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POLITICAL CRIMES AND PUNISHMENTS IN RENAISSANCE FLORENCE

Marvin E. Wolfgang

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History, from early Egyptian and Mesopotamian times to the twentieth century, abounds in accounts of political crimes and punishments. From Amenhotep IV, Socrates, and Caesar to Aaron Burr, John Booth, and the Rosenbergs, political crimes have been committed and political offenders punished in a variety of ways. The historical penologist has not paid sufficient scientific interest to this kind of crime and its concomitant penalties, although his interest has been aroused by the relatively recent descriptions of the court trials, methods of obtaining confessions, and the punishments exercised in those countries dominated by communist governments.¹

This paper represents an attempt at examining an earlier phase in the life history of western civilization during which offenders of a general political nature were punished by the dominant political group with methods not completely foreign to the twentieth century. It is interesting to note that during the Renaissance, Florence, Italy, was in the vanguard of new artistic, literary, and intellectual movements and yet political organizations as well as punishments employed for crimes against the body politic were not to take parallel institutional strides forward until the eighteenth century with the work of Filippo Franci,² Pope Clement XI,³ Beccaria,⁴ and others. There is no attempt here to compare Florence during the Renaissance with our present criminal, juridical, or penological conditions. Such comparisons are implicit in the very nature of the research. Since direct penological references to

1. See, for example, LEJINS, PETER P., *The Death Penalty Abroad, The Annals* (November, 1952), pp. 137-146.

2. SELLIN, THORSTEN, *Filippo Franci—A Precursor of Modern Penology*, JOUR. CRIM. L. AND CRIMINOL., XVII, (May, 1926), pp. 104-112.

3. See, for example, WINES, FREDERICK H., *PUNISHMENT AND REFORMATION*, New York: Thomas Y. Crowell and Co., 1895.

4. BECCARIA, CESARE, *AN ESSAY ON CRIME AND PUNISHMENT*, Philadelphia, William Young, 1793.

the fourteenth through sixteenth century in Florence are virtually nonexistent, it has been necessary to go to sources one step removed from the topic; namely, to reports of contemporaries and to political and cultural histories of Renaissance Florence. The value of this approach is that a picture of political crime and punishment is presented not as it reflects itself in the eyes of scientists and experts, but in the eyes of the wider society. This approach should remove, to some extent, the over-emphasis and perceptual bias of the professional on the data. It may, of course, be contended that other kinds of biases and emphases replace those of the professional scientist.

Since the primary purpose in this research has been to describe the various kinds of punishment used in Florence that were related to crimes, offenses, or anti-social activities of a predominantly political nature, it is necessary to point out that at times the arbitrary demarcations of political, economic, and religious crimes are hazy. For practical purposes of systematization and organization of material, the nature of political crimes in this period can, however, be made relatively clear. Any attempts to overthrow the existing government, assassinations and attempted assassination, most family feuds wherein some attempt was made to oust the incumbent dominant power, mob violence manifesting the political cross-currents of the day—these and similar actions best characterize the political framework within which the various kinds of associated penalties will be examined. It will be obvious throughout that these offenses and their punishments are not alien to our contemporary scene.

Gillin's definition of crime as "an act that has been shown to be actually harmful to society, or that is *believed* to be socially harmful by a group of people that has the power to enforce its beliefs, and that places such act under the ban of positive penalties"⁵ is clearly reflected in Renaissance Florence. Even in this microscopic view of one Italian city, changes in the politically dominant group or class were rapid, and the fickle sympathies of the collective society so frequently caught in the mesh of suggestibility, intense emotionality, and other socio-psychological mechanisms of mob behavior left the definition and interpretation of crimes of a political nature in an almost constant metamorphic condition. The situation in communist-dominated countries today is similar to the vascillations that occurred in Renaissance Florence. For example, treasonable behavior may in one case be penalized with no more than a nominal fine, as in the case of Michelangelo, who probably

5. GILLIN, JOHN LEWIS, *CRIMINOLOGY AND PENOLOGY*, New York: D. Appleton-Century, 1945, p. 9.

deserted his fortifications at a most inauspicious time. On the other hand, a faithful informer of assassination plots against the ruler may find his unfortunate head severed from his body long before he suspects his political influence with the rulers has waned. One can expect, therefore, little consistency or equality of treatment for political crimes despite occasional feeble attempts of the Republic to codify and institutionalize the modes of conduct relative to this area of life.

A. EXILE AND BANISHMENT

Exile, banishment, deportation, internment, and outlawry were common practices throughout the Italian peninsula. Exile, as regulated by the practice of the Roman law, was one of the most frequent penalties used during the centuries under review. It is not to be confused with deportation and internment (*relegazione*). Deportation apparently had fallen into disuse by this time in the Italian states. Carlo Calisse⁶ in *A History of Italian Law* says that failure to use deportation for political or other crimes was the result of a lack of appropriate territorial possession. Deportation continued where this reason did not operate—as in the Kingdom of Naples, which possessed many small islands along the coast, and in Venetia, because of its Dalmatian and Eastern possessions. Internment, or confinement to some locality within the state territory, was another practice, but it was not frequent, partly because of the growing use of the penalty of imprisonment, and partly because exile was generally substituted for internment in view of the smallness of the Italian states.⁷

Outlawry and exile were considered equivalent, and, in fact, both had the same basis. Outlawry, however, was distinguishable from exile not only by historical origin, being derived from Germanic rather than Roman law,⁸ but also by the particularity of the situation to which it was applied; that is, the defiant disobedience (*contumacia*) of the accused. In the case of outlawry, criminality might even be lacking originally, for one who did not appear when summoned before a lawful authority became a criminal by his contempt, not by the act imputed to him. Placing him under the ban of outlawry was the penalty of the magistrate for disobedience, independent of any other fact. One did not fall under the penalty of outlawry *ipso jure and ipso facto*, except in special cases where the law used this means to punish the gravest

6. CALISSE, CARLO, *A HISTORY OF ITALIAN LAW*, Boston: Little Brown & Co., 1928, pp. 419-420.

7. *Ibid.*

8. *Ibid.*

crimes. The penalty of outlawry had to be pronounced by the judge, and by some laws a second summons was a prerequisite. The sentence then had to be published and this was done by writing the outlaw's name in a registry provided for that purpose, by reading it before the city council, and proclaiming it by public criers. Sometimes between the two citations a certain time was allowed to run, often a year. The individual often lost all rights and benefits derived from legal protection and membership in civil society: loss of rights of citizenship, family, property, and personal security.⁹

Crimes for which it was lawful to punish their authors were separately named in some cases, as when followed by outlawry. For the most part these were *Lese Majeste*, adultery, abduction, homicide, theft, incendiaryism, and forgery. In these cases the outlaw was placed beyond all protection of the law or society. He no longer had civil personality and any act against him was lawful. None might give him refuge, aid, or counsel without exposure to a penalty often very serious. In certain places throughout Italy, however, and at times in Florence, the law did not grant permission to kill an outlaw who was merely liable to a pecuniary penalty, whatever its amount. In other areas the prohibition was extended to all cases where the crime was not one involving capital punishment.¹⁰

Specific examples of political banishment from Florence are numerous. Throughout the latter part of the thirteenth and early years of the fourteenth centuries the Guelphs and Ghibellines alternately banished one another in large numbers. Trevelyan¹¹ records the fact that three thousand Ghibellines were banished and deprived of their possessions in the years 1268 and 1269 alone. In 1280 a treaty was signed between the Guelphs and Ghibellines which permitted the latter to return to Florence and reclaim their confiscated property. However, many unreconciled members of the Ghibellines refused the offer to return and continued to constitute a nucleus of exiles (*fuorusciti*). They sought refuge in the more inaccessible parts of the Apennines, where they remained a source of provincial disturbances for many decades. Many Ghibellines who did return, however, soon found themselves in their former exiled status. In his *Chronicle*, Dino Compagni¹² includes a discussion of the divisional factions—Bianchi and Neri—into which the

9. *Ibid.*, pp. 421-422.

10. *Ibid.*

11. TREVELYAN, JANET PENROSE, *A SHORT HISTORY OF THE ITALIAN PEOPLE FROM THE BARBARIAN INVASIONS TO THE ATTAINMENT OF UNITY*, New York: G. P. Putnam's Sons, 1926, p. 180.

12. Quoted in HORNER, SUSAN, AND JOANNA, *WALKS IN FLORENCE*, London: Smith, Elder, and Company, 1884, I, 347-348.

Guelphs divided themselves. The Bianchi (Whites), who were inferior in numbers to the Neri (Blacks), recalled the Ghibellines in order to obtain equal power with their rivals. It was, incidentally, when the parties were evenly balanced that the famous Florentine constitution was formed. Just as peace appeared relatively stable, Charles of Valois arrived in Florence, ostensibly to reconcile contending parties, but really to sow dissension by adopting the side of the Neri. He was responsible for the banishment of the Ghibelline supporters of the Bianchi, among whom the fathers of Petrarch and Dante were numbered. After several factional murders, it was rumored in Florence that the Bianchi were conspiring to assassinate Charles of Valois, and a wholesale arrest ensued. A plan was inaugurated on January 18, 1302, by a summons issued to a group of Whites to appear for trial. Fresh lists followed at short intervals and showed that it was the intention of the victors to let no leading enemy escape. The defendants entertained no illusions as to what was in store for them, and therefore "saved their lives by flight."¹³ This action served as an excuse to "declare them in contumacy and to condemn them in a sweeping sentence to loss of life and property."¹⁴ An examination of the lists makes plain, says Scheveill, that the leaders of the Blacks vengefully resolved that no citizen who had served as a White prior, or who in some other official capacity had identified himself with the White government, should go unpunished. It was because of his priorate in the summer of 1300 that Dante Alighieri was now on the condemned list along with his poet friend, Guido Cavalcanti, and six hundred other men. Summoned to trial by an order of January 27, 1302, he left the city, whereupon a new decree of March 10 condemned him to death by fire with a roster of thirteen other victims. He wandered through Italy for nineteen years, "brokenhearted and longing to return to Florence."¹⁵ In 1311, most of the exiles were allowed to return with the exclusion of the leaders, which included Dante. Later, an attempt was made to induce the poet to return to Florence, but he refused.

After Charles of Valois left Florence in April, 1302, new lists of Bianchi to be exiled were formulated and "other hundreds were sent . . . throughout the length and breadth of the peninsula."¹⁶

While Maso degli Albizzi was Gonfaloniere during September and

13. SCHEVILL, FERDINAND, *HISTORY OF FLORENCE*, London: G. Bell and Sons, Ltd.; 1936, p. 173.

14. *Ibid*

15. YRIARTE, CHARLES, *FLORENCE, ITS HISTORY—THE MEDICI—THE HUMANISTS—LETTERS—ARTS*, Philadelphia: Henry T. Coates and Company; 1897, p. 146.

16. SCHEVILL, *HISTORY OF FLORENCE*, p. 174.

October, 1393, a plot to overthrow the government was discovered between the exiles at Bologna and their friends inside Florence. "Three unhappy wretches," Bella Duffy tells us, "subjected to torture, made a more or less veracious 'confession',"¹⁷ which implicated Alberto Alberti and others of his family. Banishment and the subsidiary penalties invoked on the family were severe, even for the Florence of this period. None of the Alberti family over sixteen years of age was at any time to remain in Florence, and none, under pain of death, was to approach within two hundred miles of the city. Their palaces were all sold; their loggias razed to the ground. A fine of one thousand florins was to be inflicted on anyone who married an Alberti woman or gave his daughter to a son of that house. Business association by Florentines with an Alberti within two hundred miles of the city was strictly forbidden.¹⁸

The persecution of the Alberti by the Albizzi continued until Cosimo de Medici came into power in 1434. Yriarte reports that in 1400 "three of their relatives are put to the question in order to extort from them a confession of . . . guilt, and then executed."¹⁹ The Grand Council decided that "all the Alberti, *including those not yet born*, shall be deprived of civic rights."²⁰ Although the Alberti were still in exile by 1412, the government felt unsatisfied so long as the family leaders remained alive, for "a reward of two thousand gold florins is promised to the person who kills the four heads of the Alberti family at Florence, and half that sum to the slayer of any one Alberti, provided that he is not under eighteen years of age."²¹ Despite the fact that family feuds continued through several generations, there was apparently some recognition that persons under eighteen years were not fully responsible for the misdeeds of their ancestors.

By the fifteenth century Florence and Pisa were traditional enemies. The Florentine Julian, Archbishop of Pisa, ordained that all Pisans from fifteen to sixty years of age should be expelled from the city. Reporting on this incident, Pignotti says that it was Julian, "author of the cruel execution, who by scouring the city, in arms, drove out the citizens, not permitting them even to carry with them their property."²²

After the return of the once-exiled Cosimo de Medici in 1434-1435, all heads of factional groups previously opposed to the Medici were "either exiled, sent to the confines, or declared rebels, without any

17. DUFFY, BELLA, *THE TUSCAN REPUBLIC*, New York: G. P. Putman's Sons; 1893, p. 206.

18. *Ibid.*, p. 207.

19. YRIARTE, *op. cit.*, p. 204.

20. *Ibid.* Underlining is that of the author.

21. *Ibid.*

22. PIGNOTTI, LORENZO, *THE HISTORY OF TUSCANY*, Vol. I, London: Young, Black, and Young; 1826, p. 56.

other crime being alleged against them, than friendship or the ties of blood with the former."²³ Among those subject to exile were the Albizzi family, members of whom had only a few years prior to this time forced the same penalty on hundreds of the Alberti, and the Strozzi family, of which "every adult male member . . . was ordered to leave the city at once, under pain of execution."²⁴ The government set up by the party favorable to the Medici now declared that exiles, when their terms of banishment were complete, should not be allowed to return unless thirty-four of the thirty-seven members of the Signory and their colleagues consented. Every word, sign, or action that even slightly offended the ruling party was rigorously punished, and suspect persons not reached by existing regulations were subject to special taxes. "Thus," says Machiavelli, "in a short time, having expelled or impoverished the whole of the adverse party, they established themselves firmly in the government."²⁵

The social and psychological circumstances involved in preparing for exile and remaining there for any period of time must indeed have been difficult for many Florentines. Property was frequently confiscated or destroyed before the eyes of the oppressed, civil rights were denied them, heavy fines forced many to go into exile with little or no purchasing power, families were frequently broken, and it was often unlawful to write or to receive letters from those in exile.

The number of years of exile, restricted distance from the city, and the reason for exile were only indirectly related, and no pattern can be found in the various pronouncements. For example, in the fifteenth century Luca Pitti and the Grand Council issued a decree whereby those who had been banished by Cosimo in 1434 were to have an additional term of twenty-five years attached to their sentences of outlawry. Their sons now, too, were included in this decree, and "the latter were on no account to approach within a hundred miles of the city—a limit reduced the following year to fifty—and they were forbidden to hold any communication with persons in Florence except upon purely private family matters."²⁶ Perhaps, however, there was some slight relationship of the punishment to the crime and to the distance, although not to the time, to which one Francesco del Pugliese was exiled in 1513. Landucci says he was banished for ten years and prohibited from ap-

23. PIGNOTTI, *op. cit.*, I, p. 74.

24. STALEY, EDGCUMBS, *FAMOUS WOMEN OF FLORENCE*; London: Archibald Constable and Company, Ltd., 1909, p. 179.

25. MACHIAVELLI, NICCOLO, *HISTORY OF FLORENCE AND OF THE AFFAIRS OF ITALY*, London: M. Walter Dunne, 1901, Book V, p. 110.

26. STALEY, *op. cit.*, p. 193.

proaching within two miles of Florence because of his having "used some disrespectful words about the house of Medici."²⁷ On the other hand, Antonio del Bruciolo was exiled in the early sixteenth century for "having used in a letter written to France words derogatory to the present government."²⁸ Although many other persons were tortured and beheaded as conspirators in a plot against Guilio de Medici, Batista della Palla, Bernardo da Verrazzano, Niccolo Martelli, and four others were "outlawed for knowing and concealing the plot."²⁹ Although having died in Rome several days prior to his sentence, Soderini was also proclaimed a rebel. Despite the fact that both men were apprehended "for carrying the dispatches"³⁰ related to the conspiracy, "Monaldi was exiled for ten years and Francesco perpetually imprisoned at Volterra."³¹ If there was any relationship between the type of crime, distance and time of exile, it is almost indiscernible to the contemporary observer.

In 1527 when Florence was preparing for defense against a siege, Michelangelo Buonarotti was elected to the specially created post of "Governor-General and Procurator of the Fortifications" at a regular salary. At some time during the siege of 1529, however, Michelangelo left Florence and his fortifications. His departure has caused many biographers and other historians of the period to speculate on the factors involved. Some writers have contended that he deserted his post; others say he was sent on a secret mission. Hyett³² claims that this latter theory has been completely demolished. At any rate, on September 30, Michelangelo's name was included in a list of prominent Florentine citizens who were proclaimed outlaws if they did not return to the city within the week. He failed to return within the time limit and on October 7 his property was confiscated, although the government still urged him to return. The Florentine ambassador at Ferrara wrote a letter of intercession on his behalf, as a result of which a pardon was issued on October 20. A month later he returned to Florence, "was fined 1,500 ducats for his offense, and excluded from the Great Council for three years."³³

27. LANDUCCI, LUCA, *A FLORENTINE DIARY FROM 1450 to 1516*, London: J. M. Dent and Sons, Ltd., 1927, p. 271.

28. ROTH, CECIL, *THE LAST FLORENTINE REPUBLIC (1527-1530)*, London: Methuen and Company, Ltd., 1925, p. 135.

29. NAPIER, HENRY EDWARD, *FLORENTINE HISTORY*, Book II, London: Edward Moxon, 1847, p. 243.

30. *Ibid.*

31. *Ibid.*

32. HYETT, FRANCIS A., *FLORENCE, HER HISTORY AND ART TO THE FALL OF THE REPUBLIC*, London: Methuen and Company, 1903, pp. 508-509.

33. ROTH, *op. cit.*, pp. 189-190.

Although exile, banishment, or some similar kind of expulsion from the city environs was a frequent penalty, political offenders were occasionally required to remain within the confines of Florence. The most striking case of this kind of confinement was that of Niccolo Capponi who in 1529 was charged with treason, but so strong were his adherents that separate motions by Gherardi, his bitter opponent, to have him tortured, thrown from the palace windows, beheaded, or banished for two years failed to receive sufficient support from the jurists. Finally it was agreed that he should "give bail for 30,000 florins to appear when called upon and should not leave the Florentine dominion within five years."³⁴

Florentine citizenship enjoyed a relatively high status throughout the Italian peninsula, which was explained primarily by much independence from papal and other external authority in Florence, the small number of those who possessed full rights of citizenship, and, finally, the difficulty of obtaining those rights except by inheritance. Citizenship, once possessed, however, could be lost. In the latter part of the fourteenth century, certain officials called *Ammoniti* were empowered to warn or admonish any citizen that he was no longer to lay claim to his rights. By this simple device a Florentine could be deprived of his citizenship without appeal.³⁵ Machiavelli refers to the *Ammoniti* but applies a different connotation to the term. In his *History of Florence and of the Affairs of Italy* he writes "All those who in Florence are deprived of the power to hold offices are called *ammoniti*, or admonished."³⁶ Another law made it tantamount to loss of citizenship to have one's name written in the *Specchio* for non-payment of taxes, but payment easily remedied this condition. At any rate, loss of citizenship was a penalty used almost exclusively against political malcontents who were allowed to remain within the city. Those in exile lost their rights until the completion of their sentence or upon being pardoned and requested to return.

B. DESTRUCTION AND CONFISCATION OF PROPERTY; PAYMENT OF FINES

Destruction or confiscation of property as a penalty for political crimes was concomitant with exile. The *Gonfaloniere di giustizia* had, in addition to several thousand foot-soldiers, five hundred masons and

34. *Ibid.*, p. 128. See also HYETT, *op. cit.*, pp. 502-503. Hyett says that "Capponi should not be allowed to leave Florentine territory for six months." p. 503.

35. SCAIFE, WALTER B., *FLORENTINE LIFE DURING THE RENAISSANCE*, Baltimore: The John Hopkins Press, 1893, pp. 229-230.

36. MACHIAVELLI, *op. cit.*, Book III, p. 112.

carpenters under his command whose chief employment appears to have been to destroy the houses of those who had made themselves obnoxious to the government. In the case of the three thousand Ghibellines banished between 1268 and 1269, Trevelyan tells us that they were also deprived of their possessions.³⁷ Over six hundred sentences of confiscation occurred during the year 1302, as a result of the feuds between the Bianchi and Neri. In 1435 when Cosimo de' Medici came back into power after a period of exile, many citizens without any other crime being alleged against them than friendship or the ties of blood with the opposing factions were exiled and their estates "were confiscated, divided amongst, or sold to, the conquerors."³⁸ Staley says that these families were "ordered to leave the city at once, under the pain of execution and with this arbitrary sentence went the confiscation of property and the payment of heavy fines."³⁹ Machiavelli confirms the report regarding the division of the spoils when he claims that "the possessions of the exiles were divided among themselves, upon each paying a small acknowledgement."⁴⁰ Landucci reports that in 1497 five political criminals who had attempted to overthrow the government "were condemned by word of mouth to be put to death and their property to be confiscated according to law."⁴¹ Michelangelo, as we have already mentioned, was outlawed in 1529, and on October 7 his property was confiscated. About the same time "twenty-eight citizens who were suspected of attachment to the house of Medici, were declared rebels and their goods were confiscated."⁴²

Whether an individual was beheaded, banished, or merely fined was frequently dependent upon his importance in a political revolt, the strength of his personal influence, and most often on the arbitrariness of the judge or court that pronounced the sentence.

In 1522, Pignotti reports, two conspirators "were banished as rebels, with a fine of five hundred florins, as were various others."⁴³ About the same time anti-Medicean revolts occasioned many severe penalties against the participants in the uprisings. However, even in the midst of such political passion the personality and arbitrariness of the sentencing official resulted in the payment of a fine as penalty rather than a more severe punishment. Hyett, in speaking about this

37. TREVELYAN, JANET P., *A SHORT HISTORY OF THE ITALIAN PEOPLE*, London: G. P. Putman's Sons, 1926, p. 180.

38. PIGNOTTI, *op. cit.*, III, p. 75.

39. STALEY, *FAMOUS WOMEN OF FLORENCE*, p. 179.

40. MACHIAVELLI, *op. cit.*, Book V, p. 209.

41. LANDUCCI, *op. cit.*, p. 125.

42. HYETT, *op. cit.*, p. 510.

43. PIGNOTTI, *op. cit.*, IV, p. 96.

situation, says that "fortunately for the rioters, Passerini, who though overbearing was a timid man, feared to resort to extreme measures, and the ringleaders escaped with fines."⁴⁴ Again it must be recalled that Michelangelo, although having returned to Florence after being declared an outlaw and having been deprived of his property, "was fined 1,500 ducats for his offense, and excluded from the Great Council for three years."⁴⁵

C. TORTURE

Florentine judicial torture was designed like the kind of questioning employed in other parts of Europe at the same time, first to determine the guilt or innocence of the defendant, and secondly, to acquire information regarding other crimes he and his accomplices, if any, may have committed. We are concerned here with the nature and illustrations of this torture as applied to political offenders. Descriptions of the methods employed either in the preliminary or preparatory questioning unfortunately are scanty.⁴⁶ But references to the use of torture as a means of eliciting a confession, information on accomplices, past crimes, conspiracy plots, etc. are numerous.

Throughout the historical accounts of the feuds between the Ghibellines and Guelphs, the Bianchi and Neri, are numerous references to individuals and whole groups being "put to the torture."⁴⁷ With almost every political change in the personnel and government of the city, torture was used to question conspirators and other more passive members of the opposition before condemning them to exile or to death. The injustice of the whole system of torture is obvious to the twentieth century observer. However, note the candidness with which Landucci reports the torture of an individual who had made an alleged attempt on Lorenzo de' Medici's life:

27th September. A certain hermit came to the house of Lorenzo de' Medici at the Poggio a Caiano; and the servants declared that he intended to murder Lorenzo so they took him and sent him to the Bargello, and he was put to the rack.

15th October. This hermit died at Santa Maria Novella, having been tortured in various ways. It was said they skinned the soles of his feet, and then burnt them by holding them in the fire till the fat dripped off them; after which they set him upright and made him walk across the great hall; and these things caused his death. Opinions were divided as to whether he were guilty or innocent. (1481)⁴⁸

44. HYETT, *op. cit.*, p. 493. Underlining is author's.

45. ROTH, *op. cit.*, p. 190.

46. The fullest descriptions and richest sources of information have been from the famous diary of Landucci. His direct observation and concern with the minutiae of daily living in Florence provide the cultural historian with invaluable data. However, even in Landucci, descriptions of the methods of torture are incidental remarks and subordinate to the main events to which he draws attention.

47. See, for example, HORNER, *op. cit.*, pp. 171-172.

48. LANDUCCI, *op. cit.*, p. 31.

In 1495 two peasants met their death as a result of their attempting to conspire with Piero de' Medici. On the same day, Landucci says, a proclamation was made "forbidding people to argue about the government, or the king, or the monks, and also to wear masks; on the penalty of 25 florins or to be stretched on the rack ten times."⁴⁹ Such a choice would not, of course, be a difficult one for the nobility. In May of the same year "two sons of Giovanni dell' Antella were arrested; and they were put to the rack, and confessed to a plot that they were making to bring Piero de' Medici back to Florence."⁵⁰ Two years later another member of the same family was arrested and "*when flogged*"⁵¹ he confessed to a certain plot with Piero de' Medici and accused many, who were sent for and detained in the Palagio and Bargello, and put to the rack."

Perhaps the most famous Florentine "put to the torture" for a political crime was Machiavelli. The story of his involvement in a conspiracy to overthrow the Medici rule has always been of interest to the political scientist and social historian. However, the exact nature of the torture which he had to endure is, to a considerable extent, lost in the vaguery of history. Because his name appeared on a list of revolutionary conspirators, he was subjected to the judicial questioning procedures. Commenting on the appearance of Machiavelli's name on the list, Lorenzo Pignotti says: "It can hardly be believed that a man of so much sense would join a conspiracy of frivolous young men; but it is probable, that hearing him reason upon and read his fine discourses upon Titus Livy in the *orti oricellarii*, they thought he was certainly of their party, and wrote down his name."⁵²

Pignotti⁵³ claims that the unfortunate list "cost Machiavelli a long persecution. He was imprisoned, and suffered torments like the rest, and was finally condemned to the galleys, from which he was liberated at the festivals given for the election of Leo X to the pontificate." Yriarte⁵⁴ points out that "he was imprisoned in the Bargello, and even put to the question. . . . There can be no doubt that he was tortured, but he met his punishment with the stoic courage of the men of old." Villari⁵⁵ remarks: "Had he been guilty, he certainly would not have been spared; but after a few turns of the rack, and after the confessions

49. *Ibid.*, p. 100.

50. *Ibid.*, p. 86.

51. *Ibid.*, p. 125. Underlining by the author.

52. PIGNOTTI, *op. cit.*, IV, pp. 55-56.

53. PIGNOTTI, *op. cit.*, IV, p. 56.

54. YRIARTE, *op. cit.*, p. 249.

55. VILLARI, PASQUALE, *THE LIFE AND TIMES OF NICCOLO MACHIAVELLI*, London: T. Fisher Unwin, 1878, II, pp. 32-33.

of his companions, his judges were convinced that he knew nothing, pronounced him innocent, and set him at liberty."

Florence made extensive use of torture for political crimes, like the rest of the continent. It was applied on the innocent and guilty alike; used to obtain confessions as a normal juridical procedure; employed as a punishment after determination of guilt; used singly or jointly with other types of punishment including death; and was most frequently manifested in the form of the rack.

D. EXPOSURE AND MUTILATION

Exposure and mutilation were common practices of Florentine justice, but less extensively used to punish political criminals than to punish blasphemers, heretics, thieves. When punishment was manifested by public display of a mangled victim who had abrogated some political code of conduct, it usually was the result of mob violence or a general social environment of intense political passion. Consequently, mutilation, when connected with political crimes, usually produced death in the victim, after which the mutilation continued until the heat of passion subsided.

In a description of the battles waged between the Bianchi of Pistoia and Florence, dominated by the Neri in 1306, Bella Duffy tells in his *Tuscan Republics* of "cruelties practiced" by the Florentines in a siege of the enemy town. The food supply was exceedingly scarce in Pistoia, and this condition caused "fathers to thrust forth their children and men their wives, constituting daily scences of horror."⁵⁶ According to reports of the siege, the Florentines performed a mass mutilation on their war prisoners that was considered cruel even in the early fourteenth century. Differential treatment was accorded the sexes, however, for Duffy tells us that they "cut off the heads and ears of the men, and slit the noses of the women."⁵⁷

Pisan prisoners were given less harsh but nonetheless disgraceful treatment in 1364. Grifi records:

Those prisoners, more than 2,000 in number, were taken to Florence in 42 carts along the *Via Pisana*, which ends at San Frediano's gate. When they reached the gate they were taxed 18 soldi each, the price usually paid on every pig brought into the city. When the prisoners arrived in Piazza della Signoria amid other insults and signs of contumely they were obliged to kiss the posterior of the Marocco.⁵⁸

56. DUFFY, *op. cit.*, p. 138.

57. *Ibid.*

58. GRIFI, E., *SAUNTERINGS IN FLORENCE*, Florence: R. Bemporad and Figlio, 1896, pp. 57-58.

Machiavelli reports that at the time that the Duke of Athens was dictatorial ruler of Florence, one Bertone Cini, "having ventured to speak against the taxes with which the people were loaded, had his tongue cut out with such barbarous cruelty as to cause his death."⁵⁹ An example of the treatment accorded friends of the ill-fated Duke of Athens in 1343 can be found in the case of Arrigo Pei, who "was taken in the disguise of a monk and murdered, and his body was dragged naked through the streets; and Simone da Norcia and Filippo Terzuole, two other of the Duke's creatures, were torn to pieces."⁶⁰ The same kind of mob action was manifested in the treatment of Ser Nuto, recently appointed *bargello*, or sheriff, in 1378. Machiavelli says that he "was suspended from the gallows by one foot; and those around having torn him to pieces, in little more than a moment nothing remained of him but the foot by which he had been tied."⁶¹ In 1441 an interesting case of political intrigue, murder, and exposure occurred when one Baldassare Orlandini suspected of treason, was beheaded by the Florentines, and, says Machiavelli: "They slew him, and threw the body out of the window, which looks from the palace toward the dogano, or customhouse. It was thence carried into the piazza, where, the head being severed, it remained the whole day exposed to the gaze of the people."⁶²

Finally, the case of an obstinate woman during the second Sienese War, 1554, characterizes the mutilation and exposure practiced during this period:

. . . a poor old woman . . . had either the spirit or the madness to persevere in crying out, "Lupa," "Lupa," the national cry of Siena, instead as she was ordered, of "Duca," "Duca," that of Florence! What began in sport ended through her obstinacy in the most horrid cruelty, for she was actually stripped naked and nailed up like a hawk to one of the gates, but like a maniac still shrieking, "Lupa," "Lupa," until her mouth was gagged, besides worse and unutterable barbarity! She was there left to die; but every muscle of her face showing plainly that she still persisted in her endeavour to utter this national warcry!⁶³

It is interesting to note that while Renaissance Florence was rising to new artistic, literary, and musical heights—all fields of achievement requiring sensitiveness, individualism, and dignity of personality as expressed at that time—mutilation and exposure of mangled remains were penalties inflicted on those who could not survive the political oscillations equally typical of the period.

59. MACHIAVELLI, *op. cit.*, Book II, p. 96.

60. HYETT, *op. cit.*, p. 131.

61. MACHIAVELLI, *op. cit.*, Book III, p. 135.

62. MACHIAVELLI, *op. cit.*, Book VI, p. 266.

63. NAPIER, *op. cit.*, V, p. 146.

E. HANGING, BEHEADING, AND BURNING

Hanging and beheading were typical capital punishments for crimes of a political or military nature. Burning was also used as a punishment for these crimes, but was usually reserved for heresy or other serious abrogations of the ecclesiastical laws. Characteristically, beheading was the usual means of death for the nobility, although no sweeping generalization can be made for all occasions, for many members of the upper social strata could be found on a warm summer afternoon dangling from the Bargello window facing the piazza.

In most cases there was little reluctance to use the death penalty, even when many persons were involved. After Charles of Valois left Florence in 1302 an organized reign of terror by the Neri faction was set loose upon the Bianchi. Schevill tells us that "in the course of this year two successive podestas pronounced five-hundred and fifty-nine death sentences by hanging, decapitation, or the fagot."⁶⁴

Apparently military leaders were expected always to win battles or face the consequences of torture and death; for we hear of one Carmagnola, who in 1432 "maintained not the celebrity of his name", and failed to have "chosen to do what probably from the various casualties of war, he was unable to effect . . . was arrested, and after a short and secret process, in which he is said to have confessed his crimes, under torment, was led with a bar upon his mouth to the square of St. Mark, where his head was taken off."⁶⁵

Another interesting case of a suspected leader is that of Paolo Vitelli, engaged by the Florentines to conduct the war against Pisa in 1499. Vitelli failed to take advantage of his opportunity to capture Pisa, despite the destruction of the opposition. That he had been in correspondence with Piero de' Medici in Venice, and that he wanted to prolong the war were rumors never substantiated by facts. Nonetheless, Vitelli was arrested at Cascina as a traitor to his country, brought to Florence, examined and tortured, but confessed nothing by which he could be pronounced guilty of treason. However, "the Gonfaloniere and his colleagues," says Giucciardini,⁶⁶ "being firm in the opinion that he was guilty," Vitelli had little chance for mercy and was subsequently beheaded. In this case "justice" was especially quick: brought to Florence, tortured, tried, and decapitated—within a period of two days. Landucci records in his diary for Tuesday, October 1, 1499:

64. SCHEVILL, *History of Florence*, p. 174.

65. PIGNOTTI, *op. cit.*, III, p. 59.

66. Giucciardini, cited in TROLLOPE, *op. cit.*, p. 269. See also: PIGNOTTI, L., *THE HISTORY OF TUSCANY*, III, p. 379; HYETT, F. A., *FLORENCE, HER HISTORY AND ART TO THE FALL OF THE REPUBLIC*, p. 464.

The *Capitano*, that is to say, Pagolo Vitegli, was beheaded in the Palagio de' Signori, high up on the *ballatoio*, as it took place at a quarter to 24 (7:45 p.m.), the Piazza being full of people. It was expected that his head would be thrown down into the Piazza; it was not thrown down, however, but it was stuck on a spear and shown at the windows so that it could be seen by everyone. Then the people dispersed, considering that justice had been done, to the great honour of the city. He had been put to the rack several times first, and had been declared a rebel two hours beforehand, the proclamation being published throughout the city.⁶⁷

With the glorious return of Cosimo de' Medici to Florence in 1434, the Albizzi family and their friends were quickly exiled. As awareness of the comprehensive power they now held increased, the Medicean faction "gave themselves the added satisfaction of spilling the blood of a considerable number of their enemies by sending them to the block."⁶⁸

Landucci was a particularly observant contemporary of this period. Without attempting to relate the full story behind the incidents, the following excerpts from the diary of this Florentine present a vivid picture of the nature of hanging, reasons for this kind of punishment, and a few subsidiary facts related to the procedure of the penalty:

15th April (1470). Fifteen men were brought from Prato, who had intended to give over the place, and they were hung.⁶⁹

28th December (1479). Bernardo Bandini was hung at the windows of the *Palagio del Capitano*, he being the one who was said to have slain Giuliano de' Medici in the Conspiracy of the Pazzi. Certain arrangement had been made with the sultan that he should be given up.⁷⁰

2nd June (1481). One of the Frescobaldi, and one of the Baldovinetti, and one of the Balducci, were arrested; and on the 6th of June they were hung from the windows of the *Bargello*, or rather of the *Casa del Capitano*, having confessed that they had intended to murder Lorenzo de' Medici.⁷¹

28th March (1487). The following case happened: A man was hung on the gallows here in Florence, and was taken down for dead, but was later found not to be so. He was carried to *Santa Maria Nuova* (hospital), and remained there till the 11th of April. And those in charge of *Santa Maria Nuova* finding him of bad nature, and hearing him talk of taking vengeance, etc., the "Eight" decided to have him hung a second time, and their sentence was carried out.⁷²

9th January (1495). Two peasants were taken to the executioner's cart to be hung; having meant to give over Montecatini to Piero de' Medici. And on the same day a proclamation was made forbidding people to argue about the government, or the king, or the monks, and also to wear masks; on the penalty of 25 florins or to be stretched on the rack ten times.⁷³

The circumstances varied but the basic reasons were much the same

67. LANDUCCI, *op. cit.*, p. 162.

68. SCHEVILL, *HISTORY OF FLORENCE*, p. 355.

69. LANDUCCI, *op. cit.*, p. 9.

70. *Ibid.*, p. 28.

71. *Ibid.*, p. 32.

72. *Ibid.*, p. 43.

73. *Ibid.*, p. 100.

in most of the other numerous hangings and beheadings that occurred throughout the following fifteenth and sixteenth centuries. Bernardo del Nero, Lorenzo Tornabuoni, and three other citizens of high social standing, all of whom were convicted of having held treasonable correspondence with Piero de' Medici, were beheaded in the *cortile* of the Bargello in 1497. However, the tables were turned when Pietro Boscoli and Agnostino Capponi, who had resolved to assassinate Giuliano and Lorenzo de' Medici, and whose list of conspirators had included the name of Machiavelli, were beheaded on February 22, 1513. In 1522 Diacceto and Alamanni were beheaded for conspiring to kill Cardinal de' Medici. Seven years later one Carlo Cocci "was beheaded for having said that the war should cease, as the Medici had a right to rule Florence; and on the 23rd (of October) Ficino Ficini (nephew of Marsilio) suffered a like fate for venturing to express an opinion that Florence fared better under the *Palle* than under the *Popolo*; and others were condemned to death for similar offenses."⁷⁴

F. MOB VIOLENCE

Because of the political cross currents that pervaded Florence during this period of investigation and perhaps because of the susceptibility of Florentines to excessive emotional excitement, political factions were easily transformed into violent mobs. The failure of legal authority to maintain order; reliance upon force; frustration produced by restrictions on individual freedom; the rising spirit of individualism in economic and artistic life and a concomitant rise of the same spirit in political life without a similar channel for expression; the group, crowd, or mob behavior manifested through suggestibility, emotionality, lack of individual responsibility, relative anonymity, feelings of power and prestige were all partially responsible for producing an unstable political environment conducive to violent group crimes and punishments.

Before the passage of the famous Ordinances of Justice which marked an attempt to codify the legal practices of Florence greatly sympathetic to the *popolani*, criminal justice was largely in the hands of any family that was sufficiently strong to make its desires known and effective. The adoption of the Ordinances of Justice did not deter immediately attempts of the *grandi* or nobility to influence justice with their wealth and position. But such attempts were usually and quickly thwarted by the riotous nature of the *popolani*. A striking example is the case of Corso de' Donati, a member of the *grandi*, who had murdered

74. HYETT, *op. cit.*, p. 452.

a commoner. Because of his political influence, the noble was only fined. The sentence was pronounced on January 23, 1295, but

. . . no sooner did the report of it spread among the people whom the sensational trial had drawn in a dense mass to the gate of the podesta's than an outcry arose over this miscarriage of justice, ending in an uprising. By setting fire to the wooden doors of the grim stone fortress the mob forced an entrance into the interior. Only by swift and ignominious flight over the neighboring house roofs was the podesta able to save his life. The cheated victors vented their rage by plundering his residence from cellar to garret.⁷⁵

The underlying factors responsible for the manifestation of mob action were still present despite the Ordinances of Justice. It was this kind of political environment that prompted Machiavelli to exclaim: "It is an easy matter to excite them to violence, but a difficult thing to restrain them."⁷⁶ It was the same environment to which Walter, Duke of Athens, was sent to command the Florentines in their undertaking against Lucca in 1340. The members of the nobility secretly approached him urging that he take all the power upon himself he desired. Machiavelli claims:

These demonstrations excited the ambitious mind of the duke to greater desire of dominion, and in order to gain himself the reputation of strict equity and justice, and thus increase his favor with the plebians, he prosecuted those who had conducted the war against Lucca, condemned many to pay fines, others to exile, and put to death Giovanni de' Medici, Naddo Ruscellai, and Guglielmo Gltoviti.⁷⁷

These executions greatly terrified the middle class but gave satisfaction to the plebians "because it is their nature to delight in evil," declares the author of *Il Principe*. Praised for his bold action, the Duke became more popular and powerful. Finally he ordered the Signory to yield their sovereignty to him. Disturbed by the demand, they refused to comply. Whereupon the Duke ordered the people of Florence to appear before him in the piazza of the convent where he was living (Minor Canons of St. Croce). The Signory finally agreed to confer complete sovereignty of the city upon him for one year. However, at this famous meeting the Duke of Athens was acclaimed *Signore e vita*.⁷⁸ Later, because he aroused the anger of the people against him due to the dictatorial and cruel treatment of common offenders of the law, the *popolani* again took matters into their own hands. "Any follower of the Duke's who was taken found no quarter, and *corpses stripped naked were dragged by the lads about the streets*."⁷⁹ An attempt was made

75. SCHEVILL, *HISTORY OF FLORENCE*, p. 163.

76. MACHIAVELLI, *op. cit.*, Book II, p. 86.

77. *Ibid.*, p. 70.

78. GARDNER, EDMUND G., *THE STORY OF FLORENCE*, London: J. M. Dent and Company, 1900, p. 149.

79. DUFFY, *op. cit.*, pp. 156-159.

by six ambassadors from Siena to bring the people and the Duke to terms, but the former refused to listen to any proposal unless Guglielmo d'Assisi, his son, and Cerrettieri Bisdomini, the Duke's most important lieutenants, were handed over to them. At first the Duke refused to comply, but was soon forced to consent. The action of the mob that followed sustained Machiavelli's insistence that "the rage of men is certainly always found greater, and their revenge more furious upon the recovery of liberty, than when it has only been defended."⁸⁰ Guglielmo and his eighteen-year-old son were turned over to the passionate multitude and were both slain. The apex of the mob fury was reached in the scene that followed:

Those who could not wound them while alive, wounded them after they were dead; and not satisfied with tearing them to pieces, they hewed their bodies with swords, tore them with their hands, and even with their teeth. And that every sense might be satiated with vengeance, having first heard their moans, seen their wounds, and touched their lacerated bodies, they wished even the stomach to be satisfied, that having glutted the external sense, the one within might also have its share.⁸¹

Duffy depicts the same event:

The poor boy, only eighteen years of age, dressed with sorrowful significance in black, was thrust through the heavy portal of the palace by the Burgundian soldiers, and torn limb from limb in the sight of his father, on whom the same fate descended immediately afterwards. The limbs of these victims were paraded on sticks through the town, and some boasted that they had eaten the raw flesh.⁸²

Pignotti specifically refers to the savagery of the mob:

He was a youth of fine aspect, of eighteen years of age, and had no other crime but that of being son of an odious man. This was sufficient for the mob to make a sacrifice, who had been spectator of the execution of the son. Being demanded by loud shouts and driven out from the palace, he was cut in pieces; carried in triumph through the city, and his blood and flesh tasted with a savage eagerness.⁸³

From one point of view, Guglielmo and his son were only symbols of the Duke of Athens, his dictatorial rule of the city, and the restrictions of individual liberty imposed on the people. Certainly the youth had little or no part to play in political affairs of the day, but so incensed was the mob that justice appeared to be any action the people desired to take.

The turbulent uproar that brought an end to the short reign of the Duke of Athens was not an atypical situation. Throughout the remainder of the fourteenth century the political environment continued to be conducive to mob action and control, and by the end of the century

80. MACHIAVELLI, *op. cit.*, Book II, p. 100.

81. *Ibid.*

82. DUFFY, *op. cit.*, p. 159.

83. PIGNOTTI, *op. cit.*, II, p. 77.

a vicious circle of popular lawlessness and governmental retaliation had been formed. Depicting these conditions of 1378 Bella Duffy records:

The populace perpetually penetrated into the palace, and interfered with the Priors in the discharge of their functions, ordering any name which they did not like to be torn up; and as the ranks of the malcontents were increased by those whom the government had ejected as too democratic, it may be imagined how the restless suspicions of the people were utilized for personal ends. The town was honey-combed with conspiracy, the banished of all classes keeping up communications with their friends and adherents inside the walls. Torture was freely applied, and numerous people decapitated in consequence of "confessions" thus obtained. Every man went about with invisible eyes fixed upon him, and names of "suspects" were found written up at the corners of the streets.⁸⁴

A century later the fears, suspicions, conspiracies, and mob actions had not abated. In 1478 one of the most famous and infamous conspiracies in Florentine annals occurred which incited the people to much the same passionate outburst as had the Duke of Athens. The Pazzi conspiracy of that year was a plot against Lorenzo de' Medici (Lorenzo il Magnifico) and his brother Giuliano, designed to end the hegemony of the Medici family over the Florentine state. It was instigated by Pope Sixtus IV, his nephew Gerolamo Riario, Archbishop Salviati, and members of the Pazzi family, a wealthy Florentine family that rivaled the Medici. Actually, the Pazzi were tools in the conspiracy, which aimed not only at the death of the Medici, but at the elevation of Riario to power in Florence.

The full story of the secret meetings, political intrigue, entangling alliances of the conspiracy remain details for the historian. We are here concerned primarily with the murder, the mob reaction to the Pazzi, and the manner in which the mob punished the conspirators. Of the numerous accounts describing the event, none can compare to the lucidity of a contemporary of the times—Luca Landucci. His daily entries are invaluable to the historical penologist who sees in mob violence extra-legal means of group control and punishment that characterize this period under investigation. Of particular importance in his account is the murder of Giuliano de' Medici; the death of a priest at the hands of the people opposed to the conspiracy and whose body was "quartered and the head cut off"; public display of the body throughout the city; numerous hangings; the fact that seventy or more persons were killed during three days of public incitation; and the disinterment of Messer Jacopo and the delight that "some boys" apparently had in making "great sport" by dragging the body through the city. Stafford and Ball claim that over two hundred Florentines

84. DUFFY, *op. cit.*, p. 194.

perished as a result of the conspiracy, "some by justice, some by fury of the populace."⁸⁵ According to their account,

The streets of Florence were polluted with the dead bodies and mangled limbs of the slaughtered. The palace was recovered from its assailants, whose carcasses were thrown into the street, and dragged about for the amusement of the people. The name of the Medici echoed everywhere; and portions of the bodies of the slain were borne about the streets on lances by mobs, who incessantly raised the cry "Palle! Palle!" Perish the traitors. As to the Pazzi, they became at once objects of universal detestation.⁸⁶

As a result of the Medicean victory, all members of the Pazzi family were disqualified from office, no citizen was permitted to marry a daughter or sister of the condemned, the Pazzi palaces were looted, and "their scutcheons hacked from the walls."⁸⁷

If the two incidents regarding the Duke of Athens and the Pazzi conspiracy had been unique in the history of Florence, the historical penologist would have little justification for referring to mob violence as a means by which political behavior, interpreted as crime by the mob, was punished or as an instrument for perpetrating other crimes. Prior to both incidents, lawlessness of the mob was an integral part of Florentine environment. Furthermore, only eighteen years after the masses supported the Medici against the Pazzi, Pietro de' Medici was forced to flee from the city and the "fury of the populace" once more broke loose. Villari, in his *Vita di Savonarola*, says that "the multitude suddenly liberated from despotic rule could do of itself nothing but fall into license and anarchy. It was therefore one of those terrible moments when no man can say from one hour to another what excesses and atrocities may be committed. The populace ran to and fro through the streets all day long like an impetuous river . . ."⁸⁸

The presence of foreign troops in Florence at various times throughout this period added confusion and led to the commission of many acts of plundering by soldiers of French, Belgian, and Spanish armies. Although these crimes were not committed by Florentine citizens, they deserve mention here because they are associated with political movements and were performed under the protection of group activity. Individual names are conspicuously absent from the records, and it can therefore be assumed that prestige, authority, and anonymity which characterize this kind of group were significant, operative factors. For

85. STAFFORD, W. C. and BALL, CHARLES, *ITALY ILLUSTRATED*, London: The London Printing and Publishing Company, Ltd., I, p. 280.

86. *Ibid.*, p. 278.

87. HARE, CHRISTOPHER, *THE MOST ILLUSTRIOUS LADIES OF THE ITALIAN RENAISSANCE*, New York: Charles Scribner's Sons, Inc., 1904, p. 56.

88. VILLARI, PASQUALE, *VITA DI SAVONAROLA*, I, p. 196, cited by TROLLOPE, *op. cit.*, p. 61.

example in 1501 when Cesare Borgia devised his plan to test the military resistance of the Florentine state, he moved his forces down the Arno Valley, "permitted them to plunder at will the villages through which they passed, and closed his eyes to the monstrous acts of cruelty with which they punished the occasional reprisals of the tormented peasantry."⁸⁹

Perhaps one of the most bitter experiences of occupation by foreign troops in Florentine territory occurred in 1512. Prato, a small town eleven miles northwest of Florence, was incorporated into the city area during the fourteenth century, and is therefore legitimately used in this study. If the descriptions of the destruction of life and property committed by the Spaniards are accurate, few examples of mob action can surpass this incident for sheer cruelty. In his *Florentine History*, Henry Edward Napier says that

... all contemporaries and the first at that very time employed in the war department of Florence, agree in one dismal tale of indiscriminate murder, rape, torture, sacrilege and general desolations; and even in the time of Scipione Ammirato, more than half a century afterwards, Prato still trembled from the horrors of this bloody day. Neither sacred virgins nor cradled infants, nor wives, nor youths; nor maidens, nor children from seven years old and upwards, were spared from the most odious violation or from death; the wells were filled with mangled bodies; a fat priest was actually cut to pieces and boiled; and thunder and lightning and pelting rain poured down in torrents during the first night of these terrific acts as if heaven itself had made its indignation manifest! The sacred Host was scattered and trampled on; houses and churches were plundered and their inmates cruelly tortured to discover imaginary treasures, or work on the pity of friends and relatives for payment of a heavier ransom. The number thus slaughtered without provocation, without resistance, and excepting by the small body of Pisans, without an attempt at defence, is by most authors estimated at five thousand souls; by Guicciardini at two thousand, but Cambi and others assert that no less than five thousand four hundred bodies, and according to Ughi a contemporary even six thousand were actually buried in Prato. These horrors continued more or less for one-and-twenty days, and there is no cruelty that has ever been related or that can even be conceived of man; no lust, violence, or wanton barbarity, nothing that can enter into the most diabolical imagination, which was not here committed by the Spaniards; never even in that fierce and fiery age were seen such hellish doings; the bloody exploits of the French at Brescia and Ravenna looked pale in comparison to the Spanish cruelty, butchery, and violations at Prato! and during all this time, says Cambi, the Cardinal de Medici the future Pope Leo X, looked on without an attempt to arrest the end of murder or stop the hellish scene.⁹⁰

The number of persons killed and the descriptions themselves may be exaggerated. Nonetheless, the same kind of psychological protection found in group or mob activity underlay the conduct of the Spanish troops.

89. SCHEVILL, FERDINAND, *HISTORY OF FLORENCE*, p. 459.

90. NAPIER, *op. cit.*, IV, pp. 167-168.

Finally, in 1522, a Franciscan friar, Vittorio Franceschi, living in Florence, had conspired against the government and had plotted "to corrupt part of the guard, to spike the guns, and to introduce the Spaniards by way of his monastery of San Francesco."⁹¹ The treasonable action of the friar was soon discovered by the masses and he immediately became subject to their passionate desire for his death. He was "saved from being fired from the mouth of a cannon by the populace, only by being hanged and quartered by order of the Quarantia. 'As he had no consideration for the hurt of the city, so have we none for him,' run the grim words of his condemnation."⁹²

From this cursory examination, there can be little doubt that mob violence was productive of numerous crimes for which the individual members of the group felt no personal responsibility; and that the group itself acted as an instrument of punishment demanded by the fury of the mob. Furthermore, the lawlessness manifested by group violence was most frequently associated with crimes that were, because of the persons and circumstances involved, predominantly political.

G. IMPRISONMENT

Like the rest of Europe during this period, Florence used imprisonment primarily as a means of detention of offenders rather than as a type of punishment *per se*. However, there are cases recorded in the historical sources which refer to imprisonment as a form of penalty. Particularly was this true for political crimes. Persons who abrogated the guild laws, who were in debt, who disobeyed minor ordinances and could not pay their fines were merely detained in one of the prisons until restitution was made. However, many persons committed to prisons for detention remained there many years and died slow deaths as a result of the conditions under which they had to live. It is therefore correct to say that imprisonment was used both to detain and to punish political criminals. For example, Rosso Ricci was arrested under the government of the Duke of Athens because he had "appropriated to himself the pay of the soldiers."⁹³ The Duke, "fearful that too much blood might disgust the people," sentenced the young army officer to "perpetual imprisonment."⁹⁴ The decision to imprison the offender was, of course, a purely arbitrary pronouncement by the Duke; but the fact that imprisonment was used at all as a means of punishment in 1343

91. ROTH, *op. cit.*, p. 206.

92. *Ibid.*

93. PIGNOTTI, *op. cit.*, II, p. 69.

94. *Ibid.*

rather than detention until the offender was beheaded or hanged is significant.

Perceval records that in 1357 "it was now decreed that any reputed Ghibelline who accepted office should be punished, at the pleasure of the executive magistrate with fine, *or imprisonment*, or even loss of life."⁹⁵ Imprisonment appears, therefore, to have been an alternative punishment for the political offense in this case. Scaife mentions that a Gonfaloniere named Donato was involved in a familiar case of political corruption: during the reign of Lorenzo de' Medici he had used public funds for his own personal advantage. The penalty for this action was that he should "be confined in the hated Stinche."⁹⁶ During the wars waged with Pisa and other enemy cities, it was not uncommon that war prisoners were thrown into prisons to die. Apparently imprisonment was used for political blasphemy, for Napier reports that in 1527 "Florentine tongues were at all times difficult to control and several citizens were imprisoned for abusing the Medici."⁹⁷ In 1557 Cosimo de' Medici discovered that a page who had been working in his household, surreptitiously had made love to his daughter Maria. The page "was placed in the most rigorous confinement where he remained for twelve years until his father came to supplicate Cosimo for his liberty."⁹⁸

It should be kept in mind that imprisonment as a form of punishment was not common. However, that it was used at all and then mostly for political offenders is important to historical penology.

H. AMNESTY

Because instability was a characteristic trait of Florentine government, fluctuations of command often made possible a general pardon for persons previously banished by a recently defeated political faction. The Ghibellines, the Bianchi, the Medici were constantly being exiled or having their property confiscated by the Guelphs, Neri, and the republican forces respectively. As soon as factions within the city favorably disposed or sympathetic to the exiles once more became powerful enough to usurp political control, the government of the city welcomed the return of the banished. However, a general pardon was occasionally granted by the same party that had been responsible for the punishment. For example, in the last decade of the thirteenth century, the Guelphs

95. PERCEVAL, *op. cit.*, p. 477. Underlining is author's.

96. SCAIFE, *op. cit.*, p. 55. The Stinche was one of Florence's most famous debtors' prison. John Howard describes it in *The State of Prisons*, Section IV, p. 108.

97. NAPIER, *op. cit.*, IV, p. 278.

98. NAPIER, *op. cit.*, V, p. 195.

and Ghibellines signed a treaty, according to which the exiled Ghibellines were to be "repatriated after reasonable delays and by groups, carefully spaced, in order to avoid a too sudden and therefore dangerous influx."⁹⁹ Furthermore, the Ghibellines were even to receive back their confiscated property insofar as it had not been sold and the proceeds distributed.

Political offenders held in prison were frequently released. In 1301 Corso Donati, after having sacked and burned the houses of the magistrates who had been in power when his banishment was decreed, "released all the prisoners, and proceeding to the palace of the Podesta, forced the Signoria to quit it and return home."¹⁰⁰ We cannot tell, in this case, whether the prisoners were being detained for later punishment or were being punished by incarceration.

In January, 1311, Florence invited most of the exiles from the Bianchi-Neri feud to return. Yriarte¹⁰¹ fully describes the method by which the exiles were to be pardoned and records the indignant reply that Dante made to the invitation to return to Florence under conditions the poet considered degrading.

The construction of the Palazzo Pitti provided an unusual opportunity for criminals to find refuge if they were useful workers. The economic and political power the Pitti family commanded made such a condition possible. Gardner tells us that "not only did citizens and private persons contribute and aid him (Luca Pitti) with things necessary for the building, but communes and corporations lent him help. Besides this, all who were under ban, and whosoever had committed murder or theft or anything else for which he feared public punishment, provided that he were a person useful for the work, found secure refuge within these buildings."¹⁰²

Examples of individual and group pardons for political offenders can be found throughout the remainder of the fifteenth and first half of the sixteenth centuries. It should be noted that any person who was able, according to a decree of 1412, to kill any of the four leaders of the exiled Alberti family was entitled to a handsome reward in gold florins. However, "if the slayer is himself in banishment he is to receive a full pardon, and if not, he is entitled to ask for the pardon of any two friends . . ."¹⁰³ In 1434 Cosimo de' Medici was pardoned and recalled

99. SCHEVILL, *HISTORY OF FLORENCE*, p. 150.

100. DUFFY, *op. cit.*, p. 135.

101. YRIARTE, *op. cit.*, pp. 146-147.

102. GARDNER, *op. cit.*, p. 378. See also: MACHIAVELLI, *op. cit.*, Book VII, p. 314.

103. YRIARTE, *op. cit.*, p. 204.

from exile in Venice. Luca Pitti was reprieved from exile in 1466 despite the fact that he was one of the leaders in the plot against Piero, son of Cosimo De' Medici. "The year 1495," says Napier "was remarkable for an act of justice to the memory of Dante by restoring his descendants to all the privileges of citizenship and emancipating them from every consequence of former sentences the same as if their great ancestor had never been banished, declared rebel, or had any public judgment recorded against him."¹⁰⁴ With the return of the Medici to power in Florence in 1514 and the elevation of Giovanni de' Medici to the papacy as Pope Leo X, "a general amnesty was published at Florence, and such citizens as had been compelled to leave the city were restored to their homes."¹⁰⁵ Furthermore, the new pope "ordered all those suspected of the last conspiracy to be liberated from prison . . ."¹⁰⁶ But many persons were, within the next ten years, exiled, fined, and punished in other various ways by the Medici. However, with the restoration of the last Florentine republic in 1527 "all those who had suffered in purse or person under the Medici were pardoned and compensated to the full extent of their loss, and to propitiate Heaven a hundred bushels of corn were ordered to be distributed among the poor . . ."¹⁰⁷ At the same time, under the direction of the restored Consiglio Maggiore, "nineteen condemned prisoners had been reprieved from capital punishment (and) . . . a general amnesty had been proclaimed for all political offenses."¹⁰⁸

Finally, in the middle of the sixteenth century when the second Cosimo de' Medici was in power, edicts were issued against assassins, who were numerous, and in 1556 proceedings were instituted against them without reference to the ordinary forms of justice. In order to curb attempted assassinations, "both pardon and reward were offered to all who could reveal their employer's name before they did the murder."¹⁰⁹ In addition, because Cosimo had banished so many people and confiscated so much property, a general pardon was proclaimed for exiles, the only one during his seventeen years in power.

General amnesty and individual pardons were practices common to Renaissance Florence. The conditions under which they were granted varied and were dependent not upon the innocence or merits of the

104. NAPIER, *op. cit.*, IV, p. 74.

105. STAFFORD and BALL, *op. cit.*, I, p. 370.

106. PIGNOTTI, *op. cit.*, IV, p. 58.

107. NAPIER, *op. cit.*, IV, p. 298.

108. ROTH, *op. cit.*, p. 50.

109. NAPIER, *op. cit.*, V, p. 214.

offender, but upon the arbitrary desires and designs of the individual, family, or party that could exercise political control at a particular time.

SUMMARY

The treatment of political offenders in Florence during the centuries under investigation usually took the form of exile, destruction or confiscation of property, fines, torture, capital punishment by hanging or beheading, exposure and mutilation. Political factions, incited to violence, perpetrated crimes peculiar to mob action and acted as an extra-legal instrument of punishment. Imprisonment, although primarily used as a means of detention, was used occasionally as a punishment *per se*. Finally, it is a well-established fact that general amnesty and individual pardons for political offenders were practices common to Renaissance Florence.