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# Introduction

If there is to be peace in the world,  
There must be peace between nations.  
If there is to be peace between nations,  
There must be peace in the cities.  
If there is to be peace in the cities,  
There must be peace between neighbors.  
If there is to be peace between neighbors,  
There must be peace in the home.  
If there is to be peace in the home,  
There must be peace in the heart.

—ATTRIBUTED TO LAO-TZU (570–490 BCE)

AS THIS QUOTATION attributed to the ancient Chinese philosopher indicates, imagining peace is both a timeless and universal human inclination. This does not mean, however, that conceptions of peace and peacemaking efforts do not have their own rich and variegated histories within their own cultural contexts. Indeed they do, and this book is a contribution to the history of one of the most significant of them in the Middle Ages. Firmly contextualized in the peacemaking practices of late medieval Italy, with an eye trained on Florence in particular, this study frames the subject in Christian ideas about penitence, which were disseminated in a great whirlwind of mendicant and lay preaching that swept over the Italian peninsula, gathering force in the early thirteenth century.

The *Oxford English Dictionary* offers multiple definitions of “peace,” of which the first five are relevant for our discussion. “Peace” is first defined as “freedom from, or cessation of, war or hostilities;” second as “freedom from civil disorder and commotion;” third as “quiet, tranquility;” fourth as “a state of friendliness, concord, amity;” and fifth as “freedom from mental or spiritual disturbance or conflict.”<sup>1</sup> The semantic field of the term peace as used in the

1. *The Compact Oxford English Dictionary* (Oxford: Clarendon Press, 1991), 2nd ed.

Middle Ages is equally broad and encompasses all those lexical variations and more. If we were to be schematic we could categorize them as aspects of political peace, civil peace, and domestic peace, all of which overlapped and to some degree participated in one another because they were suffused and embedded in the meanings of peace as formulated in Christian religious culture.

Medieval theologians envisioned peace in its most perfected form as the eternal peace of heavenly Jerusalem, where the hope of life-everlasting at the end of time would be fulfilled.<sup>2</sup> The mundane world experienced a promise of this peace during the lifetime of Jesus when he bid farewell to his disciples with the words: “Peace I leave you, my peace I give you” (John 14:27), often interpreted as a prophecy of the peace to come in the Kingdom of God. Certain millennial and eschatological thinkers, on the other hand, believed that a time of tranquility on earth was nigh, one prophesied in the Book of Revelation 20: 1–7 (Apocalypse). Inaugurated by an angel who would vanquish Satan, Christ in the company of his martyr-saints would then return to rule the earth for a thousand years. This period would signal the imminent demise of the world before the Last Judgment, after which the peace of Jerusalem would reign supreme.<sup>3</sup> But for now, before the end of time, the world being an imperfect place, the only achievable peace was a pale imitation of heavenly Jerusalem, a limited peace at best. Even if it could never be realized fully on earth, eternal peace continued to be an aspirational model conditioning all thinking about peace in the Middle Ages.

The way in which fallen human beings could approximate and perhaps even experience heavenly peace and tranquility in a partial way was to convert and make peace with God. This is the sort of peace that Saint Augustine (d. 430), the theologian whose conception of peace influenced all medieval Christian thinkers who followed him, had in mind when he wrote in *The City of God* that “the peace of all things is the tranquility of order.” For human beings, inner peace, on which all other types of peace were based, could only be achieved when both body and soul were brought into alignment to create harmonious order.<sup>4</sup>

2. The author of a twelfth-century tract called *De bono pacis*, most likely Rufinus of Sorrento, distinguishes three types of peace associated with three specific locations: that of angels was associated with Jerusalem; of men with Babylon; and of demons with Egypt. For a recent edition of the tract, see Roman Deutinger, *MGH Studien und Texte 17* (1997). For recent discussions of the text, see Otto Gerhard Oexle, “Pax und Pactum: Rufinus von Sorrent und sein Traktat über den Frieden,” in *Italia et Germania: Liber Amicorum Arnold Esch*, ed. Hagen Keller, Werner Paravicini, and Wolfgang Schieder (Tübingen: Walter de Gruyter, 2001), 539–55; and Jehangir Yezdi Malegam, *The Sleep of the Behemoth: Disputing Peace and Violence in Medieval Europe, 1000–1200* (Ithaca, NY: Cornell University Press, 2013), 286–96.

3. Robert Lerner, “Medieval Millenarianism and Violence,” in *Pace e guerra nel basso medioevo: Atti del XL Convegno storico internazionale, Todi, 12–14 ottobre 2003* (Spoleto: Accademia Tudertina, 2004), 37–52, among his most recent works in a vast bibliography dedicated to this subject.

4. Augustine of Hippo, *The City of God*, trans. Marcus Dods (New York: Random House, 1950), Bk 19: 13, 690.

According to late medieval theologians, the only way to realize that inner peace, “the tranquility of order,” was by means of penance, which, they argued, acted like a purgative to cleanse the soul of all earthly concerns, temptations, and evils. They further argued that peace with God, attained through the restorative power of repentance, was nothing less than the cornerstone on which all other versions of peace were erected. Domestic peace, neighborhood peace, civic peace, the security of the state—all these versions of exterior peace were predicated on an inner peace or “serenity of the soul” effected by penance.<sup>5</sup> This is the primary reason why medieval moralists, preachers, and politicians placed such stock in what we might call “penitential peace,” because they understood it as a disciplinary practice that would lead to civic peace. Though Robert Bartlett was discussing peace in its legal milieu, his insight that “peace was thus not presumed as a universal given . . . breaches of which could be punished; rather it had to be created by a positive act” holds true in the religious context as well.<sup>6</sup> The positive act in this case was purgation through penitential action. In social practice, the enactment of a peace agreement created an analogous state. The act restored concord, the civic bond, and was a precondition for peace and tranquility in the city. Thus it is necessary to remember that when medieval people were engaged in peacemaking, they regarded it as an external act of reconciliation, predicated on an inner peace established through penance, both of which foreshadowed—through a glass darkly—the eternal peace of Jerusalem.

Consequently, Christian conceptions of penitential peace were never very far from the surface of any discussion of conflict settlement, which is why—even if it creates some semantic ambiguity—I prefer the medieval term “peacemaking” to “dispute resolution,” the latter terminology having been drawn from contemporary legal lexicons. I would argue that the semantic ambiguity is useful in that it preserves and respects the medieval meaning of the practice. That ambiguity also allows for the religious, political, legal, and social aspects of peacemaking to be invoked simultaneously; whereas to employ the term “dispute settlement,” “conflict resolution,” or even “dispute processing” fences the procedure into a legal or political context, thereby draining it of all its religious connotations. The chasm between the modern and medieval meanings is brought into sharper focus when we examine the discourse and vocabulary underlying the medieval institution, which places the emphasis on the peace rather than the conflict. As the terminology implies, peace instruments look forward to the harmonious future rather than back to the contentious

5. The phrase is Jawaharlal Nehru’s, excerpted from the full quotation: “Peace is not a relationship of nations. It is a condition of mind brought about by a serenity of soul. Peace is not merely the absence of war. It is also a state of mind. Lasting peace can come only to peaceful people.”

6. Robert Bartlett, “‘Mortal Enmities’: The Legal Aspect of Hostility in the Middle Ages,” in *Feud, Violence and Practice: Essays in Medieval Studies in Honor of Stephen D. White* (Burlington, VT: Ashgate, 2010), 197–212, at 198.

past.<sup>7</sup> The legal agreement that recorded the settlement of a dispute was called an *instrumentum pacis*, a peace instrument, and was commonly referred to as a *pax* (peace). These are the terms enshrined in Florentine statute law and used by notaries who recorded such settlements in their casebooks. But it is not merely a question of usage that is at stake. I am arguing in favor of this terminology because the word *pax* signified more than dispute resolution in the late medieval period, so much more that the term habitually conjured all of these meanings together at one time. The word pointed toward the past, present, and future simultaneously. It referred back to what some have argued was the origin of the city, when communes were founded upon a sworn oath—often called a *pax*—of peace and protection, while at the same time the word pulsed with the energy of the contemporary political project of peace, public order, and security promoted by popular communal governments.<sup>8</sup> It also summoned the prophesied future described in Psalm 85:10, when the four daughters of God would return and Justice and Peace would embrace in a kiss.

In a sense this entire study is an effort to understand the multiple meanings of the term peace in the late medieval period by juxtaposing source materials that are not usually examined together, so as to facilitate conversation between disparate disciplinary fields that are not ordinarily in the habit of conversing. That is, to use the terms that medieval people would have understood, I have tried to unite the history of “inner peace,” as it has been examined by historians of religion to the history of “outer peace,” as analyzed by scholars of political, legal and social history. Peacemaking was a widespread and commonplace practice that permeated late medieval Italian society, but it has yet to be studied in a multifaceted way. It was deeply rooted in the religious culture of penance, which structured how it was practiced, a fact that the scholarly literature—hemmed in by disciplinary boundaries and an emphasis on the study of violence—has for too long overlooked. By illuminating the social practice of peacemaking and its penitential context, this book nuances our picture of faction-riven late medieval Italy, arguing that religious ideas shaped some of the most important secular institutions that emerged in this period to keep the peace. My twin emphases on the religious crucible in which penitential ideas of peacemaking were forged, and the secular institutions

7. This is an insight from Antonio Padoa Schioppa, “Delitto e pace privata nel pensiero dei legisti bolognesi. Brevi note,” *Studia Gratiana* 20 (1976): 271–87, at 274.

8. For the link between the communes, oaths, and peace, see Otto Gerhard Oexle, “Peace through Conspiracy,” in *Ordering Medieval Society: Perspectives on Intellectual and Practical Modes of Shaping Social Relations*, ed. Bernhard Jussen (Philadelphia: University of Pennsylvania Press, 2001): 285–322. See now Malegam’s reinterpretation of Oexle in *The Sleep of the Behemoth*, 230–63. For a revisionist view of this theory of the foundation of the communes, see now Chris Wickham, *Sleepwalking into a new World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton: Princeton University Press, 2015), which argues the communes in fact were “making it up as they went along,” 19.

that realized them, helps us to see how the spiritual and political leaders of medieval cities sought to temper the effects of feud, violence, and vendetta by foregrounding the place of peace agreements in the communal judicial system.

My emphasis on both religion and society serves to bridge fields of scholarship, enabling us to see the dynamic whole that constituted medieval peacemaking more clearly than we can see it by examining its discrete parts.<sup>9</sup> Therefore, this book is neither a legal history nor a political history of dispute settlement. Nor is it solely a religious or social history of peacemaking. Instead, by fitting together the many individual tesserae that represent the diverse sources, approaches, and insights of all these fields, I hope to have constructed a mosaic that tells a larger story about peacemaking in the communal period, one that shows how peace was conceived, achieved, and memorialized in late medieval Italy.

I have chosen to focus primarily on Florence for three basic reasons. The first is source-driven. The Fondo Antecosimiano in the Archivio di Stato of Florence is arguably unparalleled in its richness, and a preliminary investigation of its holdings assured me that I would find the peace instruments I was looking for in the notarial records. But I wanted to read those legal sources against other pieces of evidence for medieval peacemaking such as political treatises, sermons, hagiography, ritual descriptions, and iconography produced in the same context. Florence offered that possibility, though in some cases—perforce—I had to gather contemporary evidence outside of the city's reach and influence. The second reason is that since I was undertaking a multidisciplinary project, I wanted to have a well-developed body of scholarly literature in the various fields that this book encompasses. Well-studied as Florence is, the scholarship would serve as my Virgil, helping to guide and test my interpretations in this new terrain. My debt to the (mainly) Italian and Anglophone scholarship on Florence is incalculable and is to be measured in the footnotes of this study. Third and finally, Florence provides a fitting laboratory to study peacemaking precisely because of its notorious reputation for violence, feud, and vendetta, to say nothing of the political factionalism and instability that characterized most of the Duecento. In the pages that follow, I outline briefly some of the important political developments of that century for those readers unfamiliar with Florentine history but who have an interest in peacemaking practices.

## A BRIEF OVERVIEW OF THIRTEENTH-CENTURY FLORENCE

The troubles that would cast a long shadow over the entire thirteenth century began, according to one Florentine chronicler, in 1215 in the town of

9. Though not the synthesis called for by Mariaclara Rossi, ("Polisemia di un concetto: la pace nel basso medioevo: Note di lettura," in *La pace fra realtà e utopia. Quaderni di Storia Religiosa* 12, Verona: Cierre, 2005, 9–45, at 10 and 34), my study weaves together more disparate modes of scholarship on peace than has yet been undertaken.

Campi, host to a fête celebrating the knighthood of one of the city's elite sons. At the banquet a row erupted. Great platters of food were overturned and violence ensued. In the event, Oddo Arrighi dei Fifanti sustained a knife wound to his arm inflicted by Buondelmonte dei Buondelmonti. The dispute, which injured Oddo's honor as much as it did his flesh, was resolved when the Fifanti allies decided that Buondelmonte should marry the niece of Oddo Arrighi in order to bring peace to the families. The star-crossed betrothal was hurriedly arranged and then unexpectedly broken off when Buondelmonte subsequently engaged himself to another woman. Oddo Arrighi did not take this second affront to the family honor lightly; he consulted his allies who decided that Buondelmonte had committed a capital offence. Thus on his wedding day, on Easter morning, Buondelmonte was assassinated in cold blood at the foot of the Ponte Vecchio in front of the Amidei palace, the home of his jilted bride.<sup>10</sup> All reports note that this shocking act of violence immediately thereafter divided the city into political factions: the Guelfs, who supported the Buondelmonti, and the Ghibellines, who were allies of the Fifanti. The story, then, is not only one of personal vendetta, but also the origin story of the Guelf and Ghibelline parties in Italy, from which it should be clear that private enmity, local factionalism, and political alliances were so inexorably knotted together that they cannot easily be untangled, much less understood apart from one another. And though the politics and rivalries were much more complex than this brief explanation allows, in the grand scheme of political affairs on the Italian peninsula, the Guelfs now stood as papal allies, while the Ghibellines aligned themselves with the imperial party led by Frederick II.

John Najemy has astutely observed that the creation story of the two parties functions "as a parable of the original sin that required the popolo's punishment of the elite."<sup>11</sup> The *popolo* consisted of those of an intermediate social status between the nobility and the laboring classes. In a political context the term "popolo" also refers to the "popular" governments established by wealthy merchants and skilled artisans whose interests were distinct from those of both the noble grandees and unskilled labor. The first government of the popolo was established in 1250, when a popular revolt toppled the pro-imperial nobility as a response to crushing taxation and magnate violence against Florentine citizens. The *Primo Popolo*, as it was called, reigned for a decade, until the Battle of Montaperti, when the Ghibellines defeated the Guelfs, then recaptured

10. *Cronica fiorentina compilata nel secolo XIII*, in *Testi fiorentini del Dugento e dei primi del Trecento*, ed. A. Schiaffini (Florence: G.C. Sansoni, 1926), 82–150, at 117–19, a text also known as the Pseudo-Brunetto account. It is an old tale, often told by Florentine chroniclers, and here I have quoted one the earliest. For a very good contextualized analysis of the multiple versions of the tale, see Enrico Faini, "Il convito del 1216: La vendetta all'origine del fazionalismo fiorentino," *Annali di storia di Firenze* 1 (2006): 9–36. Later versions, such as the one I recount in chapter 4, situate the scene of the murder beneath the statue of Mars at the Ponte Vecchio.

11. *A History of Florence, 1200–1575* (Malden, MA: Blackwell, 2006), 13.



Florence, ruling briefly between 1260 and 1266. But the Guelfs again took power—this time for good—in 1267, the year after the French House of Anjou had defeated the Hohenstaufen in the Regno, the southern Kingdom of Italy. Allied with the papacy and the Angevins, now rulers of the southern Kingdom, Florence was rewarded with lucrative banking business and trading contracts. The Guelf government dealt with its Ghibelline enemies by confiscating their property and exiling them from the city. Consequently, hostilities, rancor, and warfare continued between the parties, making everyday life in the city almost untenable and forcing the Guelf leaders to turn to the papacy to provide non-partisan mediation. In 1280 it came in the form of Cardinal Latino Malabranca, a legate sent to Florence by the pope, whose peacemaking mission we will hear more about in chapter 2. For now, it is important to know that he made peace between the Buondelmonti and the Uberti families (allies of the Fifanti) and established the office of “conservator of the peace,” a civic office whose charge was to impose peace settlements where warranted.<sup>12</sup> Significantly, the cardinal-peacemaker also allowed many of the Ghibellines to return home, even granting them a limited degree of power in the new executive magistracy he created called “the Fourteen,” a form of government not destined for longevity. Two years later, in 1282, the Guelf party replaced the Fourteen with a magistracy led by guild priors. Membership in one of the city’s important guilds was the criterion for election into the Priorate of the new guild government. Elected as prior in 1289, Giano della Bella, son of one of the elite families of Florence, surprisingly (given his social status) became the principal protagonist of the government of the *Secondo Popolo* of 1293, whose mandate was to curtail the privileges of the magnates, many of them (but not all) from old Ghibelline lineages.<sup>13</sup> The new government succeeded in circumscribing the power of the grandees by decreeing a constitution called the Ordinances of Justice, in which anti-magnate laws were enacted. The Ordinances of Justice (1293–95) was arguably the most important piece of legislation that the commune ever enacted. In essence, many of the old established lineages were penalized and blacklisted under this new legislation. Among other things, it decreed harsh penalties against magnates who assaulted or harmed popolani, and it excluded the grandees from the governing body of the Priorate. Though older scholarship hailed the advent of the popular governments, more recent scholars have argued that the Ordinances of Justice demonized the magnate

12. Nicola Ottokar, *Il comune di Firenze alla fine del Duecento* (Turin: Einaudi, 1962), 4.

13. For the make-up of the Florentine factions, see Sergio Raveggi et al., *Ghibellini, Guelfi e popolo grasso: i detentori del potere politico a Firenze nella seconda metà del Duecento* (Florence: La Nuova Italia, 1978); and Carol Lansing, *The Florentine Magnates: Lineage and Faction in a Medieval Commune* (Princeton: Princeton University Press, 1991). See now Enrico Faini, *Firenze nell'età romanica (1000–1211): l'espansione urbana, lo sviluppo istituzionale, il rapporto con il territorio* (Florence: L.S. Olschki, 2010); and Silvia Diaciatì, *Popolani e magnati: società e politica nella Firenze del Duecento* (Spoleto: Fondazione Centro italiano di studi sull'alto Medioevo, 2011).



class in order to legitimize the popolo's governing authority. That may well be true; nevertheless, the guild government engaged in an active discourse that promoted itself as an architect of peace. The opening paragraph of the Ordinances of Justice says as much when it extols the saints and the new guild government, which promises to govern the city faithfully in perpetual concord and stable union, and to work toward augmenting the peace and tranquility of those under its dominion.<sup>14</sup>

The Guelfs had decidedly won the day, but within a few years the victorious party itself was riven by internal strife, such that by the last years of the thirteenth century the party had split into White and Black factions. The former stood in opposition to the expansion of papal power in Tuscany; the latter, many of whom were rich merchants and bankers, supported Angevin and papal policies. Using tried and true methods, the Whites sent the Blacks into exile, where they remained until 1301 when, under the leadership of Corso Donati, they engineered a coup d'état and grabbed the reins of government from the Whites. Members of the defeated White party, including the prior Dante Alighieri, were now condemned as political enemies and sentenced to exile, their property confiscated by the commune.

All this political upheaval and turmoil, often the result of personal animosities disguised as political rivalry, was reported in great detail in the blood-soaked pages of Florence's chroniclers: Dino Compagni, Giovanni Villani, and Marchionne Coppo di Stefano Bonaiuti, among others.<sup>15</sup> It must not be forgotten, however, that in that same period of widespread violence and vengeance, the commune experienced unprecedented demographic and economic growth, accompanied by an unparalleled cultural efflorescence. Undergirded by the activities of the textile and banking industries, Florence in this era was also home to the creative forces of Dante and Giotto, whose monumental talents inexorably reshaped the history of literature and the visual arts on the Italian peninsula and well beyond. The city was also a center of great religious learning and popular fervor inspired by the mendicant friars, who were targeting the urban centers of Italy—those perceived dens of iniquity—with their preaching campaigns intended to revitalize religious belief and practice. As early as 1221, the Dominicans had planted themselves outside the city walls in the northwestern section of Florence, where construction of the convent-church complex of Santa Maria Novella continued throughout the century. A few years earlier, the Franciscans had staked out a place on the opposite

14. For a new edition, see *La legislazione antimagnatizia a Firenze*, ed. Silvia Diacconi and Andrea Zorzi (Rome: Istituto Storico Italiano per il Medio Evo, 2013), 57.

15. Dino Compagni's chronicle is now translated as *Dino Compagni's chronicle of Florence*, trans. Daniel E. Bornstein (Philadelphia: University of Pennsylvania, 1986); Giovanni Villani, *Nuova Cronica*, ed. Giovanni Porta, 3 vols. (Parma: Ugo Guanda, 1991); *Cronaca fiorentina di Marchionne di Coppo Stefani*, ed. Niccolò Rodolico, in RIS 30, Part I (Città di Castello: Lapi, 1903).

side of the city near the river, building a small oratory there, which would eventually be transformed into the friary and church of Santa Croce. Both Orders regarded the call to penance and peacemaking as fundamental aspects of their mission, and they often wove the two themes together in the fabric of their sermons, the subject of the first chapter of this book.



In order to contextualize all that follows, chapter 1 traces the arc of the penitential peace movements led by laymen and friars, a story that begins at the turn of the thirteenth century, and follows it through to the mid-fifteenth century, the age of the Observant friars, heirs to what had by then become a well-established tradition of pacification through preaching. Though some of this material will no doubt be familiar to those who study the history of religious movements, it will be less so to those who concentrate on dispute resolution from a legal point of view, making its presence here at the outset all the more important. Synthesizing the work of scholars who have studied the various religious movements of the later Middle Ages as separate and unconnected phenomena, this chapter makes a new argument that binds all these movements together, suggesting that they shared one common trait: they were peace movements that took the form of penitential processions. It furthermore examines the development of religious ideas that linked peace to penance, and shows how inspired laypeople and mendicant preachers pressed these views into civic action. Here I show how the friars and their like-minded allies sowed the seeds that contributed to a confessional culture—itsself tied to penitential reforms of the thirteenth century—that was to flourish throughout the Middle Ages. And it was that confessional culture in which urban peacemaking practices matured. Though I cast my net widely throughout central and northern Italy in order to bring as wide an array of evidence as possible into view; nonetheless woven throughout the discussion is an account of how peace movements and preaching emerged in and impacted the city of Florence and its *contado*, its subject towns and territory.

Though perhaps expected, I do not trace this story back to the Peace of God movement of the tenth and eleventh centuries because, in my view, the character of that movement was fundamentally different from the penitential peace that I have identified as an animating force of the later medieval movements. That is, the Peace of God, which began in France in 975 at a church council in Le Puy, originated as a reaction against the private warfare that was widespread in southern and central France. Some have argued that the movement was also apocalyptic and millenarian in character, traits shared with some of the later peace movements, but that is where the similarities begin and end.

The earlier and later movements diverge first of all in respect to their leadership. Bishops guided the Peace of God by convening a series of councils

to protect churches, clergy, peasants, and the poor from marauding warriors.<sup>16</sup> They imposed sanctions—usually in the form of excommunication—on anyone who broke the peace. The aim of the Peace of God was to protect the weaker (and unarmed) members of society against the bellicose knightly class. This was not a primary objective of the peace movements of the later Middle Ages. Nor were the clergy the prime movers behind them. The decisive difference, however, is that the Peace of God was not a penitential movement so far as I can see, which should not surprise us given that this was not yet the great age of penance ushered in 1215, in the wake of the Fourth Lateran Council, when the sacrament was reformulated. Canon 21 joined individual annual confession to the long-standing obligations of contrition, satisfaction, and absolution. Now in order to receive communion, a Christian was obliged to confess and repent at least once per year.<sup>17</sup> This new stress on sacramental penance manifested itself in society in a wave of feverish preaching in the piazzas, and provided the early friars with endless subject matter for their sermons. It is well known that Francis of Assisi and his early followers often preached on penance, high theological matters being off limits to these unschooled preachers; yet the Dominicans too, their well-trained counterparts, took up the mission to preach penance with great zeal. Domenico Cavalca, O.P. (d. 1342), one of the great vernacularizers of our period, wrote: “Those who are the successors of Christ and of the apostles, such as prelates, religious, and priests, are obliged to preach the gospel and to call people to penance: they cannot keep quiet without committing a grave sin.”<sup>18</sup>

The friars preached that penance would lead to inner peace, the soil in which exterior peace could take root. Significantly, a penitential framework for understanding the civil act of reconciliation was crucial for its success, as it allowed both parties to avoid slights against honor, shame, or humiliation. As God’s will, preachers and moralists noted that peacemaking was an act of humility, inspired by love of God and elicited by a gift of grace.<sup>19</sup>

Evidence for this argument comes in the form of sermons, theological tracts, chronicles, hagiography, and visual evidence, traces left behind by preachers, penitents, and religious movements ranging from the Great Devotion of 1233 to the preaching campaigns of the Observant friars in the first part of the fifteenth century. In analyzing this material, I am indebted to

16. *The Peace of God: Social Violence and Religious Response around 1000*, ed. Thomas Head and Richard Landes (Ithaca, NY: Cornell University Press, 1992); and Dominique Barthélemy, *L’an mil et la paix de Dieu. La France chrétienne et féodale, 980-1060* (Paris: Fayard, 1999).

17. For penance in the early and central Middle Ages, see Rob Meens, *Penance in Medieval Europe, 600-1200* (Cambridge: Cambridge University Press, 2014). For confession, see Thomas Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton: Princeton University Press, 1977).

18. *Frutti della lingua* (Rome: Antonio de’ Rossi, 1754), 214.

19. For more on this theme, see Ottavia Niccoli, “Rinuncia, pace, perdono. Rituali di pacificazione della prima età moderna,” *Studi Storici* 40.1 (1999): 219–61.

the work of a number of scholars who emphasized the central place of peacemaking in the individual religious movements they studied. André Vauchez noted that pacification was a primary concern of the Allelujah movement, while Arsenio Frugoni, noted that the Bianchi made peacemaking their apostolate.<sup>20</sup> More ambitiously, Clara Gennaro linked some of the fourteenth-century religious movements together under the rubric of peace.<sup>21</sup> None of them, however, put these peace movements into dialogue with the civic practice of peacemaking emerging in the communal judicial system, nor did they undertake to analyze how closely theologians linked these two concepts.

In Anglophone scholarship, meanwhile, John Bossy began examining the social nature of early modern Christianity and its focus on peace. In *Christianity in the West 1400–1700*, where the theme of peace is a leitmotif throughout, he showed how ecclesiastical institutions shared rites and practices that aimed to create a sense of community among Christians. “The characteristic of [a] Christian relationship was peace,” he remarked, and although the medieval period was not his subject, he did note in passing that “brotherhood and peacekeeping were associated throughout the Middle Ages.”<sup>22</sup> As we shall see, he returned to the theme of Christian peace in a series of lectures he gave a decade later, but for now we should note that his portrait of the church and its emphasis on peacemaking likely helped set the stage for two monographs on religious peacemaking published in quick succession in the early nineties.

The first, *Revival Preachers and Politics in Thirteenth-Century Italy: The Great Devotion of 1233* by Augustine Thompson, O.P., revised Vauchez’s discussion of the mendicant pacification campaign in northern Italy and observed that notable among its characteristics was the use of preaching as a launch pad into civic peacemaking.<sup>23</sup> One of the book’s most important contributions was

20. André Vauchez, “Une campagne de pacification en Lombardie autour de 1233: L’action politique des ordres mendiants d’après la réforme des statuts communaux et les accords de paix,” *École Française de Rome. Mélanges d’archéologie et d’histoire* 78 (1966): 503–49; repr. in Vauchez, *Religion et société dans l’Occident médiéval* (Turin: Bottega d’Erasmus, 1980), 71–117. After a long absence Vauchez returned to the theme of peacemaking with “La paix dans les mouvements religieux populaires (XIe–XVe siècle),” in *Pace e guerra nel basso medioevo. Atti del XL Convegno storico internazionale Todi, 12–14 ottobre 2003* (Spoleto: Centro italiano di studi sull’alto medioevo, 2004), 313–33. See also Arsenio Frugoni, “La devozione dei Bianchi nel 1399,” in *L’attesa dell’età nuova nella spiritualità della fine del medioevo. Atti del III convegno del Centro di studi sulla spiritualità medievale*. (Todi: Accademia Tudertina, 1960), 232–48, at 239.

21. “Movimenti religiosi e pace nel XIV secolo,” in *La pace nel pensiero nella politica negli ideali del Trecento, 13–17 Ottobre, 1974. Centro degli Studi sulla spiritualità medievale* 15 (Todi: L’Accademia Tudertina, 1975), 93–112.

22. John Bossy, *Christianity in the West* (Oxford: Oxford University Press, 1985), 57–58. See also his “The Mass as a Social Institution, 1200–1700,” *Past and Present* 100 (1983): 29–61; and *Disputes and Settlements: Law and Human Relations in the West*, ed. John Bossy (Cambridge: Cambridge University Press, 1983).

23. (Oxford: Clarendon Press, 1992), 12. It is an irony that no sermons survive from this movement propelled by preaching.

to show how charismatic preachers associated with the movement inserted themselves into municipal governments to reform statute law.

Though it produced no celebrated preachers, the Bianchi were similarly oriented toward linking peace to penance. Daniel Bornstein's *The Bianchi of 1399: Popular Devotion in Late Medieval Italy* tracked the path of this religious revival at the end of the Middle Ages. The Bianchi, known as such for their characteristic white robes, were dedicated to penitential practices and peacemaking. Indeed, as Bornstein remarks, peacemaking was "among the most prominent of the Bianchi's described activities."<sup>24</sup>

As noted earlier, Bossy returned to the topic in a series of lectures published as *Peace in the Post-Reformation*, in which he reflected on early modern Christianity through the lens of the Church's social agenda of peacemaking. Here he sketched a portrait of ecclesiastical institutions that contributed to peace, order, and stability in Italy, Germany, France, and England. Shortly after its publication, but from the standpoint of very different archival evidence, Ottavia Niccoli posed related questions about religious peacemaking in this period, specifically in Italy.<sup>25</sup> She argued strongly that the study of dispute resolution must never be detached from its all-important religious context, because peace constituted a human relationship as well as a divine one, and therefore could serve simultaneously as both a political and religious instrument.<sup>26</sup> Furthering this point of view, by examining the pacification campaigns of the early fifteenth-century, Cynthia Polecristi put Bernardino of Siena's sermons under the spotlight to illuminate how he mobilized the crowds who flocked to his preaching events to make peace.<sup>27</sup> Mario Sensi did similarly by mining the textual treasure trove left behind by lesser-known preachers of the Franciscan Observance. In two densely packed but erudite articles, the first published in 2000, the same year as Polecristi's monograph, he examined the Observant friars' techniques and sermon texts, as they took to the streets of central Italy to call for peace.<sup>28</sup>

Most recently Rosa Maria Dessì has heeded the beck and call of the mendicant preachers. In a suggestive essay featured in a collection that she edited

24. (Ithaca, NY: Cornell University Press, 1993), 45.

25. First delivered as a series of four lectures at Trinity College, Cambridge, they were subsequently published as *Peace in the Post-Reformation* (Cambridge: Cambridge University Press, 1998); and Niccoli, "Rinuncia, pace, perdono," 219–61.

26. Niccoli, "Rinuncia, pace, perdono," 252.

27. Cynthia L. Polecristi, *Preaching Peace in Renaissance Italy: Bernardino of Siena and His Audience* (Washington, D.C.: Catholic University Press, 2000).

28. Mario Sensi, "Per una inchiesta sulle 'paci private' alla fine del Medio Evo," in *Studi sull'Umbria medievale e umanistica in ricordo di Olga Marinelli, Pier Lorenzo Meloni, Ugolino Nicolini*, ed. Mauro Donnini and Enrico Menestò (Spoleto: Centro italiano di studi sull'alto medioevo, 2000), 527–59; and "Le paci private nella predicazione, nelle immagini di propaganda e nella prassi fra Tre e Quattrocento," in *La pace fra realtà e utopia*, 159–200.

entitled *Prêcher la paix et discipliner la société: Italie, France, Angleterre (XIIIe-XVe siècles)*, she looks at peace as a social practice in the Italian communes from the age of Saint Francis to the end of the fifteenth century.<sup>29</sup> Based on hagiographical and sermon sources, and informed by Pierre Bourdieu's concept of *habitus*, she suggests that the mendicant friars should be regarded as spiritual propagandists for the new popular republican governments, which themselves had made peace an integral part of their political agenda. It is an argument that coheres well with the thesis of Massimo Vallerani's ambitious essay in the same volume. Looking at Perugia as a test case, he convincingly links the flagellant movement led by Raniero Fasani to the Ordinances enacted by the popolo of Perugia, both dating from 1260.<sup>30</sup> Here the association of penance and peace manifests itself as a political project of the popolo, an approach I apply to Florence in chapter 2 of this present study.

Turning to a body of discursive material concerned with political and "outer peace," chapter 2 looks at how those texts began hammering out an ethic of civic peace. In an age of urban growth, when the populations of Italian cities expanded enormously, and the population of Florence alone tripled, or "even quadrupled, to an estimated 120,000" due to continuous waves of migration from the contado over the course of the thirteenth and fourteenth centuries, the city's political structures, infrastructure, and resources were put to the test.<sup>31</sup> Such is the milieu for the factionalism, private vendetta, and everyday violence that emerged from this new demographic reality. Medieval political theorists, responding to this new situation, imagined peace on earth (while always pointing forward to the peace of Jerusalem) as the highest good of society and the end toward which all government should aspire. They understood concord, or civic harmony, as the means by which society attained its end, conceived as the common good of peace. By cultivating the civic bonds of concord, the city could achieve peace. Crucially, it was the dispensation of justice that produced concord, the harmony of wills, on which the peace of civic society depended.

Starting with political manuals such as the anonymous *Oculus pastoralis* and Brunetto Latini's *Li Livres dou tresor*, both of which found an avid readership in the communal period, I flesh out a thirteenth-century tradition (grounded in Ciceronian and Aristotelian thought) which was beginning to

29. Rosa Maria Dessì, ed. (Turnhout: Brepols, 2005), 245–78. She had earlier published on this theme, examining the preaching of James of the March in "Predicare e governare nelle città dello Stato della Chiesa alla fine del medioevo: Giacomo della Marca a Fermo" in *Studi sul Medioevo per Girolamo Arnaldi*, ed. Giulia Barone, Lidia Capo, and Stefano Gasparri (Rome: Viella, 2001), 125–59. Her "Pratiche della parola di pace nella storia dell'Italia urbana," in *Pace e guerra nel basso medioevo. Atti del XL Convegno storico internazionale, Todi, 12–14 ottobre 2003* (Spoleto: Centro italiano di studi sull'alto medioevo, 2004), 270–312, is an Italian version of the French essay.

30. Massimo Vallerani, "Mouvements de paix dans une commune de *Popolo*: les Flagellants à Pérouse en 1260," in *Prêcher la paix et discipliner la société*, 313–55.

31. John Najemy, *A History of Florence*, 97–98.



theorize a vision of the common good premised on a community united in the bonds of concord.<sup>32</sup> Like Brunetto, Remigio dei Girolami was a native son of Florence, and his *De bono pacis* (1304) is arguably the highest expression written in the period of a theory that equates peace with the common good, though such ideas can be found in his earlier sermons also examined here. A Dominican friar and scion of one of the city's prominent lineages, Remigio laid out his ideas in sermons and treatises, which crystallized the views of the popular government that held political power in Florence at the turn of the thirteenth century. The guild government wrapped itself up in a mantle of peace (and Remigio's political theology) for three primary reasons. The first consideration was protection from magnate violence. In this case the new merchant elite who now ruled Florence could defend the Ordinances of Justice, which circumscribed magnate political power, as a piece of legislation promoting peace. Second, peace and tranquility were necessary preconditions for trade and commerce—the city's passport to prosperity—to flow freely. And third, a state of peace ensured security from domestic enemies who had been banned from the city and were now living in exile. My reading of these texts—especially Remigio's work—has been aided enormously by the scholarship of Charles T. Davis, Quentin Skinner, Matthew Kempshall, and above all, Fr. Emilio Panella, on whose meticulous editions and commentary on the sermons and treatises I have relied.<sup>33</sup> With the exception of Panella, scholars have tended to approach these tracts from the standpoint of the development of political philosophy. Their interest, for the most part, is in tracing a lineage of ideas: where, for example, do the ideas of Remigio or Brunetto fit in relation to Dante's or those of other political philosophers of the period? Though that is a profitable and time-honored way to read these texts, my approach is more culturally specific. It tries to analyze these treatises, especially those of Remigio, in the light of the specific factional violence and social tension that exploded on the streets of thirteenth-century Florence in the wake of the political, social, and cultural changes brought about by the city's unprecedented economic and urban growth. And unlike the work of my colleagues, my analysis of Remigio's political work shows how bound up it was in the penitential

32. Brunetto Latini, *Li Livres dou Trésor*, ed. Francis J. Carmody (Berkeley: University of California Press, 1948); and *Speeches from the Oculus Pastoralis*, ed. Terence O. Tunberg (Toronto: PIMS, 1990).

33. Charles T. Davis, "An Early Florentine Political Theorist: Fra Remigio de' Girolami," *Proceedings of the American Philosophical Society* 104.6 (1960): 662–76; Quentin Skinner, "Ambrogio Lorenzetti: The Artist as Political Philosopher," *Proceedings of the British Academy* 72 (1986): 1–56; M. S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford: Clarendon Press, 1999). The editions of Remigio's works are published by Emilio Panella, O.P., *Dal bene comune al bene del comune: I trattati politici di Remigio dei Girolami (†1319) nella Firenze dei bianchi-neri in Memorie domenicane* 16 (1985): 1–198; 2nd. ed. (Florence: Nerbini, 2014). The editions also appear on his website: <http://www.e-theca.net/emiliopanella/remigio2/8500.htm> [consulted 6/20/17].



discourse that was emanating from the universities, particularly from Bologna and Paris, the city where the Dominican preacher had studied as a student of Thomas Aquinas.

In chapter 3, I turn to the documentary evidence on Florentine peacemaking, which takes the form of notarized peace agreements, of which I have analyzed a database of over five hundred contracts covering the period from 1257 to 1343. The agreements depict peace as an act of mutual consent between parties, in that they are drawn up as bilateral pacts, which entrust the power to make peace to the adversarial parties themselves. Despite the tendency still present in some of the scholarly literature to call these agreements *paci private*, or private peace contracts, they were anything but private settlements. Though they were agreements between private citizens, they were not separate, apart, or outside the public justice system, because as the jurist Alberto Gandino (d. 1299) was to argue: every crime offends not only the victim, but also the entire community.<sup>34</sup> And conversely, as Niccoli remarks, every individual peace agreement also had bearing on the peace of society at large.<sup>35</sup> But to point this out is also to draw attention to a terminological difficulty that results from an out-of-date view of medieval justice that distinguishes between private and public systems of dispute processing. In this formulation, private or personal justice, which frequently took the form of negotiated settlements or other informal practices, is ordinarily associated with the early and central medieval period, often construed as a “stateless society.”<sup>36</sup> This positivist narrative of medieval legal history further argues that concomitant with the rise of the state, a strong public judicial system emerged which arrogated to itself the coercive power to punish, replacing more personal and private forms of justice. But as a generation of legal historians led by Massimo Vallerani, Mario Sbriccoli, and Thomas Kuehn has now shown, there is “no nice contrast between private and public systems;” nor can a rigidly evolutionary model be traced from “private grievances to public prosecution of crimes.”<sup>37</sup> The very existence and continued use of peace agreements (and for that matter

34. . . . “quia omnis delinquens offendit rem publicam civitatis,” Alberto Gandino, *Tractatus de maleficiis*. Quoted by Padoa Schioppa, “Delitto e pace privata nel pensiero dei legisti bolognesi,” 286–87.

35. Niccoli, “Rinuncia, pace, perdono,” 252.

36. For a good introduction to the problem, see Patrick J. Geary, “Living with Conflicts in Stateless France: A Typology of Conflict Management Mechanisms, 1050–1200,” in *Living with Dead in the Middle Ages* (Ithaca, NY: Cornell University Press, 1994), 125–60; originally published as “Vivre en conflit dans un France sans état: Typologie des mechanisms de règlement des conflits, 1050–1200,” *Annales ESC* 41 (1986): 1107–33.

37. Thomas Kuehn quoting Massimo Vallerani, “Social and Legal Capital in Vendetta: A Fifteenth-Century Florentine Feud in and out of Court,” in *Sociability and its Discontents: Civil Society, Social Capital, and Their Alternatives in Late Medieval and Early Modern Europe*, ed. Nicholas A. Eckstein and Nicholas Terpstra (Turnhout: Brepols, 2009), 51–72, at 62; and then Kuehn himself at 69.

arbitrations) in the age of popular governments and their communal courts belies this tidy narrative. My work on peace instruments supports these revisionist interpretations.

But it is equally important, as Vallerani observes, to discard another piece of that older narrative which regards peace agreements as a “sign of backwardness and weakness in juridical systems.”<sup>38</sup> Toward this end, scholars have now reached a new consensus that understands peace instruments as “infra-judicial” forms of dispute settlement instead of private resolutions. Not divorced from the courts, they frequently interacted with legal processes already underway and indeed had the imprimatur of statute law and the judiciary.<sup>39</sup> Sbriccoli takes the argument even further; he suggests that in the podestarial courts of the communes, the peace instrument evolved from a personal to a public remedy or what he calls a *pax publica, seu civitatis*.<sup>40</sup> Furthermore, he regards the pax as a form of procedure in itself, a third form alongside accusation and inquisition.<sup>41</sup>

All this is to say that recent legal scholarship gives the peace agreement an important place in the communal courts, or as Sarah Rubin Blanshei so well observes:

The case, dispute, or trial is not the only focus of the study of law. The emphasis is on reconciliation as much as, if not more so, than punishment, and therefore the use of a peace accord, or pax, to conclude a trial is not a sign of the weakness of the legal system, not a relic of an earlier, atavistic system, but a means of dispute resolution that meets the needs of that society. Dispute resolution is treated as a positive process, not as a barometer of a society’s pathology.<sup>42</sup>

Such scholarship, built on the insights and methods of legal anthropologists, has been of the utmost importance in guiding my analysis and contextualization of the mountain of peace instruments I have collected from the archives.<sup>43</sup> The “approach” they advocate necessitates seeing each case

38. Massimo Vallerani, *Medieval Public Justice*, trans. Sarah Rubin Blanshei (Washington, D.C.: Catholic University Press, 2012), 6; originally published as *La giustizia pubblica medievale* (Bologna: Il Mulino, 2005).

39. Kuehn, “Social and Legal Capital,” 62.

40. Mario Sbriccoli, “Vidi communiter observari: L’emersione di un ordine penale pubblico nelle città italiane del secolo XIII,” *Quaderni fiorentini per la storia del pensiero giuridico moderno* 27 (1998): 231–68, at 236.

41. Sbriccoli, “Vidi communiter observari,” 235–36. As should be evident, these revisionists, led by Vallerani, also reject the older narrative that posited a linear progression from accusatorial to inquisitorial procedure. For an admirably clear précis of that historiography, see Sarah Rubin Blanshei’s foreword to Vallerani, *Medieval Public Justice*, ix–xii.

42. Blanshei, foreword, *Medieval Public Justice*, ix.

43. All are indebted to Max Gluckman, “Peace in the Feud,” *Past and Present* 8.1 (1955):

holistically; that is, as a process that takes into account prior relationships, background history, the dispute, the court case (if there is one), and the settlement. The larger whole is made up of unfolding episodes, each shedding light on the other. Though our documents rarely allow us to ascertain the backstory; they do furnish us with information about the dispute and its resolution, the subjects of the central chapters of this book.

Chapters 3 and 4 use the methods of social history—quantitative analysis and sampling—to excavate the crimes and wrongs for which Florentines made peace. Chapter 3 can be considered a contribution to the history of crime in so far as I have formulated typologies of crimes and misdemeanors and offer some revealing statistics on disputes that were remedied with a peace contract.<sup>44</sup> They ranged from fists fights to homicides, but also included cases of theft, domestic violence, violations against the *gabelle*, and even rape. This is to say that there was a surprisingly wide array of issues that could be resolved with a notarial pax, but bare-fisted brawling was by far the crime that most peace agreements sought to address. The processual model of dispute settlement has taught us that any discussion of a conflict must include an analysis of its resolution. Consequently, the chapter articulates in detail how a peace settlement was envisioned as an act of mutual consent, given documentary form by public notaries, and embedded firmly in the judicial system. As distinct from the impression given by chroniclers, those making peace in medieval Florence were everyday folk—both women and men—not just the local grandees. Because of its low cost and speed, along with its apparent ability to restore social equilibrium by not assigning blame to either party, it was a procedure that clearly fulfilled a public need.

As distinct from the everyday street violence analyzed in the previous chapter, chapter 4 foregrounds those peace agreements meant to put an end

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1–14. See also, among others, Sally Falk Moore, *Law as Process: An Anthropological Approach* (London: Routledge, 1978); Simon Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (New York: Penguin, 1979); and *Disputes and Settlements*, ed. John Bossy.

44. For some representative works on medieval crime, see Trevor Dean, *Crime in Medieval Europe* (New York: Longman, 2001); Barbara Hanawalt, *Crime and Conflict in English Communities, 1300–1348* (Cambridge: Harvard University Press, 1979); Hanawalt and David Wallace, *Medieval Crime and Social Control* (Minneapolis: University of Minnesota Press, 1999); and the many works of Andrea Zorzi, including *Istituzioni giudiziarie e aspetti della criminalità nella Firenze tardomedievale*, ed. A. Zorzi, *Ricerche storiche* 18.3 (1988); “Giustizia criminale e criminalità nell’Italia del tardo Medioevo: studi e prospettive di ricerca,” *Società e storia* 12 (1989): 923–65; and *Rassegna a base regionale delle fonti e degli studi su istituzioni giudiziarie, giustizia e criminalità nell’Italia del basso Medioevo*, ed. A. Zorzi, *Ricerche storiche* 19–22 (1989–1992). See also Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003); and most recently, Hannah Skoda, *Medieval Violence: Physical Brutality in Northern France, 1270–1330* (Oxford: Oxford University Press, 2013).

to vendetta, an institutionalized form of enmity and itself a legal remedy in Florence for processing disputes. While almost anything could lead to the violence that manifested all too often as revenge killings, this chapter reveals how notaries modified their legal agreements to facilitate peace, while at the same time distinguishing with linguistic subtlety this form of violence in the contracts. I have learned much from the scholarship produced over the decades by early medievalists on the topic of vengeance and peacemaking, though a consideration of penance has not ordinarily informed studies of these interrelated topics.<sup>45</sup> As in the previous chapter, my analysis is also indebted to a new generation of anthropologically minded historians working in the later medieval period who have revised the ways in which we understand vengeance, violence, and dispute processing.<sup>46</sup> That is, their work has shown that violence should be analyzed as a cultural construct that expresses meaning. Or, as Anton Blok has observed, “rather than defining violence a priori as senseless and irrational, we should consider it as a changing form of interaction and communication, as a historically developed cultural form of *meaningful* action.”<sup>47</sup> Thus it is important for historians interested in human behavior to examine the cultural context of violence to decipher

45. There is now an enormous body of research on violence, vengeance, and dispute resolution in the early and central Middle Ages. I limit myself to citing a few key recent studies. William Miller, *Bloodtaking and Peacemaking: Feud, Society, and Law in Saga Iceland* (Chicago: University of Chicago Press, 1990); the collected essays of Stephen D. White, *Feuding and Peacemaking in Eleventh-Century France* (Burlington, VT: Ashgate, 2005); Paul Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca, NY: Cornell University Press, 2003); *Feud, Violence and Practice: Essays in Medieval Studies in Honor of Stephen D. White*, ed. Belle S. Tuten and Tracey L. Billado (Burlington, VT: Ashgate, 2010); Warren Brown, *Violence in Medieval Europe* (London: Routledge, 2010); and *Vengeance in the Middle Ages: Emotion, Religion and Feud*, ed. Susanna A. Throop and Paul R. Hyams (Burlington, VT: Ashgate, 2010).

46. See, for example, Thomas Kuehn, “Dispute Processing in the Renaissance: Some Florentine Examples,” in *Law, Family, and Women: Towards a Legal Anthropology of Renaissance Italy* (Chicago: University of Chicago Press, 1991), 75–100; Kuehn, “Social and Legal Capital in Vendetta,” *ibid.*, 51–72; Andrea Zorzi, “‘Ius erat in armis’: Faide e conflitti tra pratiche sociali e pratiche di governo,” in *Origini dello Stato: Processi di formazione statale in Italia fra medioevo ed età moderna. Atti del convegno internazionale, Chicago, 26–29 aprile 1993*, ed. G. Chittolini, A. Molho, and P. Schiera (Bologna: Il Mulino, 1994), 609–29; and “La cultura della vendetta nel conflitto politico in età comunale,” in *Le storie e la memoria. In onore di Arnold Esch*, ed. R. Delle Donne and A. Zorzi (Florence: Reti Medievali—Firenze University Press, 2002) [E-book, reading 1], 135–70; Daniel Lord Smail, “Common Violence: Vengeance and Inquisition in Fourteenth-Century Marseille,” *Past and Present* 151 (1996): 28–59; Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca, NY: Cornell University Press, 2003); Chris Wickham, *Community and Clientele in Twelfth-Century Tuscany: The Origins of the Rural Commune in the Plain of Lucca* (Oxford: Oxford University Press, 1998); and Trevor Dean, *Crime and Justice in Late Medieval Italy* (Cambridge: Cambridge University Press, 2007).

47. Anton Blok, *Honour and Violence* (Malden, MA: Blackwell, 2001), 104.

the meanings its enactors intended to communicate with their actions, and to distinguish, so far as it is possible, instrumental uses of violence from expressive uses.<sup>48</sup>

In a similar vein, this chapter argues that we must look at the willingness of those accused of perpetrating a crime to undergo banishment as a meaningful action. That is, rather than focusing on contumacy rates as a weakness of the court system, we should be looking at banishment—the judicial outcome of contumacy—as a strategic choice made by individuals. A peace instrument, when drawn up after banishment, could yield a more positive outcome than a court case. Instead of standing trial and risking a harsh penalty, one could choose to flee Florentine jurisdiction, endure banishment, and then use a peace agreement to return under more favorable conditions that might include reduced penalties or cancelled sentences. It was a strategic risk, but one many Florentines were prepared to take. My work shows that the use of the pax for this purpose was second only to its use for ending unarmed violence. Towering over this chapter is the work of Andrea Zorzi, the trail-blazing historian of medieval Florence, whose many innovative studies on vendetta, violence, and their place in the Florentine legal system have shaped my own interpretation of the material. I close the chapter with a reading of Albertanus of Brescia's *Liber consolationis et concilii* (ca. 1246), an anti-vendetta tract, which, I suggest, partially lifts the veil that ordinarily conceals the “behind the scenes” negotiations of most dispute settlements.<sup>49</sup>

Just as the previous chapter emphasized vendetta as a communicative form of violence, chapter 5 insists on regarding the rituals of peacemaking as an expressive and performative language, one often overshadowed by the more seductive topic of ritual violence. Unlike historians of the early medieval period, Italian scholars of communal Italy have been somewhat reluctant to study rituals, regarding them as “relics of pre-political practices.”<sup>50</sup> In my view, rituals in the communal period were anything but relics of a stateless past. To disregard the ritual kiss associated with peace agreements is to miss the rich symbolic meaning that is incorporated into the choreography of peacemaking. In an attempt to decipher the meaning of the kiss of peace, I trace

48. Blok, *Honour and Violence*, 107. For similar observations on the medieval context, see Skoda, *Medieval Violence*, 1–8.

49. Albertani Brixienensis *Liber Consolationis et Consilii, ex quo hausta est fabula gallica de Melibeo et Prudentia, quam, anglice redditam et 'The Tale of Melibe' inscriptam, Galfridus Chaucer inter 'Canterbury Tales' recepit*, ed. Thor Sundby (London: N. Trübner & Co., 1873).

50. Marcello Fantoni, “Symbols and Rituals: Definition of a Field of Study,” in *Late Medieval and Early Modern Ritual: Studies in Italian Urban Culture*, ed. Samuel Cohn, Jr., Marcello Fantoni, Franco Franceschi, and Fabrizio Ricciardelli (Brepols: Turnhout, 2012), 15–40. It should be noted that a generation ago American scholars such as Ed Muir and Richard Trexler were analyzing the early modern cities of Venice and Florence through the lens of ritual studies.

its evolution, showing how it migrated from the Mass to the civil ceremony of peacemaking and how it continued to function therein.<sup>51</sup> An element of the Christian Mass, itself a rite that, according to Durkheim, is a “symbolic act that implies the involvement of a supernatural entity,”<sup>52</sup> the ritual kiss of peace retained its association with the holy, even in its civic context. As witnessed by the visual evidence, I argue that the meaning of the kiss of peace on the mouth, now embedded in civic practice, continued to resonate with that sacred power. The work of ritual theorists and anthropologists such as Catherine Bell and Paul Connerton, among others, has informed my treatment of this topic, helping me to put the body at the forefront of my analysis, and to consider more fully how the ritual enactment of the kiss may have been experienced, understood, and remembered by both those who participated in it and those who witnessed it.<sup>53</sup>

The chapter then analyzes a few extended ritual performances, as outlined in some extraordinary peace agreements from Rome and San Gimignano, in order to disclose the penitential context that informed them. In the case of San Gimignano, a number of marriage contracts issued from the peace, which provide the basis for my discussion of marriage alliances made “for the good of peace.” The final contribution of this chapter is to interpret the iconography of peacemaking offered by the visual evidence. By incorporating the visual imagery of the kiss of peace into the discussion, I show how the peacemaking act was inscribed into social memory in late medieval Italy. Having collected a corpus of images depicting the kiss of peace, comprised of wall paintings, ex-voto panels, tomb sculpture, and manuscript illuminations, I use these materials to make the case for the critical role ritual continued to play in dispute processing in an age that few would regard as “pre-political.”<sup>54</sup> Close attention to the visual material ultimately also throws light on the iconographic function of the angel, who appears in a great many of the images, but whose role as a mediator of peace has never before been problematized or indeed analyzed in relation to the medieval theology of angels. Nor have the images ever before been put into dialogue with each other to underscore their shared theological and social matrix, and to demonstrate what they—as visual evidence—can contribute to the late medieval conversation about peacemaking. In tandem

51. For the kiss in the Mass, see John Bossy, “The Mass as Social Institution, 29–61.

52. Quoted by Fantoni, “Symbols and Rituals,” 17.

53. Catherine Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992); and Paul Connerton, *How Societies Remember* (Cambridge: Cambridge University Press, 1989).

54. My work also contributes to the debate about historians’ use of ritual analysis. For the two poles of the debate, see Philippe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton: Princeton University Press, 2001); and Geoffrey Koziol, “The Dangers of Polemic: Is Ritual Still an Interesting Topic of Historical Study?” *Early Medieval Europe* 11.4 (2002): 367–88.

with the kiss, the angel's presence imparts sacrality to the scene, elevating the civic transaction of peacemaking above the mundane world and into the transcendent state of holy peace that human beings can reach only through an act of repentance. The visual evidence, then, returns us to the religious context of peacemaking with which we began. It does so by depicting how intimately entwined are the civic and sacred settings. The angel, the mediator between God and humankind, and denizen of the heavenly city of Jerusalem, presides over the ritual enactment of civic peace on earth, protecting its enactors in the merciful embrace of his outstretched wings.

Peace of course is one of the most important subjects of any age, but it has not had the attention that it demands, especially in the medieval period. This may be for any number of reasons, among them the perception epitomized in Thomas Hardy's oracular pronouncement in *The Dynasts*: "War makes rattling good history; but peace is poor reading." In the event, I hope that this present study, which looks at conceptions of peace, its social practice, and its commemoration in late medieval Italy, will make a first step toward dispelling that impression.



## INDEX

Note: In order to streamline the index, I have omitted the names of both the notaries and the parties mentioned in the peace agreements. (The notary names are, however, included in the bibliography of notarial sources.)

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