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NEW APPROACHES TO LATE MEDIEVAL COURT RECORDS

Between Courtoom and *Castello*: A Tuscan Dispute's Social and Procedural Profile

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The role of institutions and judicial procedure in conflict resolution is a significant theme in recent scholarship on the later medieval Italian communes. It is usually difficult, however, to trace these themes in their broader social context, especially in rural communities. This article demonstrates judicial procedure's role in a conflict between the notary Andrea and the magnate Bartolomeo in the parish of Latera during the 1340s. Its evidentiary basis consists of civic tribunals' procedural registers, notarial cartularies, and legislation. The article excavates the relationship between institutional procedures, social networks, and local conflict on the eve of the Black Death.

Introduction

The notary Andrea, a resident of Latera, in northeastern Tuscany, must have been exasperated on May 12, 1347, as he initiated a lawsuit against his neighbor Bartolomeo Pulci, scion of one of the elite Florentine lineages prescribed as magnates (EOG.81.26^v). This was the third time since 1343 that Andrea appeared in the records of Florence's Executor of the Ordinances of Justice. In 1343–4, he had denounced Bartolomeo for assaulting him and his brothers, Piero and Guido, in 1343 (EOG.1.52^r). The Executor's criminal court appears to have initially prosecuted Bartolomeo, and then reversed course. By March 1344, Andrea was under investigation for fraudulent denunciation (EOG.1.52^r). Unable to produce guarantors (*fideiussores*), he was imprisoned. His initial sentence was confirmed upon his confession. Andrea was confined to Le Stinche, the communal prison. When he could not make a defense, he was sentenced to a 300-*lire* fine (EOG.5.23^r–24^r).

By 1347 Andrea was ready to resume his quarrel with Bartolomeo, with an accusation for land theft that he filed in the Executor's civil court (EOG.81.26^v). He seems to have incurred no penalty for his previous conviction: the current Executor's judge allowed him to proceed. His accusation asserted rightful possession of the land in question, which demonstrated the secondary fact of illegal seizure. This claim began a trial in which Bartolomeo's lawyer, Stefano, countered Andrea's claims with an attempt to undermine Andrea's self-representation (EOG.81.32^r–35^r). The lawsuit breaks off abruptly after both parties registered their witness lists (EOG.81.43^v). Andrea disappears from the notarial record after 1347 (NA.1010.11^r–11^v).

This case study uses records in Florence's State Archives to examine a rural community's fractious elites and their engagement with a civic tribunal. It addresses the following questions: What prompted Andrea's actions, and what support did he find among his kinfolk? What prompted the Executor to deem Andrea's denunciation fraudulent? Why might a lawsuit have made sense when denunciation failed? How did Andrea and his foe attempt to prove their versions of reality in this lawsuit? What does the case imply for the relationship between judicial institutions and social life in the later Middle Ages?

The argument developed below is twofold. I argue that the case study demonstrates the practical relevance of the civic tribunals and their procedures to residents of Florentine Tuscany, despite a traditional view that public justice's ambit was constricted, its focus confined to repression, and its subjects disengaged from their judicial duties/rights during the later fourteenth century (e.g. Cohn, 1999: 138–9, 171; Manikowska, 1988: 538–9). In dialogue with recent scholarship emphasizing institutions' responsiveness to social needs, it underlines the continuing centrality of a given civic tribunal at different sequences of the same fraught relationship (Roberts, 2018: 4–5). The dispute between Andrea and the Pulci family moved in and out of the Executor's court, but also within the court's multiple venues. It suggests the need to revisit some assumptions regarding the function of public justice in relation to rural society. This underlines the importance of the political aspect of rural Italy's relationship with city-based states in the late Middle Ages (Cohn, 1999: 14–17).

I would like to expand upon this through a close look at how a local disagreement filtered through multiple judicial procedures, and by looking at its local context. The dispute demonstrates the role of Florentine justice as a tactical resource in rural disputes. The case study was chosen because surviving documentation, although limited, enables analysis of how trial sequences fit in users' social life.¹ The Executor's court operated through inquisitorial and accusatorial procedures, with important modifications (see also, on Bolognese analogues, Blanshei, 2018: 55–82). Operators such as Andrea and Bartolomeo were aware of these options, making the tribunal's surviving documentation an invaluable source for the social history of rural Tuscany and the Florentine state, although modern historians have primarily used this material for information on the magnates (Klapisch-Zuber, 2006; Lansing, 2010; Caduff, 1993).

Much of the scholarship on rural Tuscany's relationship with urban centers has focused on the economic, particularly fiscal and demographic, aspects of this

¹ I echo here Vallerani (2018: 36): 'Only by broadening...the documentary spectrum will we succeed in reconstructing the logic of the trial'.

relationship, and its parasitic nature (Brown, 1982; Caferro, 1994; Conti, 2014; Fiumi, 1993). Scholars have recently moved beyond this paradigm, emphasizing instead sub-regional differentiation (Cohn, 1999: 16–21; Hewlett, 2008: 1–15). This article modifies our view of local communities' handling of urban communes by looking at the institutions of the Florentine state as a social relation, rather than instruments of repression or as externally-imposed administrative entities grafted onto communities (Cohn, 1999; Hewlett, 2008). Rather, public institutions served as the norm-based terrain upon which individuals, social classes, and small groups operated. The outcomes of conflicts recorded in judicial records resulted from the intersecting (in)actions and goals of court personnel, disputants, and extended networks. This is one episode in the tale of how communities past perceived and grappled with institutions intended to project the illusion of a power separate from the society around it, rather than arising from the clash between and within different social strata and their aims (Jessop, 2009: 128).²

The article combines procedural and statutory material with notarial records to trace the parties in and out of court. Procedure, rather than an arcane apparatus autonomous from society, developed in tandem with it (Vallerani, 2018: 27–99). This article investigates how the procedural mechanisms of the Executor's court translated the conflict into a series of claims, the discrepancies between Andrea's self-presentation, and what is reconstructable of his social standing. Limited in scope, the example of Latera indicates the value of further work in this direction. Case studies of conflicts' movement between communities and institutions reveal how individuals and networks tried to utilize public institutions' procedural apparatus.

The article proceeds in three sections. Section two introduces the dispute's institutional and social settings. It outlines the establishment and functioning of the Executor's court and introduces the Latera area. I review the community's socioeconomic profile and how local power networks operated, emphasizing the

² Jessop (2008: 128): 'No power can be exercised [in the state] without a series of aims and objectives. Yet no individual, group, or class subject can be said to have chosen or decided the final outcome of conflicting micro-power plays. Thus political class domination is both intentional and non-subjective'.

continued presence, physically and documentarily, of castellan families that were former episcopal vassals. The third section follows the dispute from Andrea's initial 1343 denunciation to the abrupt end in May 1347. The exchange indicates how disputants proved their narratives and sought to undermine their opponents' accounts. The conclusion reflects on what the case study suggests about the shifting relationship between public power and local societies in the later Middle Ages.

The Tribunal and the Village: Frameworks for Conflict

This section outlines the institutional parameters within which the dispute played out and its local social context. Surviving records of the Executor of the Ordinances of Justice, preserved in Florence's State Archives, are the basis for explicating the dispute (see Statuti.3, rubr. 98–111, for the Executor's foundational legislation). The Executor, established in June 1306, was unique to Florence and rooted in the struggle between the *popolo* and the magnates (Gualtieri, 2009: 236). The magnates were composed of the city's old military elite (Diacciati, 2011: 19–28). The *popolo* was the political coalition of elite financiers and merchants (*popolo grasso*) and their allies among the city's guild-organized merchants and artisans, and governed the city four times between 1250 and 1378 (Diacciati, 2011; Screpanti, 2008). Originating in a reform of the city's popular militias, the office was staffed by non-Tuscans and closed to legal experts (*iudex legista*) and members of the civic militia (*milites*) (Gualtieri, 2009: 238). The Executor was charged with applying Florence's anti-magnate Ordinances of Justice (1293–5) and syndicating communal officials (Gualtieri, 2009: 237–43). The court's surviving documentation begins in 1343–44. Previous records were destroyed following the Duke of Athens's July 1343 expulsion (De Vincentiis, 2003: 20).

The Executor's entourage comprised a judge, two notaries, policemen, and messengers (Statuti.3.31v). The tribunal initiated investigations based on in-person accusations and denunciations. Accusations in the Executor's criminal court usually targeted public officials, particularly the commune's messengers (EOG.97.2^r–6^r). Civil-court accusations often concerned (usually female) violators of Florence's sumptuary laws (EOG.82, 26^r; Kovesi Killerby, 2002: 111–64).

Anonymous written denunciations produced most of the tribunal's criminal investigations. If they provided the requisite information, an *ex officio* inquest followed. *Tamburagioni* were required to specify the crime, its date and location, the victim, the offending party, and any witnesses (Caduff, 1993: 26). Any non-magnate Florentine could lodge one with the Executor and Capitano del Popolo. The July 1295 Ordinances stipulated two denunciation boxes (*tamburi*) inside the Palazzo del Podestà (today's Bargello), Florence's main center of public justice (Diacciati and Zorzi, 2013: 29; Statuti.1.59). If condemnation was likely, cases were forwarded to the Podestà's court. The *tamburo* was opened weekly in the presence of the Executor, the Capitano del Popolo, and judges and notaries from each court (CdP.24). During the 1340s, most criminal investigations concerned rural communities. Inquests were conducted in court. Only messengers ventured into the countryside to summon witnesses and publicize penalties. These itineraries are recorded in the Executor's registers of announcements, the *libri bannimentorum* (e.g. EOG.86).

There was no single model of inquisitorial procedure. Recent work has emphasized the continuities between inquisitorial modes of action and accusation-based procedure (Vallerani, 2018; Carraway Vitiello, 2016: 88–133). Professional jurists such as Alberto Gandino encountered resistance from civic authorities when they did try to impose inquisitorial procedure modelled on anti-heretical inquests upon communal tribunals (Vallerani, 2018: 40–41). Florence's denunciation system exemplifies this heterogeneity. The Florentines may have borrowed the idea of anonymous denunciations from Bologna: the latter used them in magnate status trials from the 1290s (Blanshei, 2010: 215–18). Denunciations triggered *ex officio* inquests, in which witness testimony provided the main evidence, as at Bologna (Blanshei, 2010: 184). Written denunciations were intended to reduce the danger inherent in making in-person accusations against magnates.

Significant differences in demography, exchange networks, and culture characterized Florence's subject territories in the later Middle Ages (Cohn, 1999; Hewlett, 2008; Zorzi, 2008: 209–56). The highlands north of Florence, containing the main passes between Tuscany and the Romagna, were a crucial borderland during

the later Middle Ages (Pirillo, 2006; Dameron, 2003). Here, recalcitrant rural lords and a prosperous upland peasantry resisted Florentine territorial encroachment well into the fifteenth century (Cherubini, 1968; Cohn, 1999). The uplands' relationship with Florence has usually been studied in terms of military vicissitudes and the impact of fiscal policies on local demography and fiscality (Brown, 1982; Cherubini, 1967; Cherubini, 1972; Fiumi, 1993; Cohn, 1999; Hewlett, 2008). When scholars have looked at the Tuscan mountains through the lens of the commune's judicial records, they have characterized Florentine activity here primarily in terms of violence (Cohn, 1999: 138–71; Hewlett, 2008: 43–74).

The case of Andrea and Bartolomeo enables a more nuanced analysis of public justice *vis-à-vis* a rural community. The fortified settlement (*castello*) of Latera lay in the parish of S. Giovanni in Petroio, in the Valdisieve's upper reaches 30 kilometers northeast of Florence (Pirillo, 2005: 135). Its location along the *Via Bolognese* gave it strategic significance. Originating as fortified episcopal possessions, the Florentines absorbed Latera and nearby Barberino di Mugello during the thirteenth century (Dameron, 1993; Faini, 2010). Latera centered on its fortifications and what apparently was a dual, sub-parochial chapel of Ss. Maria and Niccolò (Pirillo, 2005: 102–3; on similar sub-parochial units in England, see Rosser, 1991: 174–6). Its economy hinged on agriculture and commerce with travelers, particularly the weekly market (De La Roncière, 2005: 139). The registers of the notary Francesco di Zanobio, active in the area during midcentury, attest to the parish's active real estate market, with some urban landowners investing in property and patronage rights over local churches (NA.195.112^r–115^r) and sharecropping labor (NA.195.145^v–NA.195.146^r). The impression is one of modest prosperity of the kind Samuel Cohn, Jr. has argued characterized northeastern Tuscany's fourteenth-century uplands (Cohn, 1999: 55–79).

The Latera-Barberino area's local elites comprised a mixture of old episcopal vassals, such as the Da Barberino and Da Cattani, and successful professionals. As historians have found elsewhere in Tuscany, notaries and merchants connected locals to the documentary practices and cultural life of the city (Barbagli, 2016; Redon, 1973;

Tognetti, 2013). The family background of Andrea indicates that Latera attracted ambitious locals from deeper in the mountains. Andrea's family was originally from Montecuccoli, northwest of Latera and further up the slopes of the Appennines. Andrea's grandfather, Guido, and father, Ugo, were notaries (NA.195.141^r). Ugo or Andrea relocated to Latera. I will return to their intertwinement with the local elites below, in the context of the dispute itself.

Procedure, Family, and Land: The Dispute

Andrea's notarial registers are lost, but he is attested from the late 1320s until 1347 (NA.10899.101^v). Bartolomeo lived in Florence (EOG.1.52^r), but his family possessed holdings in Latera (NA.195.110v–111r; 113r; 141r; 170v). Pulci elders acted in his name in documents from the 1330s (EOG.81.32r). Bartolomeo disappears from the record after 1347 (NA.14946.81v). I have uncovered no evidence of a relationship between the two before the 1343–44 denunciation-based inquest, although indirect evidence points, as I discuss below, to connections between Andrea's kinsmen and the Pulci.

Fama, rumor/reputation, was a central concept in the Italian city-states' legal and social life, along with its cognates, common knowledge/public opinion (*publica fama*) and an individual's public repute (*bona/mala fama*). Its polyvalent nature also makes it a fruitful theme for scholars of medieval law and society (Carraway Vitiello, 2016: 88–133; Esposito, 2011; Kuehn, 2005; Migliorino, 1985; Müller, 2005; Stern, 2000; Telechea, 2007; Théry, 2003; Wickham, 2005). Public actions constructed and conditioned the *fama* of people and events (Lansing, 2003). *Publica fama* took three forms in Florentine criminal proceedings. A crime's *fama* triggered an *ex officio* inquest when it reached the courts' attention, usually in the form of an anonymous denunciation. The *fama* of individual persons appears most often in regard to the infamy of brigands and thieves (on such *publici latrones*, see Caduff, 1988). When the Podestà's criminal court sentenced one Piero di Popolo of Castro San Giovanni Valdarno in 1348, he was condemned as a 'famous and public brigand and thief'. His 'evil sentence, life, and reputation' earned him the death sentence (AdP.334.21^r); the condemnation has no month or date, but a marginal note records his decapitation

on 22 September, 1348).³ *Fama* was also the most common source of knowledge that witnesses in the criminal courts cited when called to testify. When asked to define *fama*, witnesses concurred with the notary's stilted rendering of the witness Piero di Simone's definition in a 1351 criminal inquest: 'asked what publica fama is, he said public voice and opinion is that which is said by the greater part of the people [of a locality]' (EOG.157.44v).⁴

Surviving records of Andrea and Bartolomeo's conflict are truncated due to the 1343 destruction of the Camera del Comune's records (De Vincentiis, 2004: 189–90). The Executor's criminal court opened an inquest against Andrea for false denunciation on 14 March 1344 (EOG.1.52r–54v). Public opinion's clamor required the judge to act, in a substitution of publica fama for in-person accusers, a hallmark of inquisitorial procedure, in line with Gandino's famous assertion that 'he who accuses intends that a crime be punished, and the judge... likewise... in order that crime shall not remain unpunished' (Gandino as quoted in Vallerani, 2012: 46).⁵ For the inquisitorial procedure's ideologues, to investigate was to punish (Vallerani, 2012: 47).

Andrea's initial complaint, shorn of its date, survives because it was transcribed as documentary proof against the author. Andrea's *tamburagione* had become, in the typology Massimo Vallerani has identified in Gandino's work, certain proof: undoubted evidence ensuring conviction (Vallerani, 2012: 104–5). This represented the procedural manifestation of the court's guiding principle, the Roman-law definition of *iustitia*. The Executor was implementing the 'constant, perpetual will to give to each his due' (*Corpus iuris civilis*, 1: 24; Diacciati and Zorzi, 2013: 74).⁶

³ AdP.334.21r: 'Pierum Popoli de Castro Sancti Johannis comitatus civitatis Florentie publicum et famosum latronum et furem et hominem male condemnationis vite et fame...'

⁴ 'Pierus Symonis testis...interrogatus quid est publica vox et fama dixit id quod dicitur per maiorem partem gentium'.

⁵ Gandino, *Tractatus*: 'qui accusat tendit ut maleficium puniatur, et iudex, qui inquirat, similiter, et ius comune est, ne maleficia remaneant impunita'.

⁶ *Corpus iuris civilis*, 1: 24 (1.1.10): 'Iustitia est constans et perpetua voluntas ius suum cuique tribuere'. Compare this with the opening of the Ordinances of Justice (Zorzi & Diacciati, 2013: 74): 'Quoniam iustitia est constans et perpetua voluntas ius suum unicuique tribuens ideo infrascripta, que merito iustitie ordinamenta appellantur, pro rei publice utilitate edita sunt'.

Without explaining the reversal, the court was using Andrea's fraudulent text as proof in uncovering the truth. Attention shifted from this mistake to the gravity of Andrea's crime and its inevitable punishment. Here, Gandino's stress on the link between truth and guilt emerges (Vallerani, 2012: 48). The *ex officio* inquisition revealed this truth, which lay in the individual. Andrea had suborned himself before God, even while deceiving the court initially (Kuehn, 2006: 1059–60). Andrea's sin and crime, unjustly transferred to Bartolomeo, now was returned to its rightful bearer.

Andrea's denunciation claimed that in November 1343, Bartolomeo and his followers attacked Andrea and his brothers, Piero and Guido, in S. Niccolò's piazza (EOG.1.52v). The scene is typical of magnate denunciations of the 1340s, portraying countryfolk as innocent victims of magnate oppression (Caduff, 1993: 30–40; Klapisch-Zuber, 2006: 40–46). No reason is given for the attack. It caused a great disturbance in Latera, as locals raised the hue and cry with parish church bells (EOG.1.52v; see also Manikowska, 1988: 537–8; Settia, 1997: 82–3; Müller, 2005: 30–8). The report did not include Andrea's brothers among the witnesses, nor do they appear in the tribunal's proceedings.

Andrea may have lodged the 1343 denunciation to take advantage of the atmosphere of hostility toward magnates following the July expulsion of the Duke of Athens and the subsequent magnates' Priorate. The Executor's court had been suspended during the Duke's lordship (1342–3), but was reinstated after his expulsion. According to the inquisition against Andrea, he had ordered his servant Brandaglia to deliver the denunciation to Florence, paying her two *soldi* in exchange, equivalent to one-tenth of a gold florin (EOG.1.52r; Dameron, 1991).⁷ The charge stresses the offense against the social order: [he was] saying and writing thus ... although it was not true and he knew it... to the said Bartolomeo's damage, prejudice

⁷ EOG.1.52r: 'Et predictam notificationem seu denuntiationem falsam et non veram...scripsit et fecit dictus Ser Andreas et ipsa scripta poni fecit et mandavit dictus Ser Andreas in tanburo posito in dicta curia dolose et false et scienter, sciens ipsam falsam et non veram...'. The compensation of two *soldi* is mentioned in EOG.5.23v.

and blame, so that... [he] would be punished, against God and justice (EOG.1.53r).⁸ The offense burdened Bartolomeo with injustice, violating the distributive principle at the heart of the judicial system.

Andrea appeared in court the next day. Unable to produce guarantors (*fideiussores*), he confessed 'spontaneously' (EOG.1.54r). This indicates his associates' refusal to vouch for his personal reputation; these figures were crucial to verifying a person's trustworthiness in the civic courts (Vallerani, 2018: 33). He was imprisoned, with ten days to make a defense. On 11 April 1344, he reappeared in court for sentencing: evidently, prison had not changed his prospects (EOG.5.23r–24r). Andrea's punishment was a fine of one hundred *lire*.⁹ Again, he could not produce an oath-helper, and was re-imprisoned. No record of payment appears in the Camera's 1344 *Entrate* (CdC.2–4). No explanation is given for the confession. It is unlikely he feared torture (*tormentum*); it is rarely mentioned in the Executor's records. When torture is mentioned in the Executor's records, usually it is invoked by denouncers as a way to force witnesses to speak against magnates (e.g., EOG.51,16r). As a notary, Andrea probably understood the hopelessness of his case. In the typology that Vallerani has identified in Gandino's work, Andrea's denunciation was certain proof, documentary evidence awaiting confirmation (Vallerani, 2012: 104).

The inquest's record does not record the process whereby the Executor's court realized its error in believing Andrea's apparently fraudulent claims. The tribunal's probative regime did not require this information, nor did its documentary standards. It is worth stating that there is no compelling reason to think that the denunciation was in fact fraudulent. Bartolomeo was denounced at least twice more during the 1340s, and was absolved in both inquests (EOG.6.18^r–18^v; EOG.71.1r). The documentary void in this case requires skepticism regarding all parties' truth claims.

⁸ EOG.1.53: 'et sic dicendo scribendo et poni faciendo in tamburo quo in superdicta cedula continetur pro veris cum non esset et sciret vera non esse contra formam statutorum et ad hoc ut dictus Bartholomeus contra deum et iustitiam puniretur'.

⁹ The *lira* was a unit of account, payable in *fiorini piccioli*, later medieval Florence's workaday version of the more famous gold florins. Spufford, Wilkinson and Tolley, 5, peg the April 1344 conversion rate for the gold florin to *fiorini piccioli/denari piccioli* at 1:65.

Andrea had cited twelve witnesses. The charge against him included their names but no testimony. Since the register is complete, it is possible that the Executor deemed Andrea's denunciation false without an inquest. Perhaps the witnesses denounced him, instead of Bartolomeo. Andrea had gambled on his ability to adroitly maneuver between his community and the Florentine courts, but likely miscalculated his neighbors' reaction. Testifying against Bartolomeo would have been a fraught act, aligning deponents against the Pulci lineage. One of the witnesses Andrea listed was Grasso di Guccio, a local lawyer who had been the victim of Pulci violence in October 1343 (EOG.21.37r–39v) and who appears as a witness in notarial documents drafted in Latera (NA.195.112'). An unnamed person denounced the assault, but Grasso himself denied it (EOG.21.38v–39r). The Executor's court deemed the denunciation fraudulent, and prosecuted the witnesses who had confirmed it for perjury (EOG.21.43r). That the Executor's court in both cases deemed the denunciations fraudulent underlined the futility of judicial action against the Pulci.

A tangled web linked Andrea, his assailants, and venerable local families. These ties, almost invisible in processual records, are reconstructable from notarial material. Andrea's extended familial network failed to materialize at all throughout the dispute, as did his professional associates. Viewed in relation to the dispute, this network highlights Andrea's position in the western Mugello's sub-regional elite, and his apparent inability to translate dense local interconnectivity into effective judicial action.

The relative prosperity of Andrea's family can be inferred from its marriages. Andrea's father and grandfather were notaries. His father Guido had done well enough to marry Compiuta, a woman from a rural branch of the Magalotti (NA.195.141'). This was an old, illustrious family, which entered Florence's priorate, the highest governing body of the commune, in 1283, a year after its establishment (Repetti, 1849: 657; Gualtieri, 2009: 173–204). The Magalotti in the lawsuit were descended from Piero de'Magalotti and were linked with the Da Latera, a local magnate clan that had rejoined the *popolo* in 1342 (Klapisch-Zuber, 2006: 458). Andrea's father Ugo married this Piero's daughter Compiuta (NA.195.141r).¹⁰ Other Magalotti in Latera owned properties abutting those of Andrea (EOG.81.32r).

¹⁰ NA.195, 141': 'Item eodem anno [1347] et die sexto mensis Aprilis. Actum in populo Sancte Marie de Latera, presentibus testis Laterino Betti et Francischo Ciali dicti populi Sancte Marie de Latera ad

The family's social ascent continued with Guido's sons. Piero appears as a lawyer with the prestigious Altoviti *compagnia*, overseeing land transactions in Latera (NA.195.112v–113r). Andrea married Piera, a woman of the Da Barberino family (NA.195.141^r). This lineage is recorded as episcopal castellan-vassals in the archbishop's registers (*Bolletone*) from the eleventh century (Faini, 2004: 12). The Da Barberino were included in the commune's 1325 list of rural magnates along with Latera's traditional castellans, the Da Cattani (*Statuto del podestà*: II.292). Men of the Da Barberino appear occasionally in the Executor's criminal inquests. Arrigo Da Barberino, Andrea's uncle-in-law, was denounced in 1346 for stealing a peasant freeholder's lands (EOG.68.7r–8v). By the fourteenth century, the Da Barberino family held the town's fortifications for Florence (Pirillo, 2005: II, 52). These families were unreliable in their loyalties. The chronicler Matteo Villani recorded that in 1351, a Da Barberino serving as castellan turned the fortifications over to a Milanese force, along with Latera, Villanova, and Galliano (Villani, 1995: 12.2).

All was not well among this sub-regional elite. Andrea had named two relatives, Ugo and Magnotto, as Bartolomeo's followers in his denunciation (EOG.1.52r).¹¹ Ugo was Andrea's cousin, the son of Compiuta's brother, Durante. He appears as a witness to a 1347 census of patronage rights conducted for S. Maria de Cassi, near Latera (NA.195.169r). Arrigo Da Barberino witnessed this same census (NA.195.169r–69v). The actor was Barone, a resident of the urban parish of S. Maria Maggiore. He appears in numerous acts from 1345–48, buying lands in S. Giovanni in Petroio and leasing them via sharecropping contracts to tenants, almost always natives of the area (NA.195.141^r–153^r and 202^v). He was also one of Andrea's creditors (NA.195.153^r–53^v). Later medieval Tuscany's 'excessive community' is in full evidence here (Weissman, 1989).

hunc vocatur et rogatur secundum domina Compiuta, videlicet filia quondam Pieri Magalotti et uxor quondam Ser Ugonis Ser Guidonis'.

¹¹ EOG.1.52^r: '[Bartolomeo] mandavit Ughoni Durantis Magnoti de Migalottis de domo de Ghuineldis de Latera, Macchiocchio Ciolli et Ugholino Morentani et aliis pluribus [52v] pluribus de Latera quatenus percutent dictum Ser Andream Pierum et Guidonem ex qua mandato dictus Ugho menavit cum quadam lancia quam habebat suis manibus contra dictum ser Andream Pierum et Guidonem'.

Andrea's precise relationship with Magnotto de'Magalotti is unclear, but the description links him to the magnate Guineldi-Da Latera's lineage (EOG.1.52r; Klapisch-Zuber, 2006: 25).¹² The sons of 'Guineldo da Barberino, e da Latera' appear in the 1325 list of rural magnates (*Statuto del podestà*: II.292).¹³ The Magalotti sold some holdings in Latera to Bartolomeo's father, Pulce Pulci, in the mid-1340s (EOG.81, 32r; NA.195, 110v; 113r; 141r; 170v). Andrea's network was at the heart of the Latera-Barberino area's elite.

These family connections are identifiable from surviving cartularies and the proofs Andrea presented in his 1347 lawsuit. They are otherwise invisible, since neither Andrea's nor his father's registers survive. Why did Andrea include two kinsmen in his 1344 denunciation? Why couldn't he produce *fideiussores* in 1344? Perhaps the answers to these questions are related. Andrea's kinsmen would have had no reason to act as guarantors if his denunciation was fraudulent. Why get involved when Andrea had already confessed to the crime? If he had been assaulted, it is possible that he had alienated his family and that his kinsmen had withdrawn support. Participation would only widen the dispute beyond the two parties concerned – all for a kinsman whose pugnacious stubbornness apparently outweighed his courtroom proficiency.

Despite failure, Andrea emerges as precisely the kind of resourceful, socially mobile professional that provided a significant part of the *popolo's* leadership, in Florence and elsewhere, in the thirteenth and early fourteenth centuries (see also the popular movement at Pisa: Poloni, 2004). His marital ties with magnate lineages and pursuit of a feud with Bartolomeo through the Executor's court underscores the paradoxes of the popular elite's socioeconomic position and political culture (Zorzi,

¹² EOG.1.52r: '[in the dative clause] Durantis Magnoti de Migalottis de domo de Ghuineldis de Latera...'. I read 'Migalottis' as a variant of 'Magalotti'. This clumsy naming system [*fili X, de X*] was characteristic of the rural magnates, as Klapisch-Zuber (2006, 25) has observed: '...les nobles ruraux n'ont pas encore franchi les étapes du processus qui ont porté dès le XIIIe siècle les ligages urbains à fixer un nom collectif à partir d'un ancêtre...La plupart des autres nobles ruraux se définissent par leur appartenance à une lignée (*fili X*) et pa leur implantation géographique...'

¹³ *Statuti del podestà*: II.IV.292: 'De Sextu Porte domus comitatus: ... filiii Guineldi videlicet de Barberino et de Latera et de Reczano vel de Merociano, exceptis Filigno et fratribus filiis Pagnii de Latera et eorum filiis'.

2008). The ethos of public order and social peace that the court invoked against the magnates was open to someone with Andrea's notarial background for precisely the sort of inversion the court claimed to be correcting in its 1344 charges. Andrea's ploy must have made sense to him, however flawed the execution. Trips to Florence on business may have given him a familiarity with the rhythms of the public tribunals. That he sought to use his knowledge to pursue a dispute over land and status is unsurprising: much of the civic tribunals' activity concerned disputes over these resources (see also Blanshei, 2010: 135–66; Wickham, 2004: 68–107).

Andrea's next move further attests to his relatively comfortable social position, despite the vicissitudes of 1343–44. He launched a civil lawsuit against Bartolomeo, indicating the resources to persist despite initial failure and imprisonment. Lawsuits were expensive, especially for the losing party, and were common tactical ploys in vendettas (Kuehn, 2009: 58). Peasants and sharecroppers, likely the majority of Latera's population, could not have drawn on such assets in court. Yet quarrelsome members of the rural elite considered it a good disputing tactic to misrepresent themselves as members of this stratum of 'those possessing less' (*menopossenti*) (EOG.122.11r). The distance between Andrea and his humbler neighbors underscores the importance of socioeconomic status in engaging with the *popolo's* institutions of justice.

Andrea began his suit with an accusation in the Executor's court on May 12, 1347 (EOG.81.26v).¹⁴ Evidently a conviction for fraudulent denunciation did not bar him from legal action. Notarial material shows Andrea concurrently selling land as his widowed mother's legal guardian (*mundualdus*) (NA.195, 141^r142^v; Kuehn, 1993: 310–12). After his unsuccessful denunciation, he simply adopted a different procedural path. Perhaps Andrea considered it more likely that he could prove usurpation of land in a civil suit than assault and theft in the criminal courts. The Executor's court supervised the disputants' reconstruction of conflicting versions of the truth.

Andrea named four properties in his 1347 suit, part of a patchwork he had accumulated around Latera's *castello*. These included two plots in S. Maria near

¹⁴ The lawsuit is in EOG.81, 26^v–43^v. Concurrent procedures fragment the lawsuit's sequences chronologically.

the *rivus Cassichus*, probably a tributary of the river Sieve. Two others lay on the slopes of the *castello's* hill (EOG.81.27r–27v). Tenant-cultivators worked these lands (EOG.81.36r). One of the stolen properties abutted that of Ugo de'Magalotti, the cousin whom Andrea had identified as Bartolomeo's henchman in 1343 (EOG.81.27^v). This was a small community.

Bartolomeo's representative ser Stefano responded on 14 May, claiming that his client rightfully owned the properties (EOG.81.29^v). The court then instructed the parties to prepare their defense, setting 20 May as the deadline for 'demonstrating their case here through any kind of proof' (EOG.81.30r).¹⁵ On 17 May, Stefano reappeared, again denying the charges and motioning for dismissal. Instead, the case moved to the prosecution stage. Andrea presented 23 separate claims (*positiones*); ser Stefano named witnesses and responded in twelve items, nine of them denials of Andrea's claims (EOG.81.32r–35r). Andrea responded immediately with 24 *positiones*, claims to be proven through documentation, *publica fama*, and testimony. On 29 May, the court supervised Andrea's presentation of his witnesses' names to Stefano for cross-examination. There is no further mention of the lawsuit. This fits a pattern identified elsewhere: a majority of accusatorial trials ended before witness testimony (Vallerani, 2012: 33; Vallerani, 1999).

What explains this truncation? The parties may have reached an out-of-court agreement, although no notice is given of this. Accusation-based lawsuits in the Italian civic courts often served as pressure tactics for achieving a negotiated peace agreement (Kumhera, 2017; Palmer, 2014). Andrea and/or Bartolomeo's kinsmen may have pressured them into an arbitrated settlement, or they may have decided to settle rather than face the costs of a full trial.

In his opening accusation, Andrea petitioned the Executor for summary justice in accordance with the statutes, in hopes of forcing Bartolomeo to return the lands

¹⁵ EOG.81.27^v: 'Dictus iudex superdictus assignavit et statuit terminum Ser Stephano Gini procuratori et procurator nomine dicti Bartolomei ad respondendum dictae petitioni quicquid vult ad diem hunc, proxime ventum ante vespas et hic presens Ser Andrea et petens. Qui ser Stephanus ad legitimitatem sue presentie produxit coram dictis domino executore et iudici instrumentum sui mandati public scriptum manu publici notarii quid dimisit...'

(EOG.81.27r). The commune's 1325 statutes directed the Podestà's judges to proceed 'breviter and summarie', the same language Andrea used (*Statuto del podestà*: II.19). Petitions were often used in Florence when magnate lineages sought to reenter the *popolo* (Klapisch-Zuber, 2006; Klapisch-Zuber, 1997). Petitions for summary justice often reflected an inability or unwillingness to sustain the costs of a full trial (Blanshei, 2010). Perhaps Andrea's petition reflected his impoverishment following his imprisonment, fine, and the theft of some of his lands. This hypothesis is supported by an act of 27 May, 1347 documenting Barone's loan of twenty-five gold florins to Andrea (NA.195.153^r–153^v).

The lawsuit turned on lawful ownership and Andrea's residential status. Andrea claimed that in 1342, he had held the lands by right, as *publica fama* would verify; the usurpation had happened in spring 1343 (EOG.81.27r). Andrea's claims divided the dual fact of his own rightful possession and Bartolomeo's unlawful seizure into 24 separate claims that reconstituted his argument as a series of legal proofs. Most of Andrea's *positiones* consisted of notarial acts reconstructing the transferal of the lands in question (EOG.81.33v–36r). Andrea claimed that he was a *popularis* of the city of Florence, and had been for thirty years and more (EOG.81.36r). He did not claim the same length of possession for the lands in question, which would automatically have proven lawful ownership (*Statuti del podestà*: XV: 91). He must have calculated that his witnesses would support him, perhaps reckoning that locals were more willing to testify regarding Andrea's ownership than magnate violence.

It is unclear why Andrea claimed urban residency. A rental contract records his six-month rental of a house in the urban *quartiere* of S. Maria Novella, but this is dated 26 September 1347, postdating his May 1347 lawsuit. In a 1328 notarial act Andrea called himself 'ser Andrea son of Ugo di Guido, of Latera' (NA.10899.101v).¹⁶ In the 1344 inquest, he was described as 'of Monte Cuccoli and now an inhabitant of

¹⁶ NA.10899, 101v: '...publico instrumento scripto per Ser Andream ser Ugonis Guidi de Latera notario in Millio Trecento Vigint'otto indictione duodecima die duodecimo mensis Novembris'.

the *castello* of Latera, of the Florentine *contado*' (EOG.1.52r).¹⁷ These ambiguities left an opening that Bartolomeo's lawyer would exploit.

Admitting Bartolomeo was a magnate, Stefano denied that *fama* proved usurpation. Stefano asserted that Bartolomeo had possessed a title to the land since before 1342 (EOG.81.29v).¹⁸ He then argued that *publica fama* would prove that Andrea was a *comitatus popularus*, a non-elite resident of Florence's countryside (EOG.81.38r).¹⁹ The suit proceeded without reference to Andrea's previous conviction or any evident sense of personal rancor between the parties. The record is free of the vocabulary of anger and animosity identified as shaping lawsuits elsewhere (Smail, 2001: 90–126; Smail, 2003: 89–132).

Why did Stefano not invoke the negative *fama* Andrea had presumably incurred through conviction for false denunciation? It is possible that his decision was based on procedural grounds. Perhaps condemnation in a previous inquest did not impinge on someone's ability to sue. Or he may have relied on Andrea's witnesses to deny his claims through silence, or invoke *fama* against him. Stefano also presented textual proof of Bartolomeo's claim to the lands.²⁰ The first of these

¹⁷ EOG.1.52r: 'Ser Andream ser Ugonis de Monte Cuccholi et nunc habitatorem in castello Latere comitatus Florentie...!'

¹⁸ EOG.81.29v: '...Ser Stephanus Ghini procurator Bartholomei...pro eo ac petitione predicto exhibitio contra dictum Bartholomeum per Ser Andream ser Ugonis predictum et contenta in dicto petitione et ante omnia protestat et obicit [sic] omnes suos et dicti Bartholomei excepta dilatione peremptore et persone et iudicis incompetenti et omnes alii sibi et dicto Bartholomeo salvas fore et respondendum dicte petitioni contra ipsum Bartholomeum exhibitum negavit narrare materia in dicta petitione vera esset et petita et petitione fieri debetum et dictum Ser Andream ius vel haec in dictis bonis in dicta petitione contenta, dixit tamen et confessus fuit quod bona in dicta petitione contenta in ipse Bartholomeus iusta causa et titulo tenet et possidet, et tenuit et possidit iam sunt V anni et ultra et ab ipso tempore citato et per ipsum tempus et hodie tenet et possidit. Et reconveniendum dictum Ser Andream petitionis expressas causae factas et de faciendi protestatur. Qui Ser Stephanus ad legitimationem sue persone produxit coram dictis dominis Executoris et iudicis instrumentum sue procuratori mandati quod de mandato dictorum dominorum Executoris et iudicis deposuit presenti notarii curie ut inde copiam faciat parti adversi si eam velunt'.

¹⁹ EOG.81.38r: 'Item decime positio quod incipit 'Item quod dictus Ser Andreas etc'. dixit quod credit eum esse comitatum popularem'.

²⁰ EOG.81.32r: 'Die XVII Maii. Comparuit coram dictis dominis Executore, iudice et curia, Ser Stephanus Ghini procurator et procurator nomine Bartolomei olim Lapi predicti et in causa et questione predicta

was an act of sale: acting for Bartolomeo, Pulce Pulci purchased the land and goods from Alberto di Piero de' Magalotti, Andrea's brother-in-law (EOG.81.32r). Alberto's legal representative had handed over possession to Bartolomeo, finalizing the sale. Stefano's second *instrumentum* demonstrated Pulce's purchase of more Magalotti land (EOG.81.32v).²¹

This evidence points again to Andrea's status among Latera's elite. The Executor's notary noted neither the dates of these *instrumenta* nor the notary drafting them, making their identification impossible. Nor were copies included with the court's trial transcripts. The ownership of these pieces of land remains unknown. Possibly the two parties were themselves unclear about who owned the disputed plots, producing the events of 1343–44.

Conclusion

This article has reconstructed the conflicts of a social network as they moved between Florentine tribunals and Latera on the eve of the Black Death. It has emphasized the entwinement between a rural community and the city through judicial activity and economic exchanges, and the ability of countryfolk, properly placed, to try instrumentalizing judicial procedure. These efforts' outcome hinged on social relationships: the absence of Andrea's otherwise well-documented network from the dispute suggests that he was unable to convince others of his claims.

This did not stop him from pursuing his quarrel via several procedural avenues, all within the same civic magistracy. That he was able to sue despite a previous condemnation points to the ambiguous place of *publica fama* in this dispute. Its legal weight was not automatic, even within the same magistracy's tribunals (Stern, 2000; Carraway Vitiello, 2016; Wickham, 2005). Stefano contested Andrea's residency, yet

quam habuit cum Ser Andrea ser Ugonis predicto ad probationem iuris dicti Bartholomei et ipsius Bartholomei defensionem produxit infrascripta instrumenta et iura'.

²¹ EOG.81.32r–32v: 'Item quoddam alium publicum instrumentum scriptum manu publico notarii in quo inter cetera continenta qualiter Pulce quodam Guelfi de Pulcis nomine dicti Bartholomei emit inter alia bona in ipso scripto contenta tertium petium terre cum domo contenta in petitione dicti Ser Andree ab Ughone [32v] Guilielmo et Peroczo filibus quodam Durantis Pieri de Magalottis de Latera'.

left aside the reputational question. If witness testimony did not invoke Andrea's prior denunciation as a fact *per famam*, there was no evidence. Since the suit appears to have ended before witness testimony, it was moot.

The Executor's courts were only one theater for this conflict. Latera was the initial venue for the dispute, and its established hierarchies and relationships informed the parties' in-court behavior. The silence of Andrea's kinsmen throughout the dispute is deafening. They *were* active legally in the 1340s, just not in his dispute with the Pulci (e.g. NA.195.141r, 1413r, 144r). There is also the problem of missing documentation. Andrea's own registers and those of his father are lost, as are the Executor's pre-1343 records. The silence of the Executor's records regarding its identification of Andrea's 1344 mendacity further limits analysis. The dispute's record ends as abruptly as it started.

What does this case suggest about the relationship between public justice and rural society and its problems in the later Middle Ages? Unlike Florence's fiscal system, public justice allowed Tuscans some room for maneuver (Cohn, 1999). Its procedures offered resources to those pursuing a grudge, provided they possessed the socioeconomic resources and network support that successful engagement with the courts required. In such a situation, evasion or resistance to state power was less appealing than engaging with it sensibly. Public justice made it possible to help one's friends and hurt one's enemies.

The case study also highlights some of the paradoxes of an explicitly ideological, partisan institution such as the Executor's court. Established by socially mobile urban merchants and professionals comparable to Andrea, it can be seen acting here to in effect protect the magnate Bartolomeo from a wronged member of the *popolo*, only to then allow this same *popolano* to pursue his grievances through a different procedural route.

Growing state intrusiveness into increasingly coherent and articulate communities was a central feature of later medieval Europe's history (Wickham, 2017: 255–57; Lantschner, 2015). Along with warfare and revenue-gathering, public justice was a core manifestation of this intrusiveness. In addition, the Italian city-states' civic

tribunals were theaters in which institutional authority interacted with networks of local power. The dialectic between them shaped outcomes in the courts. Missing the support of one's associates as guarantors and/or witnesses, even canny operators such as Andrea faced fines, imprisonment, and the loss of land when appealing to the courts. If, as a Calabrian proverb advises, 'he who lives honestly dies wretchedly' (*chi 'ara diritto, muoia disperato*), then instrumental mendacity required the support of one's friends and kinfolk.

Appendix: Andrea's documented extended kin network

These family trees are reconstructed from notarial and judicial sources cited in-text. Where a patronymic or lineage name is lacking, notarial documents typically denoted a person by parish of origin (for example, 'Piero da Latera'), a practice I follow here.

Key:

----: denotes marriage

[?]: spouse unknown

A. Andrea's Matrilineal Relations: The Magalotti da Latera:

Example A:

Piero di Latera----[?]

Attested offspring:

Sons: Durante and Alberto

Daughter: Compiuta----ser Ugo di Guido da Monte Cuccoli

Durante's sons:

Pieroczo, Guilielmo, and Ugo (a follower of Bartolomeo Pulci, according to the denunciation of ser Andrea di Ugo, his maternal cousin)

The sons of domina Compiuta and ser Ugo di Guido, da Monte Cuccoli:

Ser Piero, Guido, and ser Andrea

B. The figli di Dinaccio Da Barberino

Note: The *figli di Dinaccio* refers to those Da Barberino descended from Dinaccio Da Barberino, living in the first part of the fourteenth century, and his descendants via an unknown spouse. The term does not appear in the documents. Their relationship with the *fili Guineldi, videlicet de Barberino et de Latera et de Recano*, who were included in the 1325 Statutes of the Podestà's list of rural magnate lineages, is unclear.

Dinaccio da Barberino----[?]

Attested offspring:

Michele and Arrigo

Arrigo (accused in the Executor's court of seizing a rural *popolano's* land at the behest of his nephew ser Dinaccio (son of his brother, Michele) in 1346)

Michele----[?]

Michele di Dinaccio da Barberino's attested offspring with this unknown spouse:

Ser Dinaccio, a landowner in Latera

Piera, wife of ser Andrea di Ser Ugo

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The author has no competing interests to declare.

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