordships, or with reference to how communes and *signorie* engaged with supra-urban systems of authority such as the papacy and the empire.

The establishment of papal secular rule in the fourteenth century has been traditionally understood in terms of the creation and enforcement of an efficient bureaucracy. For many decades the dominant narrative of papal rule in central Italy has depended on the work of Daniel Waley which, despite its detailed historical reconstruction of the course of events, does not historicize or contextualize notions of power and authority. It instead understands power in terms of the modern centralized state and its effectiveness in resisting disintegration by peripheral forces. Recent studies have begun to pay more attention to the ways in which papal secular

authority was constructed around discourses of *libertas ecclesiae*, the liberty of the Church, and of the need to establish peaceful relations within the territories claimed by the Church. These studies have shown how the very nature of papal claims and the kind of power the papacy exercised on local communities changed over time and were not the product of a century-long effort to establish a modern state.

In the fourteenth century, papal claims of secular authority in the lands of the Church became deeply intertwined with discourses that targeted ghibellinism, which came to be defined in two ways: it was a crime of rebellion against the secular authority of the pope as well as a heresy. As such, any Ghibelline-led government constituted by definition a tyrannical regime because it was founded on illegitimate power. The association of ghibellinism with heresy meant that inquisitors into heretical depravity could exercise their jurisdictional prerogatives over this crime and prosecute its perpetrators as heretics. The first half of the fourteenth century saw a proliferation of inquisitorial trials for heresy mounted against urban *signori* in northern Italy, such as the Visconti in Milan and the Este in Ferrara. These ghibelline *signori*, who had received the title of imperial vicar during the reign of Henry VII, were accused of heresy and tyranny by papal inquisitors. Similarly, other trials for heretical depravity were mounted against whole communities in the lands of the Church, in the March of Ancona, the Duchy of Spoleto, and the Patrimony of St. Peter throughout the 1320s. These trials were part of a broader program of Pope John XXII to force these communities and their signori to accept the authority of the papacy. Particularly in the lands of the Church, this meant also accepting papal claims to secular authority. Local elites were ready to appropriate and take charge of the legal action to challenge the popes' claims and safeguard their commune's jurisdiction.

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