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SOCIO-ECONOMIC FACTORS RELATED TO CRIME AND PUNISHMENT IN RENAISSANCE FLORENCE

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The author was formerly chairman of the Department of Sociology at Lebanon Valley College, the author is now a member of the faculty at the University of Pennsylvania. Extended travel in Italy has given him an opportunity to gain insights into historical and contemporary aspects of criminology and penology in that country. The present article is a contribution to historical penology, and is allied to Dr. Wolfgang's previous publication of "Political Crimes and Punishments in Renaissance Florence" in our Volume 44, number 5, January-February 1954.—EDITOR.

A. THE GENERAL SOCIAL MILIEU

The nature of group and interpersonal relationships in Florence from the late thirteenth to the early sixteenth century was greatly different from that of our own, and therefore provided a social environment for crimes and punishments that similarly differed from those of the contemporary scene. Not always were the overt acts themselves so different, but the interpretations of crime and the treatment meted out to offenders certainly varied. Slavery still existed in the fourteenth century. Religious superstition and fatalism were part of the standard equipment of the Florentine mind. Lack of street lighting provided an environment conducive to frequent night attacks on those brave souls who ventured from the security of their homes. Life expectancy was considerably reduced by the seriousness with which personal and family feuds were kept alive. Life in the market places was far from safe, white-collar crime was not uncommon, and games of chance often provided a dangerous pastime for those who participated. Plagues, wars, and political upheavals usually produced social conditions favorable to crime and general immorality as they were then interpreted.

The course of human life was regarded much as an experience of the inevitable. Man was born, the Florentine considered, primarily to reproduce his kind. The birth and death of children, prosperity and depression, happiness and despair, were all accepted with fatalistic conviction. With respect to the institution of slavery in Florence, the agents of merchant-bankers and of the Guilds in foreign countries were encouraged to deport young Asiatics and Africans, and soon almost every family of position possessed colored pages or "playmates" as they were euphemistically called. These young people were the absolute property of their masters, they had no personal status of any kind, and no one was amenable to the law on their account. Such "playmates" were treated, in many cases, with great severity, their lives and deaths of slight consequence to anyone. Florence was not unique in this respect, for slaves were common in all the cities and states of Italy in the era of the Renaissance, and their treatment varied with the character of their masters. Florence was probably more reluctant to free her slaves than some cities, but was not the last to do so. Pistoia in 1205 led the way in freeing her slaves, Bergamo followed in 1237, Vercelli,

in 1243, Bologna, in 1256, and Florence—by three stages—in 1289, 1344, and 1415. “This last date,” says one author, “was not only that of absolute emancipation for all persons held in bondage, but of the proclamation which forbade citizens of the Republic to have, or to buy, slaves, whether old or young, male or female, under severe penalties in cases of contravention.”¹

Lack of street lighting at night resulted in a dark, eerie environment conducive to many undetected crimes. Christopher Hare says that even as late as 1562 “night attacks were by no means a rare occurrence in the streets of Florence, for we are told that one hundred and eighty assassinations occurred within the city in less than two years.”² However, as early as the late thirteenth century some attempts were made to reduce the hazards of night travel through the streets. Some light was afforded by the small oil lamps that were hung before the pictures of Christ and the saints, which adorned the walls of many houses. The city fathers seem to have appreciated the usefulness of even this weak attempt to banish the darkness of night, and imposed a heavy penalty on anyone who should disturb the lamps. Preservation of religious folkways may have been the major motivation. However, on special occasions, as during the visit of King Charles VIII of France, or at times of great public excitement, they ordered all the citizens to keep lights burning in their windows during the night. To provide a lighter penalty than that of being sent to prison or to the galleys, a criminal was sometimes sentenced to keeping the lights of a shrine burning for five years.³

Life in the market places was far from safe. Crimes against person and property kept the city magistrates constantly busy meting out justice to offenders from the *Mercato Vecchio*. The old market was a favorite hangout of pickpockets, other kinds of thieves, and feuding families. Some idea of the social environment of the market can be found in the following account:

Stone-throwing was ever a ready means to an end. Many a time the street-boys,—“Hooligans” great and small,—bent on mischief, formed light troops in the van of the opposing parties.

The Podesta and the Magistrates sat long and wearily dealing with troubles of the Market. Litigants were as fierce as they were numerous. Often enough no other remedy was readier than to clap the lot in the town’s Stocks to cool their ardour! Such unfortunates, it need hardly be said, became the butt of all that passed by. Sometimes the poor wretches suffered grievous bodily injury, but the Market overseers were wont to punish the aggressors by placing them cheek by jowl with their victims!⁴

At least we may note from this excerpt that the offenders on public display were protected from excessive abuse by the public. Being placed “cheek by jowl with their victims” was indeed a most infamous penalty even for the lowest social classes that frequented the market places.

More than any other place the market was the scene of the beginning or ending of family feuds. Gestures of contempt and indifference were common and offensive

¹ STALEY, EDGCUMBE, *THE GUILDS OF FLORENCE*, London: Methuen and Company, 1906, p. 567.

² HARE, CHRISTOPHER, *THE MOST ILLUSTRIOUS LADIES OF THE ITALIAN RENAISSANCE*, New York: Charles Scribner’s Sons, Inc., 1904, p. 210.

³ HORNER, SUSAN AND JOANNA, *WALKS IN FLORENCE*, Vol. I, London: Smith, Elder and Co., 1884, p. 171.

⁴ STALEY, *op. cit.*, p. 454.

customs in the markets. To turn sharply away upon the heel from a person whom one wished to insult, or to pay out, and to "make the fig," are examples of these customs.⁵ When family feuds hit the market places, destruction of life and property was almost inevitable.

In 1304 terrible encounters were witnessed between the *Bianchi* and the *Neri*—the "Whites" and the "Blacks"—under the aroused, and many a lusty craftsman, as well as many a noble merchant, lay weltering in his life's blood. Whole families were wiped out, and industries were checked and destroyed. Fire was laid to the houses of the rival factions, and the Calvalcanti and Gherardini, on the Markets, were burnt out.

Again in 1312 party strife broke out with renewed frenzy, and Guelphs and Ghibellines fought out their feuds in the Markets. Operatives and people from the country joined in the fray, and every workman plied his axe, his knife, his mallet, and his saw, in the bloody work of civil war.⁶

It was in this kind of social environment which frequently pervaded the markets that "men," says Dino Compagni, "kill each other regardless of law."⁷

In addition to a social environment conducive to criminal acts in what was considered normal times, plagues and wars operated as crime-inducing agents in periods of great social disorganization. Although widespread, communicable diseases made frequent visits to Florence, perhaps the two worst occasions were during the Black Death of 1348 and a similar scourge that began in 1522. The former plague is so well known to the cultural historian that little need be said here regarding its social aspects. Although the fourteenth century plague killed more people, it lasted only four months, while the sixteenth century plague lasted more than six years and brought death to nearly three-fifths of the population, until by 1527 five hundred persons were dying per day. There was a general cessation of business, for shops, factories, warehouses, public and private buildings, and courts were closed. The white fillet, the sign of infection, hung sad and heavy before the door of almost every house in Florence. Within this confusion law and justice could scarcely operate effectively.

The descriptions of the social conditions in Florence during an extended period of pestilence strikingly point out the disorganized state of jurisprudence; imply that crimes against person and property were prevalent; and that crimes were committed without much fear of consequent apprehension.

Chess, dice-throwing, card-playing, and other games of chance were not uncommon. Although attempts were made to curtail corruption connected with these amusements, "the vice of gambling," says Scaife, "was developed to such a degree that no civil law could suppress it, and no moral teaching persuade them to leave

⁵ With respect to the last gesture, STALEY explains in his work, *THE GUILDS OF FLORENCE*:

The thumb was pushed between the laid down two first fingers of the hand, and then pointed at the disesteemed person. Dante refers to this gesture in his *Inferno*:

"When he had spoken, the wretch just raised his hand

Pointing in mockery, and cried, 'Take then, the deuce,

At thee I jerk my fig.'"

And certainly our English expression—"don't care a fig"—has its origin in this Florentine custom. (p. 465)

⁶ STALEY, *op. cit.*, p. 466.

⁷ Cited in STALEY, *op. cit.*, p. 466.

it."⁸ As early as 1376 there was a law prohibiting the game of *Naibi*, which was played with painted cards. The method of playing seems to have been lost in the historical records. The by-laws of several guilds forbade the members to play with dice or *Naibi* but were not very effective. Buonaccorso Pitti returned to Florence from his foreign travels with a fortune which was largely the product of his gaming. The money amassed in this manner was that which enabled his son, Luca Pitti, to acquire his high social prestige and begin building the famous Pitti Palace. The extent of gambling and the cultural value associated with the "something-for-nothing" philosophy still prevalent in the twentieth century can be implied from the following Renaissance carnival song of Florence: "To have money we will cast aside every virtue and even heaven; for the dice and cards are our gods. Gambling is indulged in by both the masterweavers and their cashiers, and every worthy prelate now-a-days makes profession of it. Bishops and cavaliers follow this standard; the layman plays, so do the priest and monk, even to the abbot with his friars."⁹

As is true with practically every period of history, the chroniclers of early Renaissance Florence complained bitterly of the immorality of the times. As immorality increased, "murder and robbery stalked abroad unchecked,"¹⁰ and as attempts were made to reduce sexual immorality, it was generally noted that "increased severity only inflamed crime, offenders became more numerous, even more wicked from despair."¹¹ In addition to his references to immorality, Giovanni Cambi, writing in the sixteenth century, records: "Violence too was rife in the city to such an extent, that if any citizens went to the magistrates of police to complain, they were likely enough to be stabbed in the streets the next night; or perhaps the magistrates themselves replied to their complaints by saying, 'It's all very true; but I would fain be able to reach my home o' nights without being murdered when my term of office expires.' And so the complaint was dismissed; and justice was mocked."¹²

Perhaps the period of greatest social unrest conducive to an increase in crime was during the reign of Cosimo the First, Duke of Florence and Siena, in the middle of the sixteenth century. Cosimo supported the Inquisition in Florence, rigidly censored the publication of books, passed extremely severe penalties for minor offenses. In general, "Cosimo's conduct was," says Napier, "barbarous, implacable, and utterly vindictive."¹³ In the fifth volume of his *Florentine History*, Napier describes crime and punishment as they were related to the general social milieu of this period:

Secret accusations, punishments, exiles, and confiscations, excited and augmented private hate and rather fostered than subdued the ancient republican fierceness, despite all the encouragement of science and literature intended to correct it. Private misery and public exactions augmented crime, aggressions, quarrels, and homicides, and these again were met by more rigorous laws; the last

⁸ SCAIFE, WALTER B., *FLORENTINE LIFE DURING THE RENAISSANCE*, Baltimore: The Johns Hopkins Press, 1893, p. 199.

⁹ CANTO DE'GIUOCATORI, cited by Scaife, *op. cit.*, p. 200.

¹⁰ NAPIER, H. E., *FLORENTINE HISTORY*, Vol. V, London: Edward Moxon, 1847, p. 285.

¹¹ *Ibid.*

¹² GIOVANNI CAMBI, cited by TROLLOPE, T. ADOLPHUS, *A HISTORY OF THE COMMONWEALTH OF FLORENCE, FROM THE EARLIEST INDEPENDENCE OF THE COMUNE TO THE FALL OF THE REPUBLIC IN 1531*, Vol. IV, London: Chapman and Hall, 1865, p. 344.

¹³ NAPIER, *op. cit.*, V, p. 175.

being subjected to nearly the same treatment as rebels: untried, unexamined, and without any consideration of circumstances, reputed man-slayers might be murdered by whoever coveted the reward offered for these unholy deeds. Nor could the homicide himself ever expect to return except by committing another murder, and proving that with his own hands he had killed a Florentine rebel; or in other words a private enemy of Cosimo! Such was his justice! Such his barbarous policy! and such his modes of promoting morality!¹⁴

It is clear that both during republican and Medicean days, during periods of relative peace and normality as well as during times of great social unrest there were many factors in the general social conditions of life in Florence that were favorable to the incitement of crime.

B. SUMPTUARY LAWS AGAINST ORNAMENTATION

From the fourteenth through the sixteenth centuries the city fathers of Florence thought it necessary to pass ordinances forbidding women to wear clothes considered too extravagant in design. As early as 1323 the city authorities were making strong ordinances against the excessive ornaments of women. The fact that women freely abrogated the ordinances led the Florentine historian, Villani, to exclaim: "Thus did the excessive appetite of the women defeat the reason and sense of the men."¹⁵ Isidoro Del Lungo, in his "Women of Florence," describes in detail the attempts to restrict ornamentation. He refers to a provision of April, 1330, which states in part that

... no woman shall wear the train of her dress more than two braccia in length behind, or cut out round the neck more than a braccio and a quarter. And similarly, it is forbidden unto boys and girls to wear petticoats and robes of two colours, and all trimmings are forbidden, even ermine, excepting unto knights and their ladies. And unto men are forbidden every kind of ornament, and belts of silver, and doublets of silk or of cloth or of camlet. And at no feast shall there be more than three dishes, and at marriages there shall not be laid more than twenty platters (the company must not exceed forty persons, two persons to a platter—the custom of the time), and the bride shall not bring more than six women with her. And at the feast for newmade knights there shall not be more than an hundred platters of three different dishes; and the new knights shall not dress themselves in such a manner that they can give their robes unto the jesters.¹⁶

Not only did these sumptuary laws make indignant those against whom they were aimed, but they failed to achieve the end desired. Through them an attempt had been made by the republican leaders to make fashions and festivals more equitable in nature. However, during the days when Savonarola firmly held Florence in his power, simplicity of dress and of public affairs was associated with religious purity. We can easily assume the difficulties involved in attempts to administer such ordinances as those regarding the nature of the *morginap* or wedding gift of the bridegroom to his bride the first morning after the wedding. These laws were effective only to the extent to which the Florentines were willing to obey them. The greater the specificity of sumptuary legislation the more difficult was apprehension of offenders and consequently the general administration of justice.

The early fifteenth century brought another reaction against the extravagance

¹⁴ *Ibid.*, p. 176.

¹⁵ VILLANI, cited by SCAIFE, *op. cit.*, p. 80.

¹⁶ DEL LUNGO, ISIDORO, *WOMEN OF FLORENCE*, London: Chattu and Windus, 1907, pp. 46-48.

in fashion that was characteristic of the Renaissance. But when the Medici came to power shortly afterwards, no limits were set to the liberty of the person so far as clothing and ornaments were concerned. Only one law was passed prohibiting in detail dress, furniture, and other household and private matters, but it was rescinded after a trial run of nine months.

Men's fashions were also regulated occasionally, but with less preciseness. What might be called an informal change in a folkway occurred around the end of the fifteenth century. Those who wore their hair and beards long had been avoided as ungentlemanlike and were even classed with robbers and assassians until after 1495. At that time old customs began to change as foreign intercourse increased. The beard was then allowed to grow, and suddenly those who adhered to the former folkway began to be derided.¹⁷

Florence, under the dominance of Cosimo I, was subject to many restrictions on ornamentation and fashion display. The general extravagance in the dress of all ranks and both sexes had early called for Cosimo's interference by a law of October 19, 1546. Males were not overlooked by Cosimo in his attempt to curb excessive living, and the citizen who did not comply with the dress habits was punished by forfeiting his eligibility to office. It is perhaps significant to point out the fact that such forfeiture was "equal to that of his neglect."¹⁸ Some standardized relationship between the offense and the penalty appears to have been recognized and used, therefore, with respect to restrictions on clothing. There is no reason to suspect that this was in any way a universal practice; that it infringed on the arbitrary power of the magistrates; or that wealth, political affiliation, and other criteria of power were not influential tools by which the penalty was adjusted to the offender.

Differential regulations were applied to the variety of social classes. Most of the limitations thus far mentioned applied to the upper class of citizens eligible for public office, along with their wives and daughters. Those of lower rank were not permitted, for example, to wear silk at any price. Many articles of clothing or jewelry were entirely prohibited to the lower social classes or were greatly restricted in value. Females of lower rank were permitted to wear a ring of five crowns in value and no more, whereas the upper classes could wear two rings of pearls or other precious stones costing two-hundred and fifty crowns. Those citizens paying direct taxes, but ineligible to office, were permitted the further privilege of wearing a gold ring of twenty-five crowns in value, a chain of gold at the same price, a necklace of gold or silver beads costing ten crowns, and a sash or belt of silk or gold cloth at three crowns, besides the privilege of striping their garments with any kind of silk they pleased except velvets or brocades, and restricting themselves to two yards for each trimming. In general it appears that each class was forbidden to wear any article of dress denied to those not eligible for public office.¹⁹ Thus conspicuous differences in dress made identification of one's social class relatively easy.

As in the case of fashion restrictions, penalties varied with one's position in so-

¹⁷ NAPIER, *op. cit.*, IV, 21.

¹⁸ *Ibid.*, p. 269.

¹⁹ *Ibid.*, p. 270.

ciety. For "women of the town," who failed to wear their distinguishing head-dresses, there was a penalty of ten golden crowns. They were also "placed under the especial care of the 'Eight', the Conservators of the Laws, and the 'Officers of Decency.'" ²⁰ What happened to them at this point is unknown, but they were probably subject to some form of infamous punishment.

Citizens were generally penalized for a breach of these ordinances with fines, but after the second offense they were usually punished at the discretion of the judge, and

... fathers, brothers, husbands, or guardians, were held answerable for individuals of both sexes under eighteen years old. Tailors, mantua-makers, and workwomen of all kinds who should infringe such regulations were to be fined five crowns for the first offense, ten for the second; and for the third to male offenders, two strokes of that torture called the "Corda," in addition; but for females, public exposure in the pillory crowned with a mitre, all of which could be avoided by divulging the name of their employer. The peasantry were fined four crowns for the first offense, and so on like the others with corporal punishment at the judge's discretion. One-half of these fines were divided between the judge and the informer, the other half went to the court which tried the offense to form a fund for the payment of salaries. . . .²¹

We may note from this account that punishment varied with social class, sex, and the discretion of the judge. It was hardly likely that when the offenders were able to pay their fines that the judge would inflict corporal punishment on them since he received half the fines. As in contemporary society, those unable to pay a fine were forced to undergo some other form of punishment. Another sex differential existed: males appeared before the court in person while females sent representatives. A unanimous vote of the court was not necessary, as in English common law, to determine the verdict; rather a secret vote of two-thirds of the court was sufficient to condemn or acquit the defendant. The whole procedure was, according to the law, to last no longer than ten days for residents of the city and fifteen for those who lived outside the city environs.

From the criminological and penological viewpoint these sumptuary laws concerned with what was then considered extravagance in dress and social living in general are important because they: (1) produced marked restrictions on the individual in a cultural period of increasing individualism; (2) probably increased the number of misdemeanors; (3) manifested socio-economic and sex differentials both in the limits of dress and in the degrees of punishment.

C. WOMEN AND CRIME

As in contemporary society the women of Florence appear to have had lower rates of crime, most frequently committed crimes associated with sex, and were differentially punished. Throughout most of the period studied women were usually forbidden to enter a court of justice and judges were warned not to listen to complaints from women. Apparently women gave the magistrates much trouble, for a statute of 1294 gives this quaintly ambiguous caution: "Women are a sex to be looked upon as most dangerous in disturbing the course of justice."²² On the other

²⁰ *Ibid.*

²¹ *Ibid.*

²² STALEY, *op. cit.*, p. 90.

hand, the civil law occasionally permitted women to act as witnesses. Midwives were asked by the court to determine whether or not a woman was pregnant, when the condition would affect a case of law. Also women might be required to denounce the crimes of other women, offenses which "could not come to the notice of men because women know more of these particular things than men."²³

The belief that women were not considered of equal importance with men was further manifested in the differential treatment accorded the two sexes in crimes of conspiracy. Even though the women may have played an active role in the conspiracy, they were rarely banished from the city. This was one reason for the existence of many broken homes. Dante was banished, but his wife remained in Florence unmolested and able to save enough of the family property to live and educate their sons. After the flight of Piero de' Medici from Florence in 1494, his mother and wife remained in the city without being disturbed by the angry mobs, despite the decree of banishment published against the chief of the family. Three years later, at the time of the conspiracy to restore Piero to power in the city, his sister was proved to have taken part with the male conspirators, though without the knowledge of her husband. Instead of being dragged to a loathsome prison, as had been the case of the other conspirators, she was quietly guarded in the house of Guglielmo de' Pazzi, and was never molested. Shortly thereafter she was set at liberty through the influence of Francesco Valori, "to whom," says Scaife, "it seemed brutal to touch a woman."²⁴ Guicciardini refers to a case in 1508 in which it was against a statute to banish a woman.²⁵ The fate of the deserted wives was probably not too pleasant, however, if they waited long for the day of reunion with their husbands.

Another example of the sex differential in punishment for an offense can be found in a statute of the Guild of Oil Merchants and General Provision Dealers. A 1415 rubric reads:

If any fruiterer or poulterer of whatever condition ventured to buy mushrooms, cheese, eggs, chickens, or poultry of any kind and venison or to loiter about where such things were offered for sale before the hours of "nones"—with or without licence—or to wait within two hundred yards, he or she was liable to a fine of ten *lire*, which if he or she could not, or would not pay, then the man was put in prison for a month, and the woman was beaten through the streets with a stick.²⁶

To have the offending women "beaten through the streets with a stick" was probably not too infamous a treatment, for one of the familiar sayings of the Florentines during the early fifteenth century was, "A good woman and a bad one equally require the stick."²⁷

Torture of women, although not common, was practiced during various periods. One author claims that "with the increase of the Medicean power, there seems to have been a change for the worse in the treatment of women."²⁸ Cavalcanti, the

²³ SHEEDY, ANNA T., *BARTOLUS ON SOCIAL CONCITIONS IN THE FOURTEENTH CENTURY*, New York: Columbia University Press, 1942, p. 53.

²⁴ SCAIFE, *op. cit.*, p. 85.

²⁵ GUICCIARDINI cited by SCAIFE, *op. cit.*, p. 86.

²⁶ Quoted by Staley, *op. cit.*, p. 397.

²⁷ *Ibid.*, p. 91.

²⁸ SCAIFE, *op. cit.*, p. 85.

fifteenth century Florentine historian, refers to a case of the banishment of a poor crazy woman from Florence on the return of Cosimo in 1434. He decries the whole Florentine people for banishing "a poor public crazy woman, without the slightest intellect."²⁹ Even females of the most distinguished families were subjected at times to torture as we learn from the fate of Madonna Bartolommea, wife of Francesco Gianfiglazzi, one of the first citizens of Florence, but then in exile. She attempted surreptitiously to visit her dying son in Bologna, and on the return trip to Florence was arrested by a spy, and placed in the hands of the Podestà. Although a woman and one who had committed no crime, she was imprisoned, examined under torture, "as if she were a notorious villain instead of a woman."³⁰ After the torture, although nothing had been elicited from her which either made herself suspicious as a spy, or helped against the enemy, she was sent to the *Stinche*, one of the foulest prisons in Florence, "and there shut up along with the lowest women of the town."³¹

Early in the sixteenth century a change in the folkways produced many unmarried females, which in turn probably encouraged much prostitution. Giovanni Cambi decries the period in which he lives, pointing out "that there were then in Florence three thousand marriageable girls for whom no husbands could be found—an intolerable state of things. . . ."³² As a result of this condition, Cambi believed that immorality increased and made possible both the physical movement of prostitutes from what the contemporary sociologist calls the "zone in transition" to better residential areas and social movement into the pale of respectability. "Immorality," says the historian, "naturally increased under such circumstances, and got to such a height, that women of evil life would not be content to live in that part of the city which had been assigned to them, but came and lived in the streets inhabited by the respectable. And what was more pestilential still," groans Cambi, "they took to wearing the dresses of nuns, and conformed themselves to the habits of decent women, so that they could no longer be recognized for what they were."³³

A common practice among the women of Florence in the middle of the sixteenth century was that of laying high bets on the chance of being delivered of a girl or a boy. The amounts involved became extremely large and frauds were practiced by the substitution of other children for those really born. These activities resulted in legislative interference with the custom, and by a proclamation of June 6, 1550, Cosimo declared "all such wagers illegal unless made with the husband's consent after their amount had been declared before a judge sanctioned by him."³⁴ Although some illegal wagers continued to be made by the women, they were not generally prosecuted. The custom finally died, however, probably because of the unwillingness of the women to go through the public process that conformity to the law required.

²⁹ Cited by SCAIFE, *op. cit.*, p. 85.

³⁰ Cited by NAPIER, *op. cit.*, IV, p. 47.

³¹ NAPIER, *op. cit.*, IV, p. 47.

³² CAMBI, GIOVANNI, cited by TROLLOPE, *op. cit.*, Book X, p. 343.

³³ *Ibid.*

³⁴ NAPIER, *op. cit.*, V, p. 267.

D. EXAMPLES OF PUNISHMENT RELATED TO CRIMES OF A GENERAL SOCIAL NATURE

The purpose of this section is simply to give a few examples of the kinds of punishment meted out to persons who committed homicide, burglary, sex offenses, and other crimes not easily classifiable as political, economic, or religious in nature. The examples are selected from the accounts by men who were not bent on proving a particular hypothesis, but were concerned only with valid descriptions that characterize the past.

Because the judge maintained excessive arbitrary power in pronouncing sentence, punishments for the same crimes varied greatly. Carlo Calisse, in "A History of Italian Law"³⁵ frequently refers to these different sentences even from the same magistrate. Sometimes the penalty for homicide was death, at other times, confiscation of property. Where the penalty for homicide was the latter, a part of the estate, generally half, was given to the deceased's family. This was the law not only at Florence, but at Padua, Rome, Bologna and elsewhere. In his informative diary Landucci refers to a law enacted on March 25, 1478 "which forbade anyone who had killed a man to return to Florence."³⁶ Occasionally Landucci philosophizes about the nature of punishment in Florentine society and points out that not only was deterrence considered the primary rationale of punishment, but that the certainty of punishment was deemed necessary to deter additional crimes. Crime in general, but homicide specifically, he observed, was "encouraged by the facility of pardon." The remedy, he claims, must therefore be "to enforce the law with severity," and "by making the fear of punishment deter men."³⁷ Although the deterrent theory of punishment is far from the most advanced stage of scientific penology, it cannot be denied that the surety of punishment is still adjudged singularly significant in deterring potential anti-social behavior. The fifteenth century Florentines deserve historical notice for this observation.

The interesting story of Ippolito Buondelmonti provides additional information regarding use of the death penalty. The Buondelmonti, who were Ghibellines, held in abhorrence all the Bardi, who belonged to the Guelphic Party. However, one day Ippolito Buondelmonti met in the Baptistery of San Giovanni, Dianora, the beautiful daughter of Amerigo de' Bardi. After discovering who she was, the youth sought every opportunity to court her, although he could not declare his attachment because of the enmity which existed between the two families. A secret marriage took place, but the happy couple continued to live in their separate homes. The young groom visited his mate by means of a rope ladder leading to her chamber. It is the account that follows which has significance for our purposes:

³⁵ CALISSE, CARLO, A HISTORY OF ITALIAN LAW, Boston: Little, Brown, & Co., 1928, p. 404.

³⁶ LANDUCCI, LUCA, A FLORENTINE DIARY FROM 1450 TO 1516, London: J. M. Dent and Sons, Ltd., 1927, p. 14.

³⁷ *Ibid.* Landucci's discussion of the purpose of punishment apparently appeared in a separate document before he incorporated it into his diary, for he says: "... it may be read in the exordium which I have pleasure in publishing as a document which described the way of thinking at that time (p. 14)." A footnote following this excerpt refers the reader to the State Archives of Florence, *Consigli Maggiori Provv. Reg. ad annum.*

But one evening when Ippolito was on his way to visit his wife, carrying a rope ladder in his hands, he was observed and seized by the Bargello and his officers, *who were going the rounds of the city*, and mistook him for a robber. Rather than betray Dianora, Ippolito submitted to this accusation and when his father Buondelmonti was summoned, his entreaties for the pardon of his son were all in vain. The following day, the flag of justice, the sign of a condemnation to death, was hoisted over the gate of the Palazzo del Podesta. Ippolito's one prayer was, however, granted—that on his way to execution, he should be led past the house of Amerigo de'Bardi, in order, as he said, that he might seek a reconciliation with his enemies. Dianora was at the window when the procession appeared below, and rushing down the staircase she acknowledged Ippolito as her husband. The young couple and their parents were brought before the Podesta, who persuaded Amerigo de'Bardi to consent to the marriage, when peace was for a while restored to the city.³⁸

Of particular importance in this case is (1) the intensity of traditional familial differences and rivalry; (2) the fact that the Bargello and his officers made periodic "rounds of the city"; and (3) the penalty of death for suspicion of robbery.

It was common practice to transport condemned prisoners through the streets of Florence in the "executioner's cart" to the place of execution, which was frequently one of the city squares. Often, as happened on March 12, 1499, prisoners were tortured as they marched through the city. On this date two men were hanged and (even at the beginning of the sixteenth century) "one of them was quartered and the quarters stuck on the gallows."³⁹ The crowd of spectators frequently exhibited erotic and sadistic proclivities in these public punishments. Landucci records the case of three men who were hanged for murder on February 26, 1500, at the *Canto delle Stinche* (corner of the Prison of the Stinche), where they had committed the crime.

They went on the executioner's cart, being tortured most cruelly with red-hot pincers all through the city; and here at Tornaquinci the brazier for heating the pincers broke. There not being much fire left, and it not sparkling properly, the *Cavaliere* shouted at the executioner, and made him stop the cart, and the executioner got out and went for charcoal to the charcoalburner, and for fire to Malcinto the baker, and took a kettle for a brazier, making a great fire. The *Cavaliere* kept crying all the time: "Make it red-hot!" and all the people were desirous that they should be tortured without pity. The very boys were ready to assassinate the executioner if he did not do his work well, hence they (the condemned men) shrieked in the most terrible way.⁴⁰

The executioner often found himself in a precarious position if he failed to regulate the performance of his duties commensurate with the finesse and severity demanded by the sadistic-ridden crowd. For his entry of May 29, 1503, Landucci reports:

The executioner was murdered by the people, being stoned to death on the place of justice. It had happened that a certain young ensign, who had slain another on account of some jealousy, was to be beheaded this morning, and the executioner did not succeed in cutting off his head either at the first, or the second, or even the third blow of the axe; the *Cavaliere*, who stood next to him, struck him twice with his stick; and because the condemned man was a youth of only twenty years of age, the people felt such compassion for him that there was a tumult, and they shouted: *a sassi, a sassi!* (stone him, stone him!), so that the *Battuti* (a band of penitents who went about dressed like monks, and beat themselves as a penance) also received a good many blows. And the *Cavaliere* and the others

³⁸ HORNER, *op. cit.*, pp. 494-495. Underlining added. See also: HARE, AUGUSTUS, FLORENCE, London: Smith, Elder, & Co., 1887, p. 168.

³⁹ LANDUCCI, *op. cit.*, p. 166.

⁴⁰ *Ibid.* "The office of the *Cavallieri* was to go round with the sergeants, and, as a rule, an arrest could not be effected without the presence of a *Cavaliere*." (LANDUCCI, *op. cit.*, p. 176).

present escaped with difficulty, throwing themselves down from the wall, such was the rage of the people, who slew the executioner; and afterwards the boys dragged the body as far as Santa Croce.⁴¹

Although accorded different treatment from males in many respects, as was previously shown, females were not entirely freed from the possibility of the death sentence. It is perhaps safe to say that they were more frequently beheaded or burned than hanged. Unfortunately the age of the person in the following case of homicide is not known, but Landucci's use of the word "girl" is probably indicative of her youth:

14th March. (1504). A girl was executed who was the serving maid (Ginervra di Nardo di Piero del Prete of Piacentina) of a miniature-painter (Luigi di Mariotto Biffoli); she had borne an infant, and killed it, and thrown it into the cesspool. And a man called Bardoccio, when he came to empty the cesspool, found this female child, and took it to the "Eight," who immediately had the girl arrested; and the man who had seduced her fled. The girl was taken on the executioner's cart and beheaded.⁴²

Sex offenses were usually severely punished. Particularly harsh up to the fourteenth century were penalties for the crime of seducing a nun. After the fourteenth century, however, the penalty for this offense was no longer capital. Throughout Italy the penalty became limited to imprisonment and the infliction of a fine, or to the exaction of a fine alone. It was sufficient to prove that the nun had not suffered violence, but had complied without excessive reluctance. Referring to Florence and the penalties associated with this offense, Giuseppe Portigliotti, in his interesting work, "Some Fascinating Women of the Renaissance," says:

The "Statuti del Podesta" of Florence left the nature of the penalty to the discretion of the Podesta himself; while one offender might be banished for ten years for abducting a sister from her convent, others who were guilty of the same offense escaped with a brief term of imprisonment and the payment of a given sum of money. The statutes of Brescia made the most subtle distinctions in such matters: a fine of 100 lire was inflicted on anyone who entered a convent "with evil designs and intentions," and a month's imprisonment and a fine of 400 lire on anyone who should abduct a sister "without offending her"; while he who went farther than this was awarded two years imprisonment and had to pay a fine of 500 lire.⁴³

The death penalty was decreed for the sex offender whose case was entered in Landucci's diary in 1473:

5th July. A lizzerine of the Mangano (cloth-dress) was condemned to death, and was beheaded. He had committed the crime of violating a girl of about twelve years old in such a way that she died; and then he had buried her body outside the *Porta alla Giustizia* (so called because criminals passed under it on the way to execution). And later it was discovered, as the dogs raked it up. Sentences were issued against him, but he could not be found. When captured some years after, he confessed having committed the outrage.⁴⁴

The "unmentionable vice" or "unspeakable sin" to which Landucci and other writers of the period refer is probably homosexual relations. Although unwilling to

⁴¹ *Ibid.*, p. 204.

⁴² *Ibid.*, p. 213.

⁴³ PORTIGLIOTTI, GIUSEPPE, SOME FASCINATING WOMEN OF THE RENAISSANCE, New York: Brentano's Publishers, 1929, p. 46.

⁴⁴ LANDUCCI, *op. cit.*, p. 11.

record these cases, Landucci's desire to be comprehensive apparently took precedence over his reluctance.

22nd December. (1494) . . . This day many things were voted in the *Palagio*: Anyone who slew a man could not return to Florence; and law as follows against the unmentionable vice: the first time, the offender to be punished with the *gogna*, the second time, to be fastened to a pillar, and the third time, to be burnt . . .⁴⁵

17th March. (1505). The "Eight" published a proclamation to the effect that anyone who had been guilty of a certain villainy, and there were several, should lose their heads, if they did not appear; they had dared to threaten a father if he did not give them his son. The young men of Sodom were no worse than this when they asked Lot for the angels. And these deserve the same punishment that befell those. It is unwillingly that I have recorded this, because it is the unspeakable sin. May God forgive me.⁴⁶

The *gogna* mentioned by Landucci meant exposure of the criminal on the outer wall of the prison of the Bargello. The offender was bare-headed, his hat was at his feet to receive *soldi*, and his hands were bound behind him to one of the iron rings in the wall. With a placard on his chest to describe the nature of the crime, he had to remain there for an hour, during which time the old bell of the prison was rung to announce the display to the public. In 1504 an iron ring was placed on a column of the *Mercato Vecchio* to which prisoners were fastened when condemned to the *gogna*.

Public confession and confinement "in a cage" were punishment for a priest in 1497 who confessed to, and was prosecuted for, libel.

23rd July. A priest who was officiating in *Santa Maria Maggiore* was arrested by the "Eight", and he confessed to having secretly declared that Fra Girolamo and Fra Domenico and all the *Frati* at *San Marco* were Sodomites, on account of a grudge that he had against them. This morning he was sent by the "Eight" to proclaim the good repute of the *Frati*; and he mounted a pulpit placed on the steps of the *Santa Maria del Fiore*, in the *Piazza di San Giovanni*, against the *Campanile*, and in the presence of all the people said that he had told lies and publicly confessed his error. Nevertheless the "Eight" sent him to the *Stinche*, where he was confined in a cage.⁴⁷

Landucci makes no reference, in this case, to the use of torture to obtain a confession. Torture was a common and integral part of the investigatory procedure, but we cannot be sure that it was used on the priest of *Santa Maria Maggiore*, or that he succumbed to it.

E. ECONOMIC FACTORS, CRIME, AND PUNISHMENT

Perhaps the most important fact of Florentine economic life was the dominance of the guilds. Their structure was one of the most stable elements in a society rampant with political, religious, and general social instability. The early Renaissance Florentine culture was fluid and flexible while the guild system appeared little shaken by increasing individualism manifested in art, literature, and other areas of social life. This is not to say that the early stages of capitalism were not evident in Florence, for the existence of commercial, business, and banking houses in the fifteenth and

⁴⁵ *Ibid.*, p. 78.

⁴⁶ *Ibid.*, p. 218

⁴⁷ *Ibid.*, p. 125.

sixteenth centuries quickly dispel such a conclusion. Furthermore, increasing reluctance to refer to interest on loans as usury marked a gradual transformation of medieval economic views. However, the economic life of the town revolved around the guilds, which, at a relatively early time, took over the government of the city. In point of fact, a few large and powerful merchant guilds of bankers and wholesalers acquired the lion's share of the government, held the lesser craft guilds in submission by various devices, and effectively kept the common workers from exercising either economic or political influence by forbidding them to organize.

These economic conditions played a prominent role in the definition of crime and the determination of punishment. The majority of workingmen were constantly subjected to the ubiquitous by-laws of the guilds. Little freedom of action was permitted the masses. Work habits, dress, food, wine, and physical movements were molded by guild dictates. Abrogations of these rules were summarily investigated and the persons involved quickly fined or corporally punished. Debtors, tax delinquents, interest-takers, falsifiers of merchandise, forgers, and robbers were harshly punished. Class differentiations were obvious. The fine came to be used as a method of enriching the judges and judiciaries. In practice, it was reserved for the rich, whereas corporal punishment became the punishment of the poor. As Rusche and Kirchheimer⁴⁸ point out for this period in general, exile was a far worse fate for lower-class victims than for the rich. Exile meant travel, the establishment of business branches abroad, and even diplomatic service and the prospect of a glorious return for the rich, but usually it meant death for the poor. Sumptuary legislation, as previously noted, varied in degree with the class divisions as did the penalties for neglect to observe the ordinances, and little issue can be taken with Rusche and Kirchheimer's statement that "as the price for labor decreased, the value set on human life became smaller and smaller."⁴⁹ So long as the guilds maintained dominance of the government, they could, by means of city ordinances and their own rubrics, control both the production and consumption of goods. Increased population, therefore, resulted in an increased labor supply and a decreased value of labor. Punishments, concomitantly, were severe and the death penalty was invoked for minor offenses.

The Florentines held bankruptcy in universal contempt. In the center of the *Mercato Nuovo* was erected, during the fourteenth century, a stone pillar or post to which bankrupts were tied and "publicly beaten three times with every mark of personal indignity."⁵⁰ Staley suggests that the present-day custom of "hammering" a delinquent on the London Stock Exchange had its origin in this Florentine usage." The author continues:

There was no way for a man to obtain his discharge but by undergoing this degrading flagellation. If there was one thing the Banking community of the *Mercato Nuovo* feared and hated more than any other it was, of course, failure. A man, or a business house, who could not meet payments was an object of universal contempt and persecution. The same measure was also meted out to all citizens who persisted in playing games with cards and dice, which distract honest men from work.⁵¹

⁴⁸ RUSCHE, GEORG, AND KIRCHHEIMER, OTTO, *PUNISHMENT AND SOCIAL STRUCTURE*, New York: Columbia University Press, 1939, p. 20.

⁴⁹ *Ibid.*

⁵⁰ STALEY, *op. cit.*, p. 464.

⁵¹ *Ibid.*, p. 465.

Except for the fact that debtors were free from the liability of arrest in the market, or when the great bell should ring, summoning the citizens to a general council, the law against debtors was severe. For example, despite his seventy years, Buonaccorsi was incarcerated in the infamous prison *Le Stinche* as a debtor.⁵² Adomollo claims that most debtors were subject to imprisonment by the municipal authorities "with scant provision, crowded, and packed together in a filthy place."⁵³ A law of 1398 even forced them to act as public executioners.⁵⁴ Landucci⁵⁵ records in his diary for May 30, 1496, that Bartolomeo Pucci had gone bankrupt and was sent to the *Bargello*. His sons later broke into the prison and tried to liberate him, but were themselves incarcerated there. Napier reports that in the sixteenth century

... all bankrupts were ordered to place themselves in prison three days after their failure; if they did so the way was open to justification; if not without any further inquiry they were pronounced dishonest, became subject with their family and descendants, to the most rigorous penalties, besides any personal chastisement which the criminal court might please to inflict on them; they being considered as public delinquents who had made away with other men's property. The grandfather, father, sons, and descendants of the honest bankrupt were held answerable for him in goods and person if one year before his failure the two first had not protested that they had no interest in the business, and if the last were not emancipated from paternal authority. The sons and all male descendants of fraudulent bankrupts, though born afterwards were declared infamous, and deprived, like those of the honest bankrupt, of all civic rights and privileges as Florentine citizens, including eligibility to public office! Their wives, children, servants and even their neighbors might . . . be arrested, incarcerated, and punished at the magistrate's discretion; the creditors, however mercifully inclined, were deprived of all power of even mitigating the penalties; and assistance given to the bankrupt by any person, or even the mere act of affording shelter, was visited by heavy fines, and what further punishment the magistrates should think fit to inflict. . . . The result was emigration of Tuscan merchants and the investment of their property in other climes less noxious to its fructification.⁵⁶

From these examples it is obvious that the penalties for bankruptcy and indebtedness were relatively severe. However, there was little or no corporal punishment. The nature of the punishment was more infamous than physically severe. Incarceration appears to have been used as a form of punishment as well as a means of detention for debtors. Scaife refers to a statement of Cavalcanti which mentioned that "a revolutionary law provided that no one should ever be subject to arrest for debt; but the law seems to have died with the revolution which gave it birth."⁵⁷ It is interesting to note that at an early date (fourteenth century) some group of Florentines at least conceived of the irrationality of subjecting debtors to the traditional punishment. However, stability, security, responsibility, and regulation were economic traits demanded by the times. The risks and speculations of capitalism had not yet had an opportunity to permeate Florentine mentality to the point where the people were willing to accept quick success or sudden and complete financial failure with calmness and grace. Both "honest" and "fraudulent" bankrupts were treated in terms of medieval practices.

⁵² SCHEVILL, FERDINAND, *HISTORY OF FLORENCE*, New York: Harcourt, and Co., 1950, p. 226.

⁵³ ADOMOLLO cited by SCAIFE, *op. cit.*, p. 162.

⁵⁴ SCAIFE, *op. cit.*, p. 162.

⁵⁵ LANDUCCI, *op. cit.*, p. 108.

⁵⁶ NAPIER, *op. cit.*, V, p. 338.

⁵⁷ CAVALCANTI cited by SCAIFE, *op. cit.*, p. 162.

Florence protected the value of her *florin* by means of a severe penalty for counterfeiting. In 1465 a man was found coining false money, and he was beheaded.⁵⁸ It should be pointed out, however, that in the latter part of the fifteenth century life was relatively cheap, 22,000 paupers were accepting alms in the city, and the individual as such became of less and less importance. Under these conditions of a large surplus labor supply the death penalty could be invoked frequently without disturbing the economic institutions. The thesis of Rusche and Kirchheimer appears to be nourished and confirmed by these facts.

In the late fourteenth century taxes were levied with the utmost rigor. Machiavelli relates that a decree of the time "made it lawful to kill any that might resist the officers employed to collect them. Hence followed many lamentable collisions, attended with the blood and death of citizens."⁵⁹

Stealing, in its various forms of larceny, burglary, robbery, was frequently punishable by death. Landucci recalls that in 1479 a Venetian "was hung in the *Mercato Nuovo*, for having stolen some florins off a money-changer's table the evening before, in broad daylight; and he had been caught and taken to the rector, and was condemned to be hung."⁶⁰ One June day in 1488 while mass was being said in one of the cathedrals, a Bolognese was arrested "who was cutting off the tassels of the men's belts and stealing them."⁶¹ Justice was again swift, for within an hour the thief was hanging from the windows of the *Palagio del Capitano* and his body was exposed there until late in the evening.

Florence appeared to be culturally somewhat schizophrenic with respect to interest on loans. In the early days the Church opposed the loaning of money on interest, and the receiving of any interest whatever was looked upon as usurious. Even to the end of the fourteenth century Mazzei informs us that "it was considered usurious for any one to make a loan which was not drawn up on official paper, and where, in the instrument itself, it was not stated that the loan was made gratuitously."⁶² The same author claims that usurers were looked upon with the same repugnance as murderers and also denied burial in consecrated ground. But those who possessed money were not always willing to lend it without compensation, and those who needed it were often willing to pay for its use. The matter appears to have been regulated largely by the principle of supply and demand. Early in the fourteenth century a law decreed the punishment of decapitation for any who should give or receive more than five per cent interest per annum. But the law did not succeed in regulating the rate, which varied from five to twenty-five per cent, and the government at times was compelled to pay enormous rates for its loans.⁶³

The dominance of the guilds in Florence makes necessary a special consideration of them in terms of their statutes defining crime and punishment. Most of the major guilds were associations of masters, and the workers employed by them were their

⁵⁸ LANCUCCI, *op. cit.*, p. 4.

⁵⁹ MACHIAVELLI, NICCOLO, HISTORY OF FLORENCE AND OF THE AFFAIRS OF ITALY, London: M. Walter Dunne, 1901, Book III, pp. 165-166.

⁶⁰ LANDUCCI, *op. cit.*, p. 27.

⁶¹ *Ibid.*, p. 46.

⁶² MAZZEI, cited by SCAIFE, *op. cit.*, p. 155.

⁶³ SCAIFE, *op. cit.*, p. 155.

subordinates or *soltoposti*. The masters alone determined the wages of the workers and, in order to keep them at a minimum level and the workers themselves in secure subjection, declared every attempt of their subordinates to form a guild of their own a punishable crime. According to Rodolico,⁶⁴ who cites the restrictions of the *Statuti dell'Arte della Lana* (Statutes of the Wool Guild) in his *La Democrazia Fiorentina*, the *soltoposti* of the wool guild were prohibited not only from organizing, but even from collecting together in groups of ten or more for any purpose whatever. Every breach of these guild injunctions was subject to action by the court of the guild enjoying a sweeping jurisdiction over masters and *soltoposti* alike, and was punished by *divieto*; that is, the exclusion of the transgressor from the list of approved workers for one or more years. Tantamount to a sentence of death by starvation, the mere threat of the *divieto* was like a sword held over the worker's head. Under these conditions the workers were little better than human chattels required to subsist on submarginal wages and forbidden under the severest penalties from attempting to increase their salary by any kind of collective bargaining. Because the government of Florence lay largely in guild hands, these repressive statutes were easily made part of the public law.

Occasionally a lowly worker attempted to improve the condition of his group. The bank failures of 1343-1346 and the attendant unemployment and starvation produced an economic crisis that resulted in the attempt of a certain Ciuto Brandini to organize the wool workers together for their own protection. Seized one night in his bed, he was taken before the *Capitano del Popolo* and promptly sentenced to be hanged. His execution markedly makes clear the extent to which the state was the obedient tool of the masters of the guilds.⁶⁵

Most penalties for infractions of guild rules and restrictions were in the form of fines.⁶⁶

The *Calimata* or Guild of Merchants constantly issued denunciations and penalties against all sorts of fraud. The penalty for the first offense was three gold *florins*. Repetitions of dishonesty or questionable deals were visited with still heavier fines and even incurred suspension and expulsion from the guild.⁶⁷ A special committee of experts, *Ufficiali delle Macchie e Magagne* (Inspectors of Spots and Blemishes) was

⁶⁴ RODOLICO, *LA DEMOCRAZIA FIORENTINA*, p. 114, cited by SCHEVILL, *HISTORY OF FLORENCE*, p. 265.

⁶⁵ SCHEVILL, *HISTORY OF FLORENCE*, p. 265.

⁶⁶ It is necessary to show the relationship between these fines and the purchasing power of the major types of Florentine currency during this period under consideration. The *danari*, *soldi*, *florins*, and *lire* were the most important forms. Some of the *soldi* and *florins* were composed largely of gold, some mostly of silver, but most references are made to the gold forms. Any attempt to convert these currencies into dollars is a most difficult task, although Scaife (*op. cit.*, p. 170) claims that the gold *florin* of thirteenth century Florence was worth \$3.10 according to price levels of 1890 in the United States. For our purposes, however, it may be sufficient to say that during the fourteenth century and most of the rest of the period under investigation a bushel of wheat could be purchased for half a gold florin. The *soldo* was equivalent to twelve *danari*, the gold *florin* to twenty *soldi*. The *lira* was also equal to about twenty *soldi* or similar in purchasing power to the gold *florin*. Variations occurred commensurate with economic fluctuations, but a more detailed account of these variations would go beyond the scope of this survey. These distinctions of currency value will, however, give more meaning to the examples of fines imposed by the guilds.

⁶⁷ STALEY, *THE GUILDS OF FLORENCE*, p. 117.

employed by the Calimala guild to visit the workrooms of cloth finishers to test the materials they were using. Work, whether cutting, piecing, patching, finishing and folding, was submitted to the minutest examination. Inferior workmanship, presence of blemishes and roughness of surface were all heavily penalized. Fines were imposed, and, in case of non-payment, the whole guarantee or bail of the delinquent or a portion of it, could be seized. Names of the defaulters were posted at the *Calimala* offices, and in serious cases they were deprived of the right to prosecute their trade within the boundaries of the city.⁶⁸

With respect to the Wool Guild, Staley recites the following restriction:

Any person attempting to pass off rubbish of any kind as good sound wool was punished by a fine of one hundred *lire*. The use of unjust weights and undue pressure of the hand upon the scale, incurred a penalty of two hundred *lire*.⁶⁹

The Guild of Butchers imposed heavy fines upon all unskilled and untidy workmen, and especially for carelessness in the disposal of offal, fish bones, etc. Statutes of the Guilds of Blacksmiths and Locksmiths in the latter thirteenth and early fourteenth centuries decreed that no one should be permitted within the confines of the city to set up a smith's forge, a smelting furnace, or a puddling yard for the manufacture of metal wire, thin plates, and objects of metal, except members of the two guilds, under pain of a fine of one thousand *lire*. Inspectors from these two guilds frequently visited foundries and iron workshops to see that the quality of the metals and the values of the mixtures were exactly maintained. Fines were imposed for inferior materials and bad workmanship and the materials were confiscated. Dealers in used metals were restricted from going through the streets announcing their wares and offenders were fined fifty *lire*.⁷⁰

Men working in brick kilns, masters of stone and wood, and laborers in the Guilds of Stone and Wood were required to keep accurate measurements of quantity and to maintain an even quality in their work. Surveyors were appointed to examine and test all deliveries of stone and brick and to inspect thoroughly each stage of building operations. Inferiority of material and inefficiency of workmanship were promptly punished. It is interesting to note that the surveyors were themselves fined and occasionally expelled from membership in the guild if they performed their duties merely in a perfunctory manner.

Members of the Guild of Retail Cloth Dealers were not allowed to sell *Zendado* (the richest silk taffeta) or *Imbacciacinato* (raised brocade) to any of the *Popolo Minuto*. The fine for infraction was fifty *lire*, withdrawal of the selling license, and confiscation of the illicit merchandise.⁷¹

Early in the fourteenth century the wine merchants wrote into the provisions of their guild, prohibitions against taking in travelers and selling beverages to be drunk on the premises of their establishments. Wine sellers "were not allowed to stand opposite the Palace of Priors and the House of the Captain of the People, nor within

⁶⁸ *Ibid.*, p. 129.

⁶⁹ *Ibid.*, p. 145.

⁷⁰ *Ibid.*, pp. 304-317.

⁷¹ *Ibid.*, p. 348.

a distance of two-hundred arm's-lengths."⁷² No person who sold wine to the poorer people was allowed to provide food either in a retail wine shop or in his own home. Other restrictions of the Guilds of Wine Merchants and Innkeepers included:

Wine-merchants and tavern-keepers were not allowed to have on the front of their premises bushes or signs, either of laurel, olive, or of any other tree. Wines both new and old were ordered to be transported in wooden barrels. Each barrel required the official seal of the Podesta.

No victualler was permitted to make or to buy unfermented wines or crude wines fortified with spirit during the time of vintage and up to the feast of All Saints, under a penalty of ten *lire*; and no wine merchant or innkeeper could sell such beverages to the public before that festival.⁷³

Innkeepers were expressly warned not to admit on pretext men and women of evil fame. There were also strict rules affecting the food and drink supplied by landlords to their guests, for example: No host, innkeeper, cook, or anyone else was allowed to cook in his house, hostelry, or kitchen, liver, sausages, kidneys, and sweetbreads, nor to offer such for sale.

Innkeepers were strictly warned not to sell wine or potables of any kind to the poorer people. They were in no way to do a rival trade to that of Wine-merchants. They might sell beverages to guests and persons in their houses, but not to outsiders. All wines required the stamp of the Custom-house. . . .⁷⁴

Members of the Guild of Tanners were not allowed to offer for sale hides of oxen, cows, and other animals within the city "unless they (the hides) had been soaked in brine and cold water for eight months, or for at least three months in hot water. The fine for infraction was two hundred *lire*."⁷⁵ Further, leather could not be sold in the markets or at the tan-yards unless it was perfectly dry, well cured, and free from putrefaction. Failure to abide by these rules resulted in fines of not less than one hundred *lire*.

Provision dealers who made and sold candles were enjoined to see that they were made of good tallow and had serviceable cotton wicks. All inferior candles were seized and destroyed by the market officials. Those who sold straw, fire wood, and other burning materials were required to appear each January before the market officials and to promise to observe all the regulations and by-laws of their guild. Failure to appear was itself a crime and incurred a fine of fifty *lire*.⁷⁶

Bakers and barbers plied their trades under many restrictions. Bakers who worked on Sundays and "other days of solemnity" were fined forty *soldi*. This was a much lighter fine than was the case for a similar offense in other guilds. Perhaps the risk of punishment was not too much to deter bakers from selling their goods on these days; and perhaps necessity demanded their shops open on Sundays occasionally. The wholesale storage of corn and flour, which could be sold at higher rates in times of scarcity, was absolutely forbidden. This was not the era of speculation; therefore, persons evading this prohibition were liable to have the whole of their stock confiscated and to see their names exposed to public infamy. Makers of macaroni and vermicelli were required to take out their licenses in the month of January and all unlicensed bakings were fined ten *lire* for each sale effected. Barbers were not per-

⁷² *Ibid.*, p. 362.

⁷³ *Ibid.*, p. 363.

⁷⁴ *Ibid.*, p. 371.

⁷⁵ *Ibid.*, p. 379.

⁷⁶ *Ibid.*, p. 379.

mitted to shave their customers on Sundays or on Festivals nor to work by candlelight. Finally, "if any customer ventured to wash his hands or his face in public the accommodating barber was fined ten *soldi* for each offense."⁷⁷

It can readily be seen from these few examples that the average Florentine lived in a society highly regularized and scrutinized. Despite the complexity of contemporary economic institutions, the citizen of Renaissance Florence was probably under more stringent control and scrutiny by the local city and guild officials. Although quantitative data with respect to rates or numbers of infractions of the regulations are not readily available, the pin-pointed nature of the rules leads us to suspect that the number of offenses was large. Finally, in terms of the purchasing power of the gold *florin* and *lira*, fines of fifty, one hundred, and two hundred *lire* were sizable amounts to demand for relatively minor infractions. Again, deterrence was probably part of the rationale behind the heavy penalties as well as desire of the guild officials to increase the size of their treasury in order to construct more spacious buildings, hence adding to their own status.

⁷⁷ *Ibid.*, p. 459.