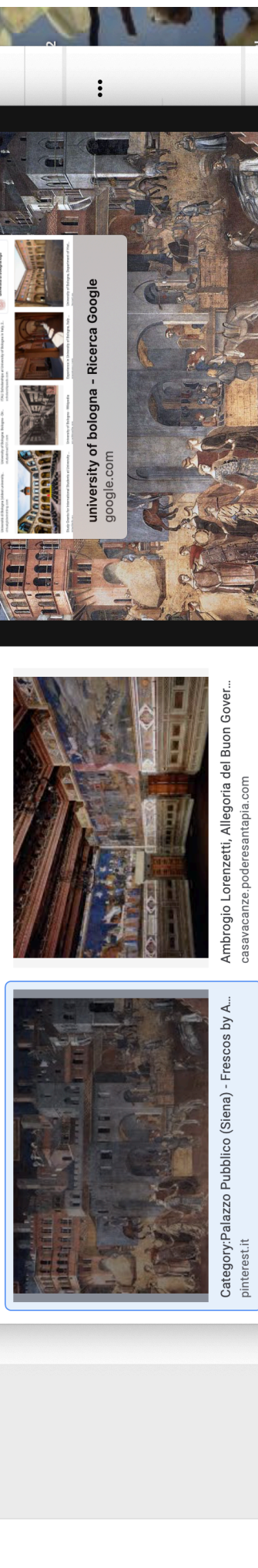




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1

Cities and communes

Edward Coleman

Annotations and Evidence

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Introduction

'Communal Italy' is historians' shorthand for the highly urbanized areas of Lombardy and Tuscany between the twelfth and the early fourteenth centuries. It was here, in cities located in the plains of the rivers Po and Arno, and in the foothills of the Alps and the Appennines, that self-governing communes first emerged around 1080-1120; most of them followed a similar path to institutional maturity over the course of the next century. In the 1200s, however, the communes struggled to accommodate the aspirations of groups hitherto excluded from civic politics that coalesced in opposition to the established regime under the much heralded banner of the *Popolo*. These

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pressures, combined with an inability to find a *modus vivendi* with the Church, and an incurable predilection for factionalism and feud amongst the urban nobility, led to a crisis in many cities by 1300. In the following decades, against a backdrop of worsening economic conditions, communes were widely replaced by the rule of a single powerful family of *signori*, a term often mistranslated as 'despots' or 'tyrants'.

The spatial and temporal limits of this chapter are therefore relatively easy to define. Yet 'city' and 'commune', for all that they are habitually associated in historical parlance, are not entirely interchangeable terms. Communes were also created on the basis of demographic units other than cities, such as small towns and villages, parishes and castles. And within cities

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communal or quasi-communal organizations sprang up as a consequence of association through social class, domicile, profession, or local religious affiliation (*consorteria, vicinanza, compagna, confraternità*). All of these bodies shared certain characteristics, such as collective decision-making, pooled finances, elected office-holders, and written statutes. Even city communes themselves were not entirely 'stand-alone' bodies, but were part of wider networks which also display communal features—city leagues.

The north Italian propensity to use the commune as a solution to a variety of problems has been widely noted: according to one historian, communes exhibited 'amoeba-like' tendencies! Yet even though communes appeared in various guises, the specific marriage

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of city and commune, and the increasing identification of the two as one, remains a (perhaps the) crucial development in northern Italy in this period. It begins with the directive public communes exercised inside cities from the early twelfth century onwards. There has been much debate amongst historians about the 'public' nature of the early city commune. An earlier school of thought denied this even existed, and posited instead a 'private commune' composed of a nexus of prominent urban families pursuing vested interests, oblivious, ignorant, or unheeding of the traditions of civic office and notions of *respublica* stretching back to Late Antiquity. However, few now would disagree with the conclusions of Giovanni Tabacco and his followers that the founders of the first communes did indeed

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draw on these notions and traditions, and that they did so not least because of the legitimacy it lent to their own **position**.² Cities, then, provided the context in which the commune found its classic and most elaborate form and for this, if for no other reason, the city commune is fundamental to our understanding of what made north Italian society distinctive and dynamic in so many spheres during this period.

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Origins of the communes

It is generally supposed that the rise of city communes was predicated on decentralization, localism, and an absence (or collapse) of the 'state'. In broad terms this is correct, though it had not always been so. The north of Italy had in fact formed the core of the tenth-century Italian kingdom (*regnum italicum*), itself a successor to, and roughly coterminous with, the earlier Lombard (568-774) and Carolingian (774-875) kingdoms. But in spite of the legitimization of a continuous history stretching back to the sixth century, the *regnum italicum* showed clear signs of failing soon after the first millennium. Its rulers from 1024, the German Salian emperors, were not present often enough to impose their authority, and the period

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between the 1020s and 1040s was marked by a series of city revolts, including those in the capital Pavia (1024), Cremona (1030–1), Parma (1037), and (repeatedly) Milan (1036–7, 1040, 1042–3); hard on the heels of these disturbances came further troubles associated with the Patarine movement (1056–75) and the increasing embroilment of the German king Henry IV (1056–1106) with the papacy over ecclesiastical investitures and other matters. Henry's successors, his son Henry V (1105–25), Lothar II (1125–37), and Conrad III (1138–52) came ever more rarely to Italy.

When present in Italy, the emperors were crowned in Monza, held court in Pavia, and from time to time summoned general assemblies of the kingdom at Roncaglia, near Piacenza. But the day-to-day running of the

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Italian kingdom was in the hands of local representatives, the majority of whom in the eleventh century were bishops. Bishops had gradually taken on this overtly political role in the course of the previous 200 years, consolidating their position at moments when central monarchy was weak, absentee, or too preoccupied with other concerns to devote time and energy to local issues. Bishops operated simultaneously as imperial functionaries and community leaders: linkmen, one might say, between crown and subjects. They were ideally suited to this task for a number of reasons. The urban nature of northern Italy meant that it was most conveniently administered from cities, and bishops held a central position in city life on account of the prestige associated with episcopal office, their extensive landed

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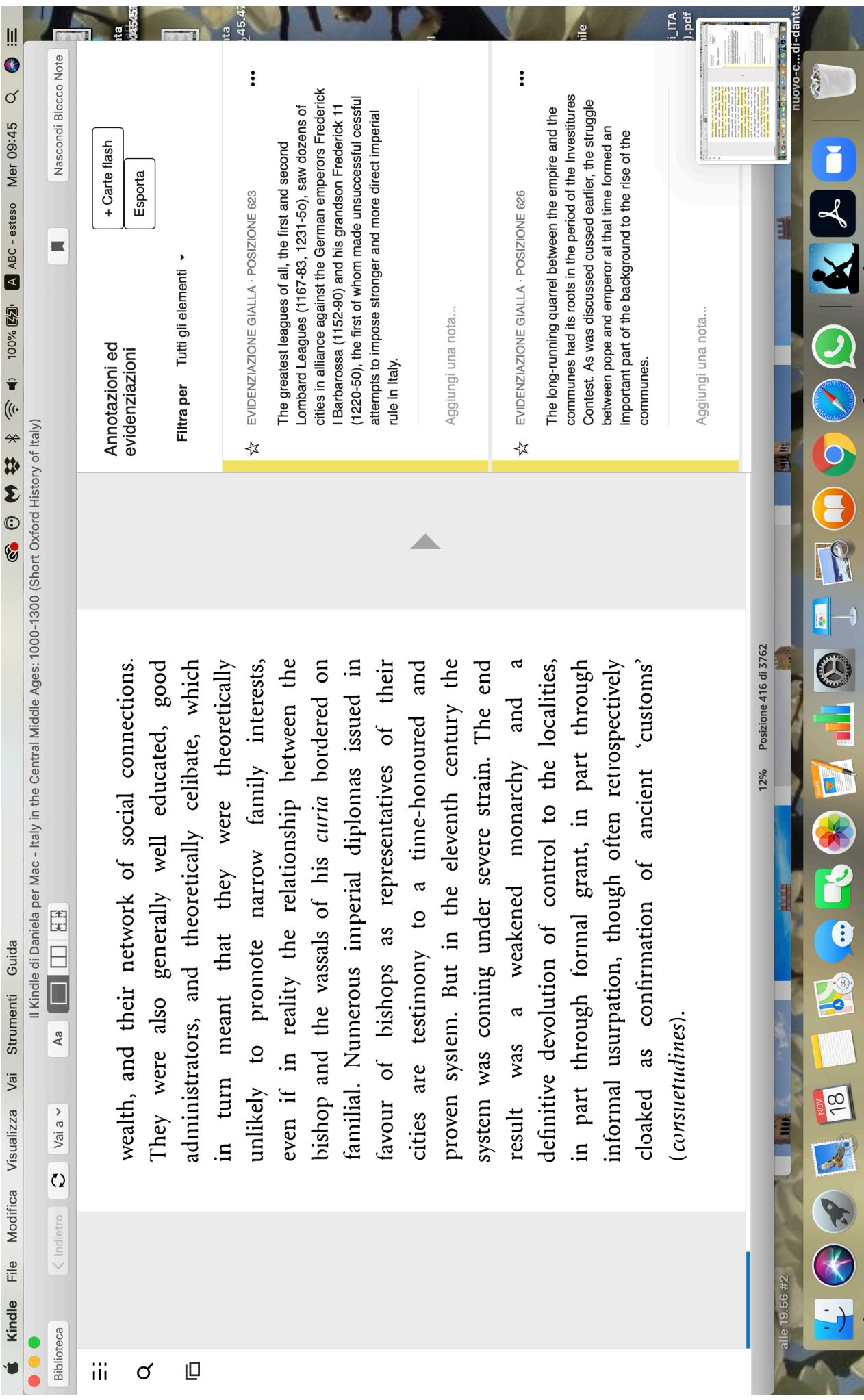
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The decline of the Italian kingdom, and the atrophy of its military, judicial, and fiscal institutions in the course of the eleventh century, produced what has been called 'a pullulation of little powers',³ in other words a realignment of authority along far more localized lines. Historical factors dictated that cities were bound to become important in this mix. The Po and Arno valleys were heavily urbanized by the standards of the time. Lombard and Tuscan cities were, with very few exceptions, Roman foundations. Consequently, they were deeply rooted in the landscape, and had been continuously occupied over many centuries; they contained large concentrations of population relative to the surrounding countryside, and were nodal points of trade and communications. They possessed significant

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infrastructural assets: fortified walls and gates, warehouses and workshops, secular and religious public buildings, a large private housing stock and water supplies. Naturally, the maintenance and extension of this infrastructure required capital investment. Although kings and emperors had concerned themselves with the upkeep of palaces, city defences, and public highways, their approach to these projects had always been more geared towards the extraction of revenue rather than the input of resources. As the crown's role in these affairs declined, that of the city population, or specifically its leading citizens (*cives*), expanded commensurately. When, by c.1100, the kingdom had ceased to function in any meaningful sense, the cities found themselves independent but wholly dependent on their own initiatives. This was

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certainly one of the general reasons underlying the emergence of communes.

Cities had also seen steady growth in their populations in the eleventh century, fuelled by immigration from the countryside, and this meant that the urban social mix inevitably became more complex. The language used in imperial diplomas to describe citizen bodies is usually generic (*populus*) but occasionally there are hints of socioeconomic differences within the city in phrases such as *cives maiores et minores* (greater and lesser citizens) or *cives divites et pauperes* (rich and poor citizens). There is enough evidence to lead historians to think that alongside the landed nobles and cathedral clergy, who were the traditional associates and supporters of the bishop, other groups with fewer ties, or no ties, with the

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bishop were also becoming socially prominent. These new groups too were composed of landowners, but in this case with more diversified interests and backgrounds, for example in commerce and trade, or professional expertise in law and notarial practice. The bishop thus increasingly appears not so much as a representative of all *cives* but as head of a tight and privileged elite, a self-serving clique. In itself the rise of new mercantile and professional families in the city might have had little impact in political terms, as the bishop and his supporters were firmly entrenched in their positions of command and control, and viewed these practically as a hereditary right, a way of life. Yet the entire edifice of what we might reasonably call episcopal lordship in cities crumbled rapidly from c.1050 onwards as a

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consequence of two extraneous but interrelated political changes of wide import which, combined with the altered demographics just mentioned, created the conditions for an irresistible shift towards a more pluralistic civil regime.

The first of these changes—the decline and eventual disappearance of centralized monarchy in northern Italy—we have already discussed. As imperial power became increasingly remote and irrelevant the bishop's position was obviously undermined. But it was the movement for ecclesiastical reform which, in addition to plunging the empire into crisis, administered the *coup de grace* to episcopal lordship in the cities. Not only did reformers such as Peter Damian, Anselm of Lucca, and Bonizo of Sutri condemn simoniac and nicholaistic bishops and

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oppose imperial investitures—the emblematic flashpoint being the disputed election of the archbishop of Milan in 1075—but they also called into question the whole range of secular powers hitherto wielded by bishops; involvement in judicial and military matters was seen as particularly inappropriate. Pressure was thus brought to bear on bishops to renounce their leading civic position and, as the Reform party was clearly in the ascendancy by the end of the eleventh century, most did so. Those who did not, such as Arnulf of Cremona (1078), Benzo of Alba (1090), and Arnulf of Bergamo (1098), were removed. Naturally this withdrawal of bishops, voluntarily or enforced, from a sphere in which they had been dominant for so long created a vacuum, and this vacuum was filled by the first communes.

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This process is notoriously difficult to trace, however, as it has left few explicit clues in the sources. Our main records here are the series of imperial diplomas issued in Italy by the German emperors. Their purpose from the imperial point of view was to secure local support against the papacy and the main papal supporter in northern Italy, the countess Matilda of Canossa (d. 1115). Until around the third quarter of the eleventh century such diplomas were issued in favour of bishops, as representatives of cities, as was mentioned. Thereafter when grants of property or rights in or near a city were conceded the documents were often addressed not to the bishop but directly to the citizens (*cives*). It would seem from this semantic shift that the bishop was no longer considered as the legitimate representative

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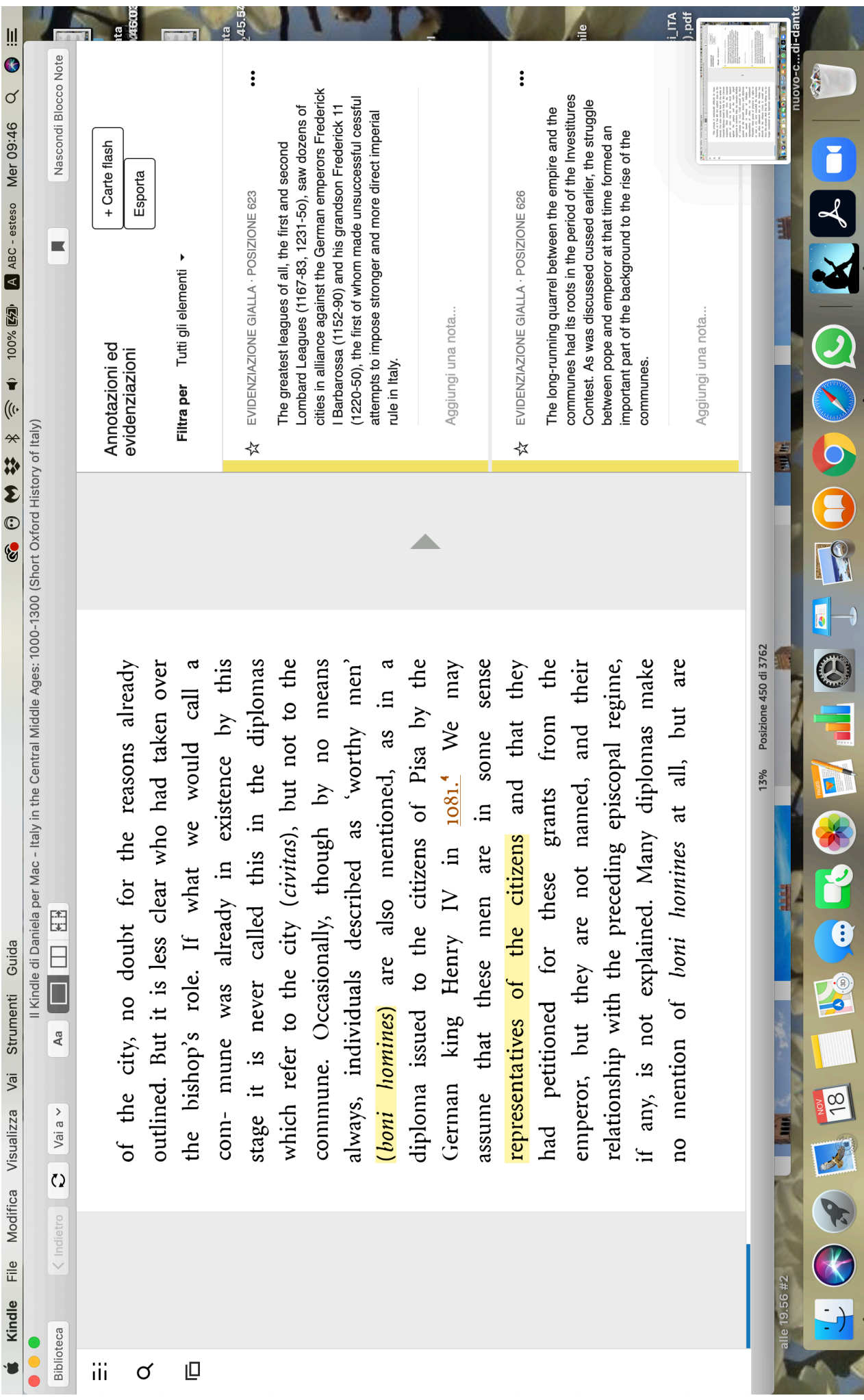
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of the city, no doubt for the reasons already outlined. But it is less clear who had taken over the bishop's role. If what we would call a commune was already in existence by this stage it is never called this in the diplomas which refer to the city (*civitas*), but not to the commune. Occasionally, though by no means always, individuals described as 'worthy men' (*boni homines*) are also mentioned, as in a diploma issued to the citizens of Pisa by the German king Henry IV in 1081.⁴ We may assume that these men are in some sense representatives of the citizens and that they had petitioned for these grants from the emperor, but they are not named, and their relationship with the preceding episcopal regime, if any, is not explained. Many diplomas make no mention of *boni homines* at all, but are

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simply addressed generically to all the citizens of the city (e.g. *cives pisani*, *cives mediolanenses*, *cives veronenses*, *cives cremonenses*). They are emphatically not charters of communal foundation, however, convenient though it would be for historians if they were. We might sense that the commune is there in many places by c.1100, but the sources will often not offer definitive confirmation until decades later.

This vagueness and ambiguity in the documentation is naturally frustrating for historians seeking to identify a clear-cut 'beginning' to such an important development as the emergence of the city **communes**.⁵ But it may in itself be significant. It strongly suggests that there was no communal 'big bang', but that **on the contrary communes emerged**

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gradually, almost imperceptibly over a period of decades, perhaps even longer. There is certainly evidence to show that cities had been acting collectively for a very long time, whether in association with their bishops or indeed in opposition to bishops, before the chronological 'window' (c.1080–1120) in which it is usually assumed communes appeared. At the other end of the chronological scale it might be noted that the typical political institutions of the commune are not widely recorded before the third decade of the twelfth century, whilst we have to wait until as late as the 1150s to witness the first moves towards the general regularization of communal constitutional arrangements in written law, and only then because Emperor Frederick I threatened to revoke all the concessions made by his

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predecessors. It may therefore be misplaced to seek to tie down communal origins too closely in time. We should perhaps be thinking in terms of a long transition between pre-communal and communal worlds, of interface rather than interruption. It may be more pertinent and interesting to ask how long, and in what ways, the old coexisted with the new, rather than when and how the old was displaced by the new.

Curiously enough, the most famous description of the early commune comes not from an Italian source but from the pen of a German cleric, Bishop Otto of Freising (c.1112-58). Otto, who was the maternal uncle of the emperor Frederick I, was a highly educated and intelligent observer. He visited Italy twice and makes reference to events in the peninsula

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in his *Deeds of Frederick Barbarossa* (1149). The importance of Otto is that he grasped, in a way that no contemporary Italian writer seems to have done, that momentous change was taking place in the northern half of Italy. Briefly and succinctly, he lays out the salient points:

The entire land is divided amongst the cities; each of them requires its bishop to live in the cities, and scarcely any noble or great man can be found in all the surrounding territory who does not acknowledge the authority of a city. And from this power to force all lands together they are wont to call the several lands of each their *comitatus* [*comitatus*]. Also that they may not lack the means of subduing their neighbours, they do not disdain to give the girdle of knighthood or the grades of distinction to young men of inferior status and even to some workers of

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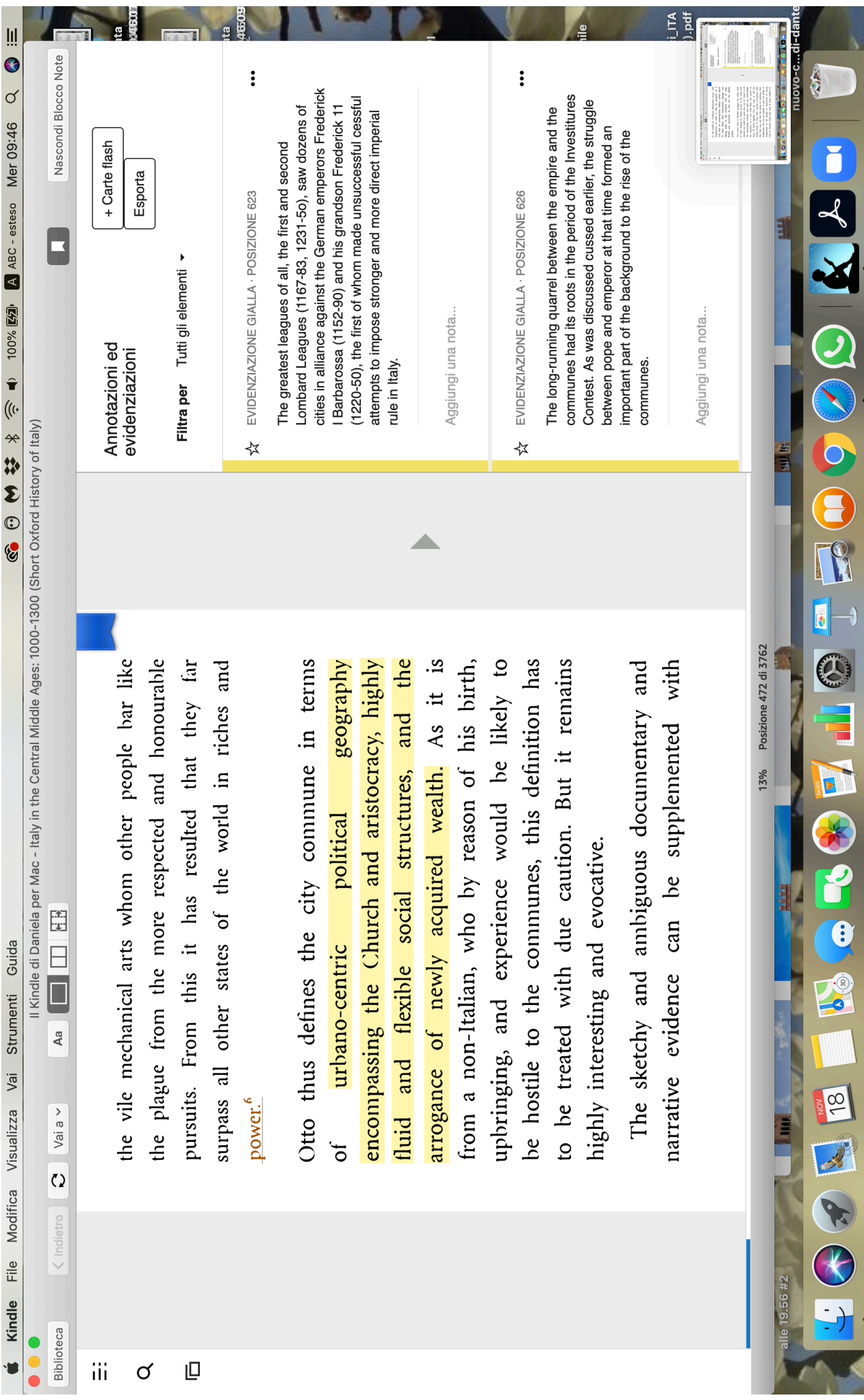
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the vile mechanical arts whom other people bar like the plague from the more respected and honourable pursuits. From this it has resulted that they far surpass all other states of the world in riches and power.⁶

Otto thus defines the city commune in terms of urbano-centric political geography encompassing the Church and aristocracy, highly fluid and flexible social structures, and the arrogance of newly acquired wealth. As it is from a non-Italian, who by reason of his birth, upbringing, and experience would be likely to be hostile to the communes, this definition has to be treated with due caution. But it remains highly interesting and evocative.

The sketchy and ambiguous documentary and narrative evidence can be supplemented with

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evidence from other types of sources, which provide occasional hints at the changes that were taking place. One such example is a sculptural relief on the tympanum of the church of St Zeno in the city of Verona. This shows two heavily armed groups, one on horseback, and the other on foot holding a banner, on either side of a bishop who raises his hand in blessing. An inscription below reads: 'the bishop gives the people an ensign to be prized, Zeno bestows the standard with a happy heart'. Bishop Zeno (d. 372) was credited with bringing Christianity to Verona, and from the eighth century his relics were kept in this church. It has been suggested that the relief is an allegory on the foundation of the commune at Verona, with Zeno personifying the city, the horsemen representing

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its nobility (*militēs*), and the group on foot the non-nobility (*pedites*). It has been dated to about 1135–8, which is remarkably consistent with the earliest documentary evidence for the Veronese commune (1136). However, if it is some kind of memorial to the founding of the commune, it is unique and shows a precocious awareness of the importance of a change, which was profoundly to affect not only Verona but cities right across northern Italy.

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Civic institutions, office-holding, and law

By c.1150 communes had been established in all the major towns and cities in Lombardy and Tuscany. Despite differing local circumstances and variations in terminology, most communes are remarkably similar in the phrasing of their institutional development and the character of their political structures. All set up regular assemblies of citizens to discuss matters of common concern; all elected officials, commonly called consuls, who took responsibility for internal law and order, and 'external affairs'; all embarked on a policy of bringing the territory around the city, the *contado*, under their authority; all began to collect and keep a diverse body of legal material which ultimately formed the basis of the first city statutes. In

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this sense it is legitimate to speak of a 'communal movement' in north and central Italy. It does not necessarily follow, however, that the communes always formed a unified front or shared a common ideology. In many respects nothing could be further from the truth, even if on exceptional occasions they did unite in leagues against the German Empire. Even so, the similarities between communes are undeniable and cannot be coincidental. Most probably they result from the fact that faced with common problems cities found common solutions. Their physical proximity to one another, and the ease of communication between them, are likely also to have been factors in the spread of parallel ideas.

The practice of convening a citizens' assembly was not an invention of the communes;

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city-dwelling Italians had been habitually meeting together for many centuries, primarily to elect their bishop. As far back as 643 an Edict of the Lombard king Rothari refers to an urban 'assembly before the church' (*conventus ad ecclesiam*), and the chroniclers Arnulf and Landulf Senior mention assemblies held in pre-communal Milan in the eleventh century.⁸ The emergence of the communes raised the profile of what must have been in many places an already venerable civic institution. The communal assembly (variously called *colloquium*, *concio*, *arenga*, *parlamentum*) was summoned by bells (*ad sonum campane convocatum*) to meetings in the city's central square, more often than not in front of the cathedral, an appropriate meeting place as the cathedral was considered to be the symbolic heart of the city.

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Meetings appear to have been *ad hoc* rather than regular at first, though it could simply be that only the records of important meetings survive whilst those from more routine occasions have been lost. Business seems to have included declarations of war, ratification of truces and alliances, the election of consuls, the passing of judicial sentences, and the approval of statutes. As regards procedures, it is likely that there were speeches but little in the way of debate. As the numbers attending would quite probably have been in the hundreds, and perhaps thousands in the largest cities, decision-making would have been fairly crude and appears to have been achieved by use of the *Fiat*, or collective cry of assent. So the Genoese annalist Caffaro writes of an assembly held in his city in 1162: 'all those in the assembly cried

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immediately and with one voice Fiat. Fiat¹⁹ A major drawback about the assembly was its unwieldiness, and this can only have been compounded as the city population continued to grow. It is for this reason that we see public business also being transacted in smaller councils (*consilia*) from an early stage in most communes. Such councils filled an ancillary or facilitating role alongside the assembly and consuls at first, but gradually acquired more power. Ultimately consuls had to seek their approval rather than that of the assembly on all-important matters. As much of the work of councils was legal, lawyers and jurists (*iudices, causidici*) came to exercise a significant influence in this arena.

The most characteristic office of the early commune was the **consul**; indeed the period

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until the late twelfth century is often referred to as the consular phase of communal history. In the past historians often dated the foundation of the commune in a given city to the first recorded appearance of consuls but, as was said earlier, the imposition of a rigid chronological scheme on a process of gradual and subtle change is artificial. Despite the Roman echoes of the title, the office of consul appears to be new in the twelfth century, though the *boni homines* who acted as representatives of some cities in the eleventh century may have been in certain respects their forerunners. Consuls should not be thought of as rulers of the commune; rather they seem to have been elected representatives of the various social groups that made it up. The number of members of the college of consuls varied

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considerably from city to city, and even within cities the numbers could increase or decrease over time (never less than two, but sometimes over twenty). It has been plausibly proposed that the number and distribution of consular offices may be related to the balance of political power within a city, with various groups struggling for representation appropriate to their influence. A Milanese document of 1130, for example, records twenty-three consuls, ten of whom are described as being from the upper nobility (*capitanei*), seven from the lower nobility (*valvassores*), and six from the *clivus*.¹⁰ It may even be that in some cities—Milan again has been suggested as a possible example—the commune itself arose as a form of settlement (*pax et concordia*) between warring parties. The tripartite social division of *capitanei*, *valvassores*,

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and *cives* may be typical particularly of Milan and western Lombardy; it is certainly more frequently documented there than elsewhere. Interestingly, though, Otto of Freising specifically links it to the choice of consuls, and in the same passage also sheds light on the reasons for another feature of consular office, namely its short tenure. He writes:

They are so desirous of liberty that they are governed by the will of consuls rather than rulers. There are known to be three orders amongst them: *capitanei*, *valvassores* and *cives*. And in order to suppress arrogance the aforesaid consuls are chosen not from one but from each of the three aforesaid classes. And lest they should exceed bounds through lust for power they are changed almost every year.!!

The terms and conditions of consular office

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appear in a number of surviving texts of oaths that consuls swore on taking up office (*brevia*). The oath sworn by the consuls of Pisa in 1162 gives a sense of what was involved:

In the name of the Father, Son and Holy Spirit and in invocation of the Mother of God, always Virgin Mary, the year of the Incarnation of Our Lord Jesus Christ, 1162. From January 1st next for an entire year I will dedicate myself to the prosperity of the city of Pisa in word and deed, on land, on the sea, in all places, in peace and in war, to the honour of the cathedral church of Pisa, dedicated to the Blessed Virgin, to the archbishopric and to the college of canons, to the maintenance of the cathedral, other churches, hospices, bridges, to the clergy, to the city of Pisa on both sides of the river, as enclosed in the new walls, to the prosperity of the Pisan people and those who live from

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Cintoria to Pontedera, on both sides of the river as far as the sea, from Ripafratta to Filetto on both sides of the river as far as the sea, and as far as the castle of Capoalbo.¹²

The text goes on to discuss how the consul will organize the election from amongst the citizens of councillors, legal officers, treasurers, moneyers, financial regulators, night watchmen, supervisors of buildings, roads, and waterways. He will raise a force of 300 knights and maintain them in readiness, and similarly twenty galleys. There are some peculiarly Pisan aspects to these provisions, notably the concern with the sea and a fleet. But much else is characteristic of the preoccupations of many communes: justice, defence, public finance, urban infrastructure, the Church, and the *contado*. All of these fell under the consuls' remit. The burgeoning bureaucracy

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of the communes is also here clearly revealed. Although precise population statistics for twelfth-century Pisa are lacking, it seems reasonable to believe that a significant number of the city's adult males were already finding employment of one sort or other in what we might term the 'public sector', even if for many it would have been parttime work,¹³ moreover, all the offices mentioned were salaried posts, which also made it imperative that the commune raise revenue by whatever means were open to it.

Consuls had a wide and diverse range of responsibilities, and given that the consular college commonly numbered a dozen or more persons it seems probable that some division of labour took place. This can be seen to be formalised with the appointment in some cities

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of consuls with specific legal or commercial briefs—‘consuls of the pleas’ or ‘consuls of justice’ (*consules de placitis*, *consules causarum*, *consule iustitiae*) and ‘consuls of markets’ or ‘consuls of the merchants’ (*consules mercatorum*, *consules negotiatorum*). Another major administrative area, public finance and taxation, also developed as a separate office under a treasurer (*camerarius*); the records of this office in Siena, where it was known as the *Biccherna*, have been exhaustively studied. Similarly, a chancery or writing office and archive was created to produce and manage the growing volume of public records. Henceforward, these major ‘departments’ of communal administration further subdivided themselves, resulting in an impressive, if labyrinthine, array of governmental bodies in the major cities of the

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late thirteenth and to urteenth centuries.

Oath-taking was not restricted to communal office-holders. Citizens also took oaths, which set out their duties and responsibilities to the commune. In an oath sworn in 1157 the citizens of G enoa pledged to abide by decisions of the consuls, attend the assembly, do military service, and not to help non-Genoese **merchants**.¹⁴ From uncertain beginnings citizenship developed as a highly complex form of legal status, made more interesting on account of the fact that it was effectively classless, inasmuch as it cut across the boundary of noble and non-noble. In many respects it became a class of itself. The communes, like modern states, always knew whom they wished to become citizens and whom they did not and were selective in their approach to conferring citizenship. Yet for all the accretions

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and variations that it accrued in the medieval centuries it remained essentially a trade-off involving obligations and money in return for privilege and protection.

One further significant constitutional innovation brought in by most communes towards the end of the twelfth century remains to be considered in this section—the office of *podestà* (*potestas*, *rector*, *gubernator*). The *podestà* was a single supreme official who took over responsibilities for justice, finance, and defence. Just as in the first quarter of the twelfth century the consulate spread quickly from city to city, so in the last quarter city after city appointed *podestà*. It could be argued that the recourse to *podestà* actually represents an inversion of the consular commune, in that the college of consuls was intended to be a

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safeguard against rule by one individual and 'lust for power', as Otto of Freising put it. Moreover, *podestà* were first introduced to Italian cities by the emperor Frederick I during his wars with the communes (1160-76): not a happy beginning. On the other hand, *podestà*, like consuls before them, were not really rulers of cities so much as appointed officers who remained in place for a short period of time, six months or a year, and were answerable to their employers. Even so, their emergence does indicate that the consular system had conspicuously failed to deliver in one important area: the maintenance of law and order within the city. The spread of noble *consorterie* and fortified towers, and the frequent outbreaks of civil strife on the streets were testimony to the struggles for power and influence amongst the

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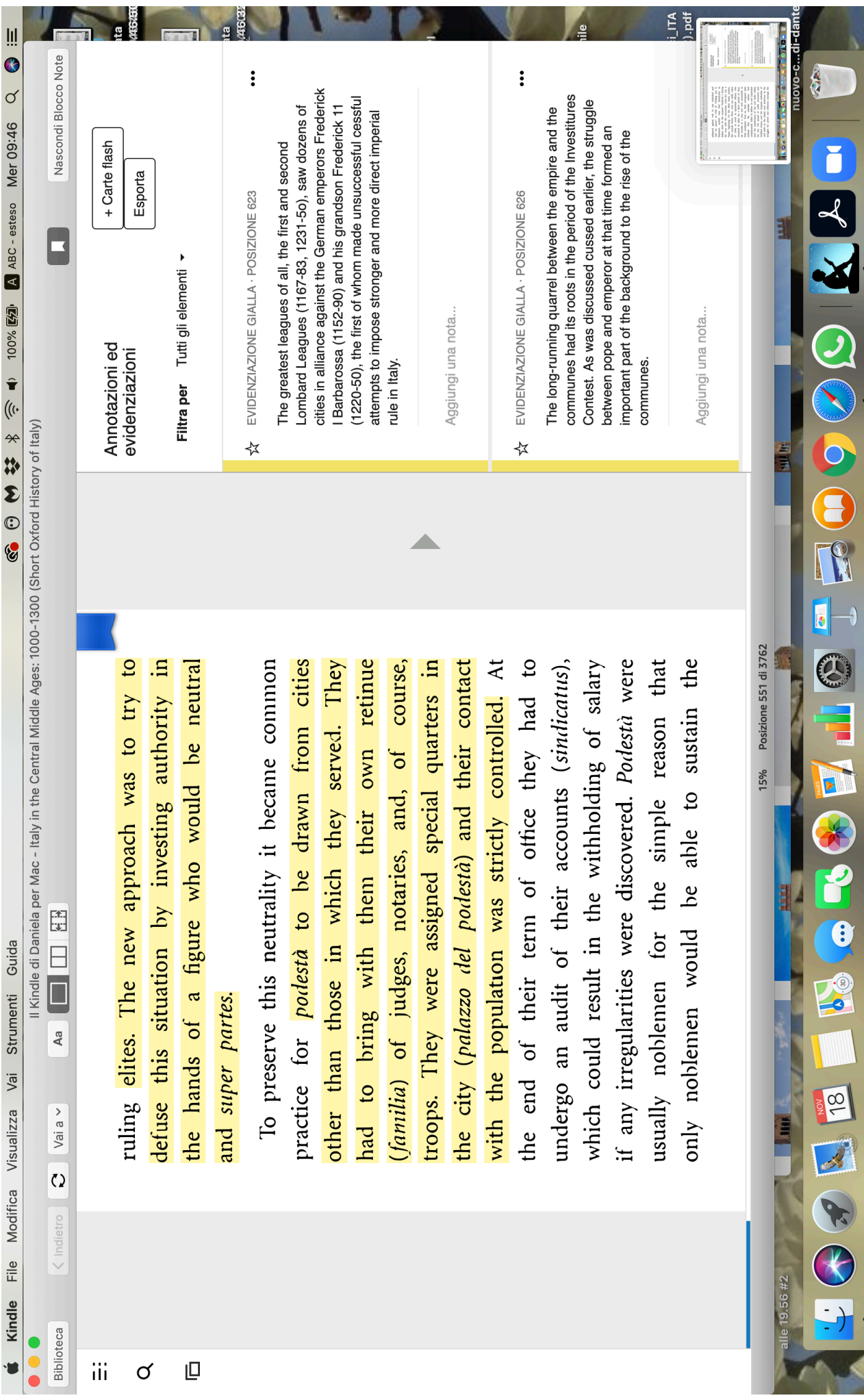
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requisite household and retinue. They were, that is to say, similar in social background to the consular families and would have shared their outlook and assumptions, factors that may have eased their task. In particular, they were likely to be well versed in the art of war, and this was becoming an increasingly sought-after skill in the hostile environment of the late twelfth and early thirteenth centuries. Acting as a *podestà* became a tradition in some families, the role being taken up by more than one family member or in successive generations; some individuals made a career out of being *podestà*, moving from city to city. Movement was not entirely free, however. The patterns of alliances between cities, rather than individual choice, dictated who went where; allied cities tended to exchange *podestà* as a mark of respect and

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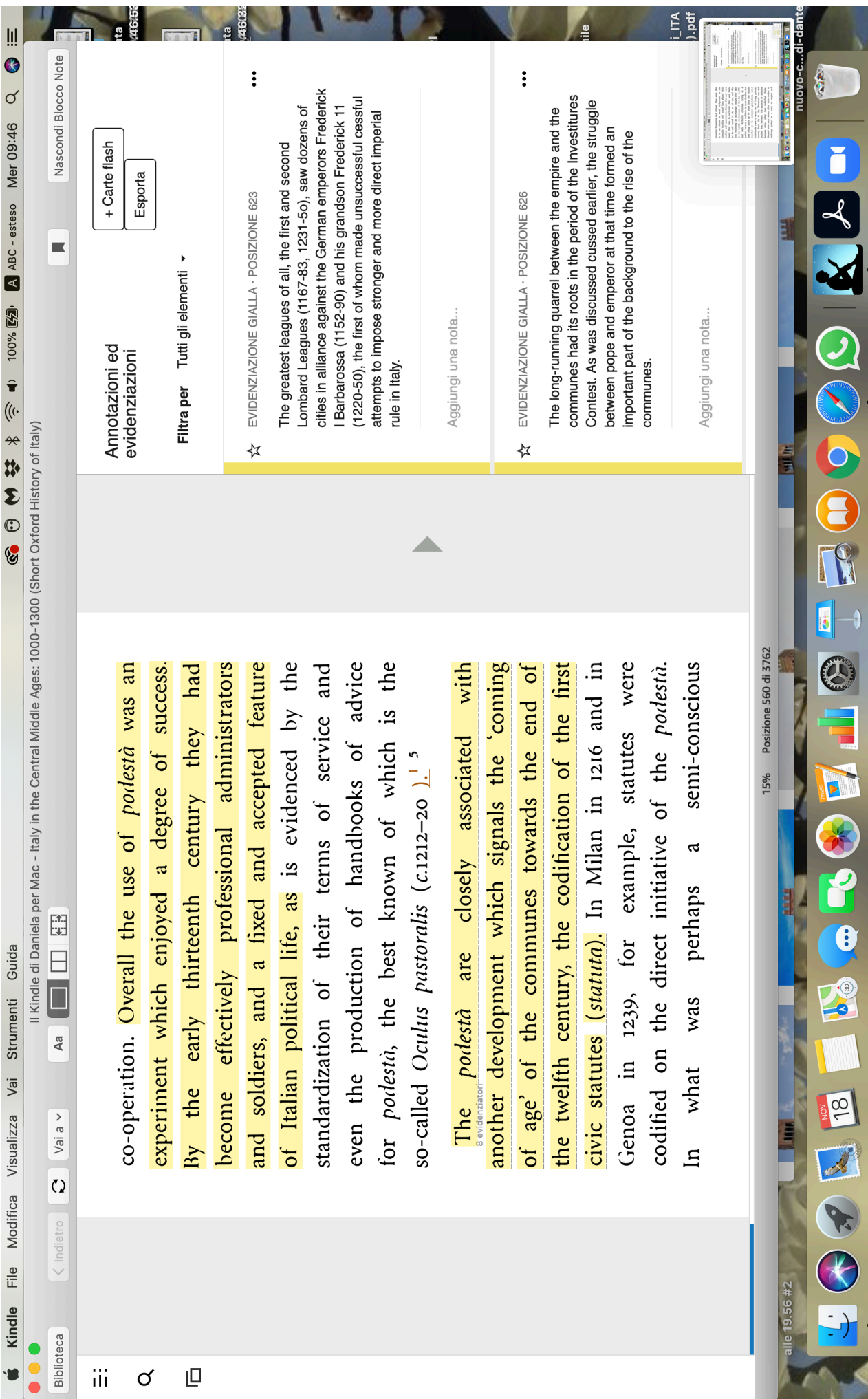
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co-operation. Overall the use of *podestà* was an experiment which enjoyed a degree of success. By the early thirteenth century they had become effectively professional administrators and soldiers, and a fixed and accepted feature of Italian political life, as is evidenced by the standardization of their terms of service and even the production of handbooks of advice for *podestà*, the best known of which is the so-called *Oculus pastoralis* (c.1212–20).^{1 5}

The *podestà* are closely associated with another development which signals the 'coming of age' of the communes towards the end of the twelfth century, the codification of the first civic statutes (*statuta*). In Milan in 1216 and in Genoa in 1239, for example, statutes were codified on the direct initiative of the *podestà*. In what was perhaps a semi-conscious

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preparation for this development a number of communes had for some time been collecting and copying all the imperial diplomas, papal bulls, pacts, treaties, charters, and all manner of other documents relating to their city into great compendia, known as 'books of rights' or 'books of privileges' (*libri iurium, libri privilegiorum*). The idea was clearly to gather together all documentation which had a bearing on the legal status of the commune, its rights and claims, particularly with regard to territory. Interestingly, in the absence of founding charters, of the kind which are familiar to north European historians of towns, some of these *libri iurium*, such as the *Registri in Magnum* of Piacenza, include at the beginning a copy of the famed Peace of Constance (1183), under which Emperor Frederick I effectively

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granted all communes constitutional autonomy.¹⁶
Insistence on the right to issue statutes (*ius statuenti*) was a confident expression of this newly won legal independence.

Cities took great pride in their statutes (the earliest statutes of Ferrara, of 1173, were inscribed on the walls of the city's cathedral); and in time they came to supersede all other forms of law, a point made forcibly by the rhetorician Boncompagno da Signa (1165/70–?1235):

In this way whatever city in Italy makes its own statutes and constitutions, according to which the *podestà* and consuls conduct public business, and punish transgressors, notwithstanding other laws which may contradict statute, [it is so done] because they have sworn to uphold those statutes and constitutions in their entirety.¹⁷

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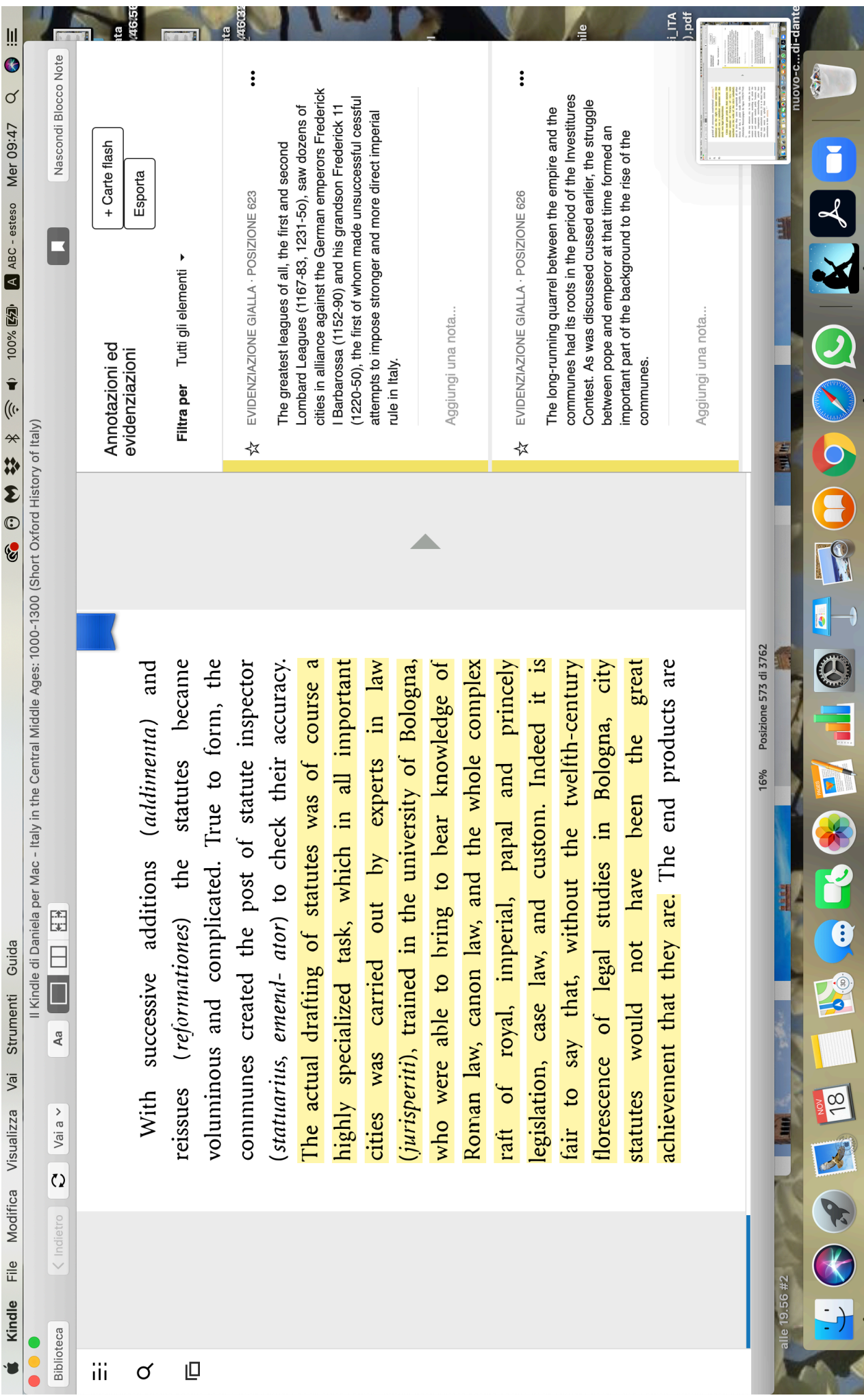
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With successive additions (*addimenta*) and reissues (*reformationes*) the statutes became voluminous and complicated. True to form, the communes created the post of statute inspector (*statuarius, emendator*) to check their accuracy. The actual drafting of statutes was of course a highly specialized task, which in all important cities was carried out by experts in law (*jurisperiti*), trained in the university of Bologna, who were able to bring to bear knowledge of Roman law, canon law, and the whole complex raft of royal, imperial, papal and princely legislation, case law, and custom. Indeed it is fair to say that, without the twelfth-century florescence of legal studies in Bologna, city statutes would not have been the great achievement that they are. The end products are

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sophisticated and comprehensive, generally divided into several books relating to different branches of law, amongst which constitutional, criminal, and civil law (*de regimine, de criminalibus, de civilibus*) were held to be the most important.

The foregoing discussion of assemblies, councils, consuls, and lawmaking may give the impression that the communes were orderly and well organized. Up to a point, allowing for medieval conditions, this is true. However, there was a dark side to communal society too, which cast a constant shadow over the progress in the fields of law and government.

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Warfare and city leagues

Leaf through any of the city annals compiled in Lombardy and Tuscany in the twelfth and thirteenth centuries and one theme immediately stands out—the **frequency of war**. Here are a few typical lines from the Annals of Cremona, compiled some time before the 1180s:

1150: When the Milanese and Cremonese met in battle at Castelnuovo, and many men and horses were killed; and the Milanese shamefully abandoned their *carroccio* there on 5 July.

1151: When the Cremonese sold Castelnuovo to the Piacentines, in the month of December.

1152: When Medesano (Parma) was captured on 13 July, and the Cremonese remained there for seven weeks.

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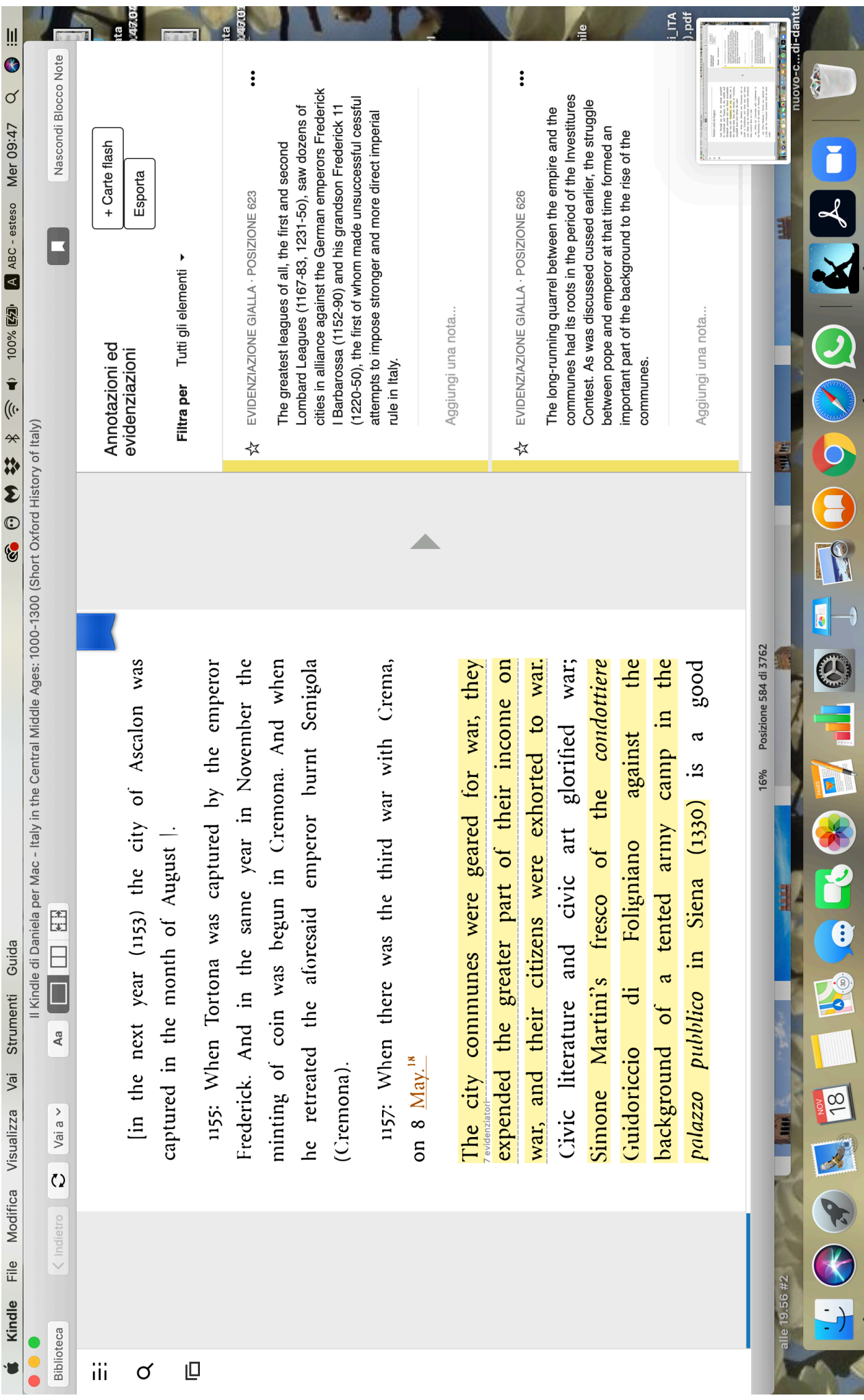
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[in the next year (1153) the city of Ascalon was captured in the month of August |.

1155: When Tortona was captured by the emperor Frederick. And in the same year in November the minting of coin was begun in Cremona. And when he retreated the aforesaid emperor burnt Senigola ((Cremona)).

1157: When there was the third war with Crema, on 8 May.¹⁸

The city communes were geared for war, they expended the greater part of their income on war, and their citizens were exhorted to war. Civic literature and civic art glorified war; Simone Martini's fresco of the condottiere Guidoriccio di Folignano against the background of a tented army camp in the palazzo pubblico in Siena (1330) is a good

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example. It is also no accident that one of the most potent civic symbols of all—the **carroccio**—was a war chariot. War was endemic, and in more ways than one communal Italy was at war with itself.

An obvious starting-point in any discussion of war is the territorial rivalry that existed between city communes. All cities were gripped by a desire to control the territory surrounding their walls (*comitatus/ contado*). In this they were motivated by purely practical considerations. First and foremost the food supply of cities derived from the *contado*, and it was paramount that this be guaranteed. This led communes to intervene actively in the cultivation, sale, and distribution of basic foodstuffs such as grain. Statutory legislation was routinely introduced to regulate prices and

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prevent hoarding or profiteering. Some cities went further, limiting or even banning the export of corn to other cities, and dictating which crops could be grown and where. It was vital too that roads be maintained and kept secure for the transport of produce from the *contado* to the city, and also for the free flow of exports out of those cities that produced manufactured goods. Commercial traffic also brought significant fiscal benefits to the cities in the form of road, bridge, gate, and market tolls. The interchange between city and *contado* is quintessentially captured in a scene from another fresco in Siena's *palazzo pubblico*, this time by Ambrogio Lorenzetti: the artist depicts a party of urban nobility on their way to hawk and hunt in the countryside passing a *contadino* driving his pigs into market at the

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city gate.

If the basic economic reliance of the city on the *contado* was fundamental, it was not the only reason why the cities wished to control their rural hinterlands. Human resources were also crucial. The communes exploited the manpower of the *contado* most obviously in the production and supply of food, but it was also put to work on infrastructural projects such as road and canal building and the construction of fortifications and planned settlements (*castelli*, *borghi nuovi*). The rural population also provided a significant proportion of the rank and file of communal armies, as military service extended from the city to the countryside. And, finally, it was a source of tax revenue, particularly so following the introduction of general taxes known as the *estimo*, *allibramento*,

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and **catasto** in the fourteenth century, fiscal initiatives in which Tuscan cities appear to have led the field.

From an early stage, then, the city communes attempted to push their territorial authority to its limits. Precisely what the limits were was an open question, however. Just as the rise of the communes involved a reshaping of the administrative and institutional structures of the old *regnum italicum*, so too it was necessary to redraw the map of political geography. The new map, as Otto of Freising once again noted, was basically one of intersecting city territories, at least on the Po and Arno plains. But it was highly fluid and unstable for most of the twelfth and thirteenth centuries, only becoming more simplified after 1300 with the rise to dominance of a few major cities. The tactics

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most commonly employed by cities in their struggles for territory were to attempt to make secular communal jurisdiction mirror the ecclesiastical jurisdiction of a city's diocese. This had certain advantages in that it provided well-defined boundaries in which to aim and, as the territorial extent of most dioceses had been more-or-less fixed for centuries, it legitimized the extension of urban authority to the countryside by appeal to historical precedent. The process evolved in two, broadly sequential, phases. First of all, the communes extended their control over their own *contado*. This was achieved largely through negotiation, often involving financial transactions, with the holders of rural lordships and leaders of rural communities, and not generally, as an earlier historiography supposed, by an aggressive

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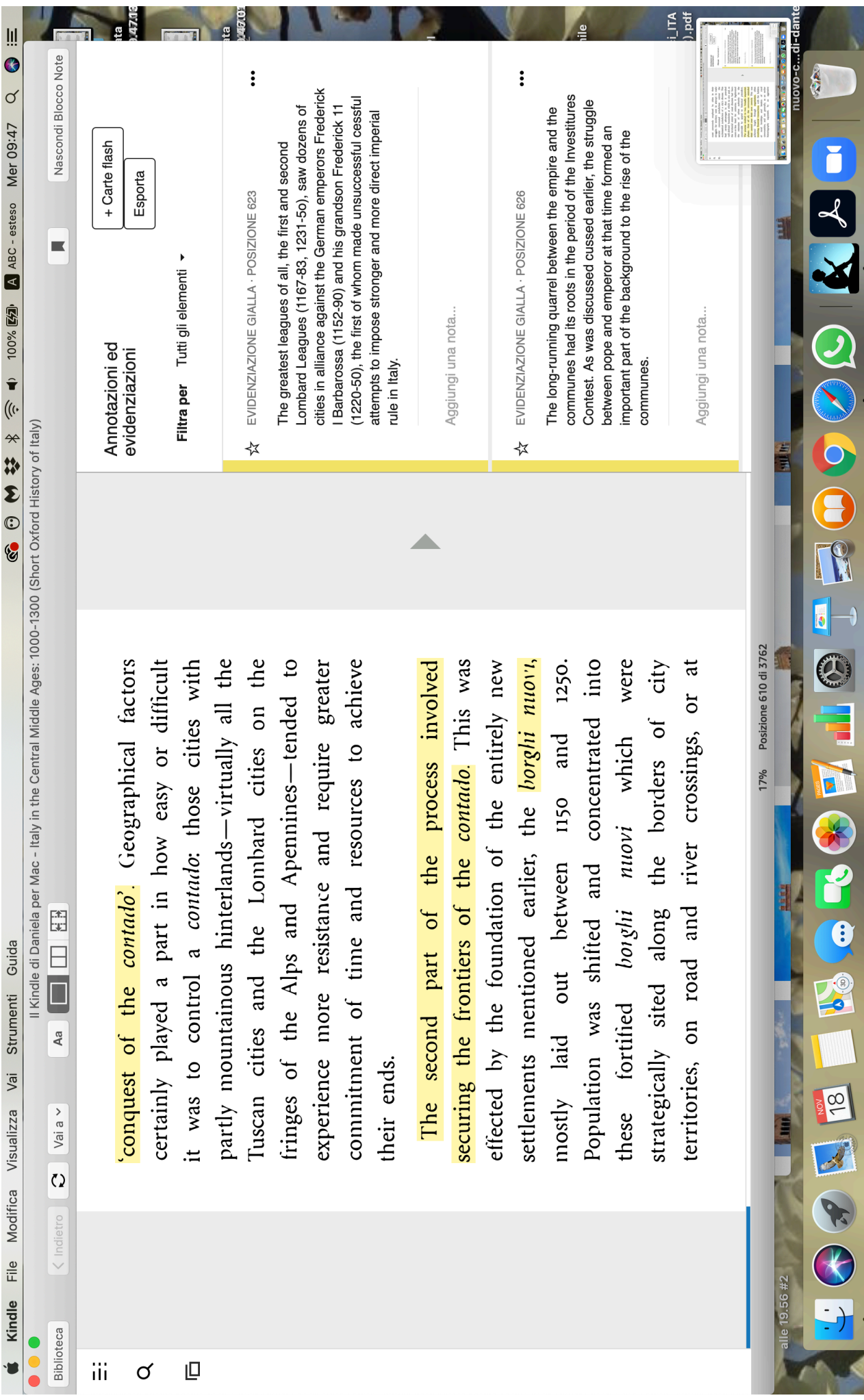
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'conquest of the *contado*'. Geographical factors certainly played a part in how easy or difficult it was to control a *contado*: those cities with partly mountainous hinterlands—virtually all the Tuscan cities and the Lombard cities on the fringes of the Alps and Apennines—tended to experience more resistance and require greater commitment of time and resources to achieve their ends.

The second part of the process involved securing the frontiers of the *contado*. This was effected by the foundation of the entirely new settlements mentioned earlier, the *borghetti nuovi*, mostly laid out between 1150 and 1250. Population was shifted and concentrated into these fortified *borghetti nuovi* which were strategically sited along the borders of city territories, on road and river crossings, or at

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the heads of valleys. On the western Po plain where the tributaries of the main river, the Ticino, Adda, Oglio, and Mincio, formed natural boundaries between city territories, the *borgli nuovi* of Soncino, founded by Cremona in 1118, and Orzivecchi, founded by Brescia in 1120, stared confrontationally at one another from opposite banks of the river Oglio; a similar situation existed in Veneto where the Paduans constructed Cittadella in 1220 in response to the Trevisan foundation of nearby Castelfranco (1195). These settlements were the strongpoints and often the flashpoints of inter-communal warfare, its border skirmishes. Their inhabitants were as much garrisons as cultivators, as is shown by the charters of privileges granted to them by communes in which the responsibilities of guard duty figure prominently. By investing

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in these elaborate defensive measures on the periphery of their territories the communes were attempting not only to safe-guard their land and supply lines, but to reduce the frequency with which the communal militia (in which the citizens themselves served) took the field. This propensity to pay others to do their fighting was to become ever more marked in the thirteenth-century communes, culminating ultimately in the widespread use of mercenary forces.

Territorial rivalries naturally led city communes to seek friends and allies. Almost as soon as they came into existence in the early twelfth century they began to form defensive alliances, usually with relatively distant neighbours, with the aim of protecting their interests and territory against the ambitions of

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more immediate neighbours. In time these alliances evolved into wider coalitions or leagues (*societates*). The greatest leagues of all, the first and second Lombard Leagues (1167–83, 1231–50), saw dozens of cities in alliance against the German emperors Frederick I Barbarossa (1152–90) and his grandson Frederick II (1220–50), the first of whom made unsuccessful attempts to impose stronger and more direct imperial rule in Italy. In addition to common political and financial structures, which were in many respects scaled-up versions of those to be found in the cities, the Lombard Leagues also raised a common army, drawn from the citizen militias of their member cities. Thus on the battlefield, as in most other aspects of north Italian society during this period, communalism prevailed.

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The greatest leagues of all, the first and second Lombard Leagues (1167–83, 1231–50), saw dozens of cities in alliance against the German emperors Frederick I Barbarossa (1152–90) and his grandson Frederick II (1220–50), the first of whom made unsuccessful attempts to impose stronger and more direct imperial rule in Italy.

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☆ EVIDENZIATIONE GIALLA · POSIZIONE 626

The long-running quarrel between the empire and the communes had its roots in the period of the Investitures Contest. As was discussed cussed earlier, the struggle between pope and emperor at that time formed an important part of the background to the rise of the communes.

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