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Urban liberties in Italy: communes and the towns of the south (12th – 14th centuries)

Medieval Italy is known as a land of towns and cities in which urban liberties are expressed widely and with awareness.

In reality the question is not as simple as this.

Between the 12th and 14th centuries a large political and social movement grew, characterised by the policies enacted in Italian towns which were completely autonomous of the more powerful ruling entities (empire and papacy). This autonomy was such that these towns can be considered as, to use a modern term, genuine city-states based on the concepts of consensus, representation, delegation and responsibility. However this is not true for the whole of the Italian peninsula. In central-southern Italy in this period, there were powerful territorial states which exercised very strict control over the cities: the Papal States (*Patrimonium sancti Petri*) led by the Pope and the Kingdom of Sicily, including the southern regions of the peninsula, under the control of successive sovereigns from Normandy, Swabia, Anjou and Aragon.

As far as the two absolute monarchies were concerned (*Patrimonium sancti Petri* and Kingdom of Sicily), urban liberties were not on the same level.

In the Kingdom of Sicily, the amount of autonomy left to the cities was minimal and limited to a few *libertates* concerning only local issues, without any scope for initiative in the areas of finance, economic policy, foreign policy and administrative autonomy.

As far as the cities in the Papal States are concerned, a movement grew from the 12th century to promote the acquisition of forms of liberty and did have some success, although this was far more short-lived and incomplete when compared with the freedoms won in central-northern Italy.

Medieval Italy was not a *single* Italy, there were at least *two*, if not *three*, main trends and then many nuances within each main current. An attempt is made here to summarise the large variety of Italian cities from the 12th to the 14th centuries.

Urban liberties in the communes of Italy

The most recent historiography analyses in increasing depth the stages characterising the period in which the various social classes placed to one side the tensions of the 11th century– the war between the Pope and the Emperor over church reform – to take on the shared responsibility of governing their town or city with the first goal being the restoration of peace between the social classes.

The communal era represents in Italy and outside of Italy a period of particular intensity in city life: cities throughout Europe were characterised by self-government, with greater and lesser levels of participation, with the level reached by the cities of central-northern Italy of significant note. The formation of the Italian communes and their development, in the format seen between the 12th and 14th centuries, was a specifically Italian phenomenon. This development was such that the communes can be considered as autonomous and sovereign political bodies (city-states) and as such able to make domestic and foreign policy. The populations were citizens not subjects and, as an overall entity, constituted a political body regulated initially by local customs and latterly by genuine legal codes (*statuti*), drafted autonomously and accepted freely by all. Leaders were elected by all those having a recognised economic and social role and were delegated administrative, military, political and judicial responsibilities, able to guarantee “communal liberties”, i.e. the ability to satisfy the needs of the population without the intervention of an external power.

However, the city-states enjoying the full autonomy described above were located only in that part of Italy which had been the Kingdom of the Lombards and Franks and some parts of the Papal States (Umbria and Marche). Other towns in the *Patrimonium sancti Petri* were only partially successful in this regard and for limited periods. The communal institutions were unable to grow in areas where power lay with a secular (Norman monarchs) or clerical (the Pope) sovereign because the various urban social classes were not given the space needed to develop the public activity

which elsewhere led to the birth of the commune. The communes also achieved communal liberties at differing speeds. In general, cities situated north of the Apennines won theirs before those located to the south (except for Pisa). However, not all communes in central-northern Italy achieved complete autonomy. Some won theirs and then lost it very rapidly if they were unable to defend it against the expansionist designs of larger city-states.

It is therefore very difficult to draw a general outline to typify the development of the Italian communes. The variety of towns is an Italian peculiarity. Even though centuries have passed since the communal era, the imprint left on today's urban centres is considerable. All were greater or smaller capital cities where civic spirit was very lively and where it was necessary for everyone to roll up their sleeves to govern a level of development the intensity of which had few rivals during the centuries that followed.

It is difficult to say precisely when each town or city began to rule itself with its own representatives because no public documents are available to provide indications, given that the representatives were not appointed by a sovereign. The process was implemented using different methods and at different times in each town on the basis of an institutional revolution from below without a juridical base. However, in general they were essentially similar processes of transformation, in which the members of a group, having demonstrated the enterprise and political ability to assume the responsibility of government, guaranteed a base of consensus by employing a practice used widely during the medieval period, the reciprocal oath (*coniuratio*).

The political and administrative need to ensure peace after the traumas of the Investiture Controversy (11th century), which had torn apart urban society, and to form an autonomous government for the city, was therefore moulded into the reciprocal oath and the interests of the community. The nobles – consisting of the old aristocracy which led the city together with the bishop and the nouveau riche consisting of merchants and lawyers – asked for and received an oath from their own support base to enable them to maintain a pre-eminent position in the city, obliging all to give solidarity and obedience, but also guaranteeing the realisation of the undertakings given to their peers and support base. The most important of these undertakings was the establishment of peace, justice and harmony. The terms used to define the agreement varied: *coniuratio*, *pax*, *tregua*. Taking into consideration the fact there was no juridical basis for this action, given that it was a genuine yet peaceful institutional revolution, at the outset the commune cannot be considered a private act between those swearing the oath because the whole community and therefore the *res publica*, i.e. the state, was involved. Within a short time the oath was made compulsory and extended to all social classes: upper, middle and lower. However the communes were not immediately aware of their status. Much time elapsed before they considered themselves as public legal bodies, so much so that the cities continued to consider themselves as formally part of the empire.

Documentation relating to the initial years of administrative activity in the communes is very discontinuous, also because there were no archives in which to store documents. Neither is it possible to know how and when the new organisation became known as the commune and the leaders given the moniker of consul. The term *commune* had been in use since Roman times to distinguish what belonged to the municipality as opposed to what belonged to that state. During the early medieval period the term came to indicate public meetings of the community and the property belonging to the community. Therefore it was a word showing the continuity, even as part of a radical transformation, between the pre-communal city and the new organism, just as the medieval Italian term “arengo” (general assembly of the people) was a Germanic word meaning the warrior assembly and their positioning in a circle or “ring”.

The first consuls of which anything is known – although this does not mean they were the first in absolute terms given the lack of sources, above all from the 11th century – are those in Pisa between 1081 and 1085, followed by those in Asti (1095), Milan (1097), Arezzo (1098), Genoa (1099) and Pistoia (1105). It was a collegiate government, sometimes even a large one, which mirrored the sections of society which had taken the initiative. The mandate was for a set period of time, usually short, to enable alternation if it was felt this would guarantee internal peace.

The electoral system was a novel idea for cities at that time and therefore did not operate in the same way as today. Most probably the first consuls were elected by acclaim at the *arenigo* made up of those nobles who had distinguished themselves through enterprise and acclaim. When, with the passage of time and in the face of considerable economic growth, the assembly of citizens was enlarged to include all productive elements of the population and became too big for the election to be conducted straightforwardly, an indirect system on two or three levels was adopted. This system appeared to offer guarantees, but in reality those eligible to stand for office always came from the same social group of nobles.

The precise content of the reciprocal oaths sworn by the consuls to the population and those sworn by the population to the consuls is unknown because no such documentation exists. However a general outline can be obtained by examining the *breve* of 1143 containing the oath sworn by the consul of Genoa when he took up his position and the oath sworn by the *compagna* (company or group) i.e. the group of free men politically supporting the commune and which constituted the electoral base of the consul. It was necessary to show *utilitas* and *idoneitas* to become part of the *compagna*. Those useful to the community were invited to join. Anyone refusing the invitation suffered marginalisation and obstructionism. Anyone asking to join had to be considered suitable by the others to benefit from the solidarity and protection of all. In general, all offices in the medieval period were subject to co-optation by the outgoing magistrates who indicated their successors.

One of the first marks left by the new order in some cities was reconstruction of the cathedral as a manifestation of the new citizen society (Asti 1096, Modena 1106), or reconstruction of the cathedral after the mammoth earthquake of 1117 which struck northern Italy (Bergamo, Cremona, Bologna, Piacenza), or the construction of a new cathedral in a place more suited to the changing urban reality (Ferrara 1135). After all the cathedral was an expression of the new civic sentiment, a place for all above any social divisions.

For the first half of the 12th century successive emperors refused to recognise the establishment of the communes. The first to recognise them indirectly was Federico Barbarossa in 1158 when he convened a diet at Roncaglia to be attended by all those holding local power, including the representatives of cities. This was somewhat of a paradox given that the purpose of the assembly was to inform those present of the rights of the sovereign (mint coins, impose duties and direct taxes, nominate magistrates, collect tolls on communication routes and bridges, etc.) and these rights included nomination of the persons charged with governing cities.

This amounted to implicit recognition because in reality the *potestates* of the Emperor in the cities did not dismiss the freely elected consuls, but rather reduced them to a subordinate position by limiting their powers to the few prerogatives conceded in that period to the citizen communities in the kingdoms of France, England and Sicily.

Initially the cities had to recognise the authority of the sovereign as sanctioned by Roman law and confirmed by the legal scholars of Bologna, the heirs to Irnerius, also convened at Roncaglia by the Emperor. However, this period lasted only briefly because the cities had based their way of life on political and economic autonomy which they were unable to renounce. War with the Emperor was inevitable. The communes needed the political liberties which had been won and implemented for half a century or more. Nor were they willing to risk the economic growth they had achieved by also militarily controlling the routes of communication and waging war, when necessary, to defend their political and economic interests.

The details of the conflict are well known, with Ferdinand Opll being one of the leading experts in this field. It simply needs to be noted that the war against the Emperor was concluded with the Peace of Constance (1183) which, albeit indirectly, recognised the communes as institutions in the area of public law. From that moment the communal cities were able to travel the path of growth even more decisively.

From a political and institutional point of view, however, the communes had to confront the emergence of a social development which caused a crisis in the consular governments, the expression of that citizen elite originating largely from the aristocratic families of the pre-communal era. This was a governing class which had led the communes for almost a century without too much opposition, resulting not only in victory in the struggle with the Empire, but also gaining power

over the countryside surrounding the town, successfully transforming de facto customs into de jure realities and providing the town with the infrastructure (communication routes, canals to transfer water power, marketplaces, urban water supply, etc.) needed to make further steps forward in terms of economic growth.

Despite the successes achieved, the consular government had to meet the challenge of the changes which occurred at the political base, now much wider than at the start of the century as a result of the significant economic growth, despite the war. Thanks to the improvements in agricultural production in the countryside, commerce on a large scale, proto-industrial activity particularly in the textile sector and greater activity in the building sector, those social classes which had been excluded from the consulate had grown in strength. They organised themselves into trade associations, known as *Corporazioni* or *Arti* (Guilds or Arts), and into associations founded on territory which were the basis for military recruitment, known as *Compagnie delle Armi* (Companies of Arms), when service in the communal army was required or public order had to be maintained.

The trade associations played a vital economic role in the life of the town without their members being able to participate in political decision-making. They knew they were the heartbeat of the economy and aspired to a proportionate role in the communal government. However the most serious problems were clear to all and caused by the ruling classes supplying the consuls. Scandalous abuse when administering public finances was common, as were serious quarrels when seeking to dominate the consular college or councils. They also demanded exemption from taxation because they were subject to cavalry service in the military at their own expense. Furthermore, the rapid turnover in personnel holding the reins of power, although admirably designed to prevent the communal magistracy from transforming into absolute government, actually created instability.

The crisis manifested itself everywhere and was resolved by replacing the consular college with a single magistrate. Even though each commune was internally sovereign, this transformation, the need for which was already felt at the time of the struggle with Federico Barbarossa, occurred everywhere. The new magistrate had civil and penal jurisdiction through delegation from the councils. Initially many names were used for the magistrate but the term *Potestas* eventually held sway. The podesta was charged with representing the supreme authority of the state and exercising power with absolute impartiality.

The introduction of podestas into the communal system represented a success for the so-called popular classes. The term popular did not have the same connotations during the Middle Ages as it does today. In medieval times it meant anyone who was not part of the aristocracy but who had obtained large wealth through their profession and included entrepreneurs, financiers and all those able to significantly influence the economic life of the town. The popular class was on the way to becoming a political party which even some nobles joined, although it is not known whether they did so out of conviction or convenience.

Another success for the popular class was the abolition of the assemblies (*arengo*) attended by the heads of the families of the town. In effect the assemblies had become unable to influence decision-making due to the large number of participants, many of whom lacked motivation. The *arengo* was replaced by the General Council consisting initially of three to four hundred people, some drawn from a hat and others nominated directly, representing all the quarters of the town. The councils took decision by majority voting, either for or against.

Initially the podesta was chosen from among the townspeople but the practice of appointing an outsider soon became widespread. The person selected originated from a town considered friendly. The rationale behind this development was to select a leader of the executive who would be above any citizen rivalries given that he was an outsider.

Little by little a group of genuine political, judicial and military professionals came into being. These people were very well paid and required excellent juridical training which was put to use when they were called upon to defend the rights and aspirations of the city which they had been called to lead.

Podesta government did not solve all the problems. A mandate lasted only for six months or at most one year, and incumbents could not be re-elected, to prevent the establishment of a dictatorship.

This meant the podestas did not solve the problem of instability, something which might have been achieved with longer mandates. However they did succeed in bringing a certain political balance to the town where the desire of the productive classes to participate in political decision-making was gaining ground all the time. The force of numbers – in the 13th century many towns had a population exceeding 50,000 and some such as Venice and Milan had reached 100,000 – ensured that the subject of the economy and policies favouring the productive classes was something that could no longer be ignored.

The next institutional development was the popular commune consisting of representatives from the guilds.

The process leading to the formation of the popular commune was met with violent opposition from the aristocracy which succeeded in slowing down the process without being able to stop it. The struggle of the popular classes to join the ranks of the town governors was very hard. In most of the communes however, by the first few decades of the 13th century, the “people”, i.e. some members of the most economically powerful guilds, had managed to secure some communal offices for their peers, and ensure that other members of these guilds became part of the constitutional organs of the commune.

The rise of the popular classes to the government of the towns was subject to a brief halt caused by the war unleashed against the communes by the emperor Federico II who had a centralist vision of power. He wanted to deny the communes their liberties and return them to imperial sovereignty, something he had achieved with towns in the Kingdom of Sicily where he was the reigning monarch. Many towns once again organised themselves into a resistance force by forming the 2nd Lombard League (1227) which had the support of the Pope.

The 2nd Lombard League was beset by misfortune with its army suffering defeat at Cortenuova in 1237. This reverse was accompanied by the ignominy of the capture of the Carroccio. The victory enabled the Emperor to organise the Italian territory into large regions under the control of his representatives who had the task of stubbornly controlling the administration of the communes. Communes were no longer able to select their podesta autonomously. They now had to suggest three people to the sovereign to choose from but he also had the prerogative to select his own outsider. The statutes of the cities remained in place but they could be suspended at any time by a simple letter from the Emperor. This phase witnessed the construction of the Swabian castle in Prato, begun after Cortenuova, thanks to the bequest left to the empire by a wealthy Ghibelline from Prato. The purpose of the castle was to construct a fortress to control the region more easily and it eventually became the seat of the governor of Tuscany.

This was a very difficult period for the cities where obviously there was no space for political activity within the social dynamics of the population. The towns continued to resist however and even won some military victories, although only local. In 1249 at Fossalta near Modena an army from Bologna defeated an imperial force commanded by the son of Federico II, Enzo. He was captured and taken in chains to Bologna. Despite the offers of a ransom advanced by his father, he was held prisoner until his death in 1272. His place of detention was the new public palace being built during those years, a building that still bears his name today (Palazzo di Re Enzo).

Federico II died in 1250. His descendants and successors were far more preoccupied with other problems in Germany and Italy regarding the succession to be concerned with the communes. The towns therefore once again took up the political currents they had been forced to interrupt a few decades earlier.

Towards the middle of the century the process by which the popular classes entered communal government was virtually complete. In the new constitutional structure the bodies made up of the representatives of the guilds formed a structure parallel to the commune. The general council elected by all citizens (aristocracy and popular classes) now coexisted with the council of the people, made up solely of representatives from the guilds. Executive power was therefore divided between the podesta and the captain of the people presiding over the council of the people. This new public organ created the need to draft official lists (*matricole*) of members of the guilds, because it was this membership which granted the right to constitute an active and passive electorate.

The captain of the people – also recruited from outside the city from amongst those practising the profession of podesta – was invested with powers which over time began to overlap and eventually weaken those of the podesta. These powers included coordination of the entire organisation of the societies of the people, presidency of the councils, drafting of domestic and foreign policy, command of the army, control of the administration and justice.

Communal places and urban castles

The long history of the institutional transformation of the communal towns demonstrates the enormity of these developments which were the consequence of economic growth during the middle centuries and the accompanying growth in population which saw a doubling in the number of residents in some large cities. Many cities (Milan, Venice, Florence) were, in relation to the times, genuine metropolises, with all the problems that occur when any activity involves large numbers of people.

From the time of the major period of growth – after the peace of Constance (1183) – the communes required buildings to house the offices needed to administer a large population and which had enough space for council meetings, offices to support the magistracy, public financial bodies and public archives, all vital facets of a conscious public administration.

Public palaces were therefore built. For each city the construction of the public palace was the demonstration that communal institutions had reached maturity and that the citizen body was fully aware of this. It was also a manifestation of great efficiency and organisational ability. The communal palace and the town square were the symbols of the city, a way of presenting itself both internally and to the outside world, a clear declaration of the strength and intensions of the town.

The buildings which even today still constitute the heart of the cities which were flowering communes during the Middle Ages were not all built at the same time. Rather they are the result of the political and institutional changes which characterised the 13th century. Furthermore, they were for the most part built overlooking a large square – not always the same square where the cathedral was located – used as a marketplace, another large investment made by the cities to provide themselves with the infrastructure needed for economic activity.

There are no palaces in the towns of the Kingdom of Sicily serving the same functions as those in the communal towns. A study of the towns of the Kingdom of Sicily in the same period shows that the sovereigns originating from Normandy, Swabia, Anjou and Aragon built, rebuilt or extended beautiful castles, not only to give protection against external forces, but also to control the town and its inhabitants who had to be convinced, using whatever means available, that all power was concentrated in the hands of the monarch and that the establishment of some form of genuine local autonomy was impossible.

The communes did not need castles because they were based on consent, and the army was recruited from amongst the citizens themselves who were organised into companies of arms on a territorial basis. All citizens participated in political decision-making through their representatives in the general council or guilds, stood guard on the town walls, and if necessary, fought for their town and dwelling. They had a direct relationship with the *res publica* and there was no need for a castle acting as a symbol of repression.

It was only during the 14th and 15th centuries, when communes became seigniories and the inhabitants subjects, that castles were constructed (Ferrara, Milan, Pavia).

Urban liberties in the *Patrimonium sancti Petri*: the example of Rome

The history of Rome is unique. It was the seat of the empire during ancient times, the seat of the papacy during the Middle Ages, a place of pilgrimage and home to an often quarrelsome nobility competing for the conquest of the papal throne, a tool of infinite power. It was also a city with a

hard-working population which had been able to adapt urban structures and ancient public buildings to suit its own needs by dismantling a large urbanised area for reconstruction little by little in new forms.

Rome also felt the benefits of strong economic growth in Europe during the 11th and 12th centuries. This growth was the impetus for much building work and a maturing of Roman society. However, this society had always had a complex and fluctuating relationship with the Pope, the temporal sovereign of the state inside which the Roman commune would develop.

During the 12th century, Roman society was composite with a large aristocracy subject to cavalry service in the army and a merchant class which drew huge economic benefits from its relationship with the Pope. Rome achieved the political status of commune in 1143. Up to the first few decades of the 13th century the city was ruled by a small number of families, styling themselves as the senate. Initially the senate numbered approximately 50 members who ruled the commune on a collegiate basis. This was reduced to one senator in 1191 and extended to two from 1238 onwards. The system with two senators was not dissimilar to that involving the podestas in the other communes of Italy except that the senators – apart from some isolated examples – were not outsiders but part of the Roman nobility.

However, the so-called urban liberties in Rome were somewhat limited. For example control of the main infrastructure – walls, gates, bridges and sewer system – was the specific right of the sovereign authority and therefore the prerogative of the Pope. At times, however, the inefficiency of the public authorities left room for private initiative, particularly in the areas of routine maintenance and road-building in newly urbanised areas. From 1227 onwards, the activity of a public magistracy known as the *Magistri edificiorum* is documented. This body was charged with supervising issues concerning private building, roads, land that could be built on and disputes between private individuals.

The first period of the Roman commune saw the construction of the Public Palace on the Capitoline Hill (1151) for the government activity of the senators, where the church of Basilica of St. Mary of the Altar of Heaven acted as the communal church, and where the main marketplace was located, all well away from the Lateran and the Vatican.

The popular commune in Rome had specific characteristics and lasted only a short time. The most important podesta was Brancaleone degli Andalò (1252–54 and 1257–58) from Bologna. He pursued a policy that was anti-nobility and included a vast program of institutional reform. This was somewhat ironic in that he was part of the Bologna aristocracy, about which doubts were being raised in that same period in his hometown. However this was nothing more than a brief interlude.

Just as the communes of central-northern Italy were experiencing popular government in which the guilds had assumed political leadership, around 1280 power in Rome was seized by the barons, a group of ten very wealthy feudal families who alternated at the helm. The lifestyle of these families involving oppression, aggression and clientelism produced profound changes not only in the communal institutions but also in the city itself. Genuine fortified islands were created within the urban fabric to act as castles. They used large ancient public buildings, or at least those that were still useable, as the base to construct residences for themselves, as well as their families, and services (palaces, towers, warehouses, ovens, baths): the Savelli family at the Theatre of Marcellus, the Colonna family at Monte Citorio and the Mausoleum of Augustus, the Orsini family at Campo dei Fiori and at Monte Giordano, with both of the latter being surrounded by walls.

The occupation of the commune by the barons also saw the regression of the Roman economy because the interests of the entire community were no longer pursued but only those of the people in power at any given time. The Roman economic crisis began much earlier than the general Italian crisis of the 14th century. The conditions of the people and the city are described in tragic detail by the anonymous chronicler who wrote about the events leading to the rise to the tribunate of Cola di Rienzo in 1347. The chronicler narrates the desolation of the city and the countryside where violence and disorder reigned: “The city of Rome was in great turmoil. There were no leaders. Thieving was rife ... People who went outside to work were robbed. Where? Inside the gates of Rome. Defenceless pilgrims visiting the holy churches for the sake of their souls were attacked and

robbed. Priests performed evil acts. No-one helped, evil and injustice held sway without respite” (ANONIMO ROMANO, *Cronica*, ed. critica a cura di G. Porta, Roma 1979, pp. 152–153).

The cities of the kingdom of Sicily: Anjou and Swabian Naples (13th to 14th centuries)

The Norman conquest (1137) was a period of incredible upheaval for Naples, a society that had been immobilised for many centuries under a dukedom of Byzantine origin that was quarrelsome, in a continuous state of conflict with neighbouring towns and exhausted by the endless wars against the Saracens and Lombards.

The administrative organisation of the Norman kingdom brought the city into a regional system governed from the capital, Palermo. This was based on a solid defensive structure, the primary aim of which was to control internal public order, with defence against outside attackers being a secondary concern.

The Norman sovereigns renovated the fortified structure of the city by constructing two important castles, Castel Capuano to the east near the Capua Gate and Castel dell’Ovo on the craggy Megarides island. The latter had already been home to smaller fortifications. The economic growth of the 12th and 13th centuries also affected the new Neapolitan society which saw a growth in maritime traffic assisted by the political and economic decline of Amalfi.

Napoli and the other towns in southern Italy tried more than once, together with the feudal powers, to become part of the political machinations arising from the struggle to govern the succession after the reign of the Norman monarchs. The rule of the latter ended when the kingdom was left to the last heir, Constance of Altavilla, wife of the emperor Henry VI of Swabia, and their son, Federico II (1194-1250). During the period in which the remnants of the Altavilla family tried to counter Henry VI, power vacuums were created at the centre which were exploited by the towns to win some urban liberties which the new Swabian rulers were quick to eliminate. Even during the period before Federico II came of age, attempts were made to control the monarchy, something able to happen thanks to the experience gained during the tightly controlled local government permitted under the Normans.

Federico II of Swabia was a young emperor little more than 20 years old when he began administering the Kingdom of Sicily. He quickly made Naples the second city in his kingdom after Palermo. The development of the city was helped enormously by the foundation of the university in 1224, a pet project of the monarch to ensure good training for future cadres charged with administering the kingdom. There was also an ulterior motive, namely to prevent young Neapolitans from studying at the famous university in Bologna – at the time the favoured seat of learning for students throughout Europe – where they would have had contact with the institutions of the city and the urban liberties, to then return to Naples with dangerous ideas of autonomy. The order which Federico gave to the kingdom with the Constitutions of Melfi (1231) brought every aspect of the life of the kingdom under the control of the monarch. The towns were given no autonomy in the forms which were widespread in the towns of central-northern Italy. The charter between the sovereign and his functionaries in the towns, maintained only between 1239 and 1240, demonstrates how the space for autonomy was reduced to a minimum. Local leaders were limited to appointing their own delegate in disputes with other towns and private individuals. They were also free to decide how best to raise taxation, an issue usually left to local leaders by all central authorities due to its unpopularity. Nothing else could be done except under licence from the sovereign.

Federico’s policy of strict control over the towns was pursued by improving the urban castles, built by the Norman kings, and by constructing new ones to act as a tool of repression and control over the towns.

The 12th and 13th centuries saw the construction of many towers in the communal towns as a symbol of the prestige and wealth of each family, although some towers were built using the resources of more than one family to share the building costs. These towers were more than a tool

for defence and attack. They were a symbol, a manifestation designed to remind the community of the social status of the owner. No private towers were built in Naples. The role of status symbol was played by the *Sedile*, a type of covered portico enclosed by gates and belonging to one or more noble family. The *Sedile* were located in the various regions or quarters into which the city had once been divided. The buildings were used to hold meetings of nobles to discuss private issues or ones of common interest relating to areas of responsibility. Acts of violence and conspiracy against rivals were not unknown. However these were the only citizen bodies able to participate in public life, within the limits set by the administrative organisation of the kingdom.

If, during the period of Swabian rule, the cities together with the feudal powers were the major supporters of the monarchy, Charles I and Charles II of Anjou (1266–1309) used the support of the old Neapolitan feudal powers and the Franco-Provencal ones that followed, reducing even further the already limited level of local autonomy. After the War of the Sicilian Vespers (1282), the part of the kingdom on the Italian mainland separated from Sicily to create a new monarchy with Naples as the capital. This resulted in economic and demographic growth which changed society in an even more complex and marked way. However the centralised administrative structure, with offices held by people in whom the monarch had absolute trust, with the decision-making network under the direct control of the sovereign, was strengthened.

If the towns aspired to some form of autonomy, sometimes including even failed attempts at open rebellion against Federico II – for example Messina in Sicily – all hope of such developments had to be abandoned during the period under Anjou rule. The bureaucratisation of the kingdom reduced the town to the role of administration and tax collecting, according to the model applied by Charles of Anjou as Count of Provence, i.e. by controlling the local population as strictly as possible using his own functionaries (*giustizieri, capitani, secreti, preposti*, etc.). Any residual autonomy, even of secondary importance and totally innocuous, was quickly eliminated. A good example of this occurred in 1279 when the monarch realised that the towns were using their own seal instead of that of the sovereign's functionaries for local documents. He described this action as “useless abuse, damaging to them and insulting of our honour”.

As the capital of the kingdom, Naples attracted many outsiders from the surrounding areas (Amalfi and Salerno) as well as from Provence, particularly noble families destined to play important economic and administrative roles. This new nobility aspired to enter the *Sedili* of the oldest and most esteemed families, without succeeding, thanks to the level of resistance that not even the monarch could fully overcome. The *Sedile* Nido and *Sedile* Capuana welcomed the oldest noble families of certified origin, whereas those of Montagna, Porto and Portanova welcomed the newly ennobled families. The story of the Neapolitan *Sedili* demonstrates how the management of city politics was foreign to urban society as a whole: the little there was to manage was left to the nobility which considered the task as simply a manifestation of their own personal prestige.

Conclusions

This brief description of the social dynamics and political and institutional relationships which developed in Italian towns shows how the level of urban liberties varied considerably between the different political contexts on the peninsula. In the towns and cities of central-northern Italy (previously part of the Lombard and then the Frank kingdoms and therefore theoretically part of the empire), the communes were genuine city-states in which the decisions taken by the councils could not be impeded by any external authority. There were no imperial or feudal functionaries to approve or block decisions. The towns in this area had freed themselves from the Frankish committees, and all other authority in the centuries that followed, from the time when the town government was administered by the bishops (9th and 10th centuries). They were also never part of a feudal system. When, starting from the 14th century – although already in the 13th century in Milan and Ferrara – the communal governments were unable to overcome the internal struggles between parties, thus causing instability which had a disastrous effect on economic activity, seigniorial governments were created in which, even though the institutions of the previous era were maintained, all decisions lay

in the hands of the seigneur. This type of government was considered to be tyrannical by contemporaries who still held their old *libertates*, as illustrated by Ambrogio Lorenzetti in his famous frescos in Siena entitled *Effects of Good and Bad Government on Town and Country* (1338-1339), in which tyranny was portrayed as the worst type of government.

The level of urban liberties in the towns of the Papal States and the Kingdom of Sicily, during the existence of the city-states in central-northern Italy, decreased as these areas became increasingly governed by absolute and centralist authorities. This situation, despite the attempts to overcome it by some towns, did not change over time and indeed, these attempts probably lengthened the effects in the centuries that followed, thus resulting in vastly different histories in the various parts of the peninsula.

Francesca Bocchi

Les libertés urbaines en Italie: les "Comuni" et le villes de la Papauté et du Royaume méridional (XII-XIV siècle)

L'Italie médiévale est réputée pour être la terre des villes dans lesquelles les libertés urbaines se sont manifestées de la façon la plus étendue et consciente. En réalité, la question ne peut pas exactement être abordée en ces termes.

Entre le XIIe et le XIVe siècle, l'on a assisté à la naissance d'un fort mouvement politique et social caractérisé par une politique d'autonomie totale des villes italiennes par rapport aux pouvoirs forts (Empire et Papauté), au point de pouvoir être considérées, en utilisant un terme moderne, comme de réelles villes-État, fonctionnant selon des principes de consensus, de représentation, de délégation et de responsabilité. Cependant, cette réalité ne s'étendait pas à toute la péninsule italienne. Au centre et au sud, durant ces années, existaient des États territoriaux vastes et puissants, qui exerçaient un contrôle très étroit sur les villes : l'État de l'Église (*Patrimonium sancti Petri*), dirigé par le pape, et le Royaume de Sicile, qui comprenait les régions méridionales de l'Italie et à la tête duquel se sont succédés des souverains normands, souabes, angevins et aragonais.

Cependant, même dans ces deux monarchies absolues (*Patrimonium sancti Petri* et Royaume de Sicile), le niveau des libertés urbaines n'était pas le même.

Dans le Royaume de Sicile, la marge d'autonomie laissée aux villes était relativement faible, et concernait quelques rares *libertates* touchant à des faits purement locaux, sans aucune possibilité d'initiative en termes de finances, de politique extérieure, de politique économique et d'autonomie administrative.

Pour les villes de l'État de l'Église, l'on a pu observer dès le XIIe siècle un mouvement tendant à l'acquisition de formes de liberté ayant par la suite eu des résultats concrets, bien que moins durables et complets qu'en Italie Centre-Nord.

Ainsi, l'Italie médiévale n'était pas *une* Italie, mais au moins *deux*, si ce n'est *trois*. Cependant, même dans ces « macro-régions », les différences étaient nombreuses. L'on tentera ici de fournir un cadre synthétique de la grande variété des villes italiennes durant les siècles centraux du moyen-âge.

Les libertés urbaines dans l'Italie des communes

L'époque des *Comuni*, les communes libres, représente, en Italie et au-delà, une période particulièrement intense de la vie citadine : toutes les villes d'Europe ont connu des formes de gouvernement autonome plus ou moins participatives, mais le niveau atteint dans les villes de l'Italie Centre-Nord fut particulièrement élevé. Le phénomène de constitution des communes libres italiennes et de leur développement, sous les formes qu'il revêtit entre le XIIe et le XIVe siècle, fut typiquement et authentiquement italien, et fut tel qu'il permet de définir ces communes libres comme des formations politiques autonomes et souveraines (ville-État) et, comme telles, en mesure d'agir sur le plan politique intérieur et extérieur. Les habitants étaient des citoyens, non des sujets et, dans leur ensemble, ils constituaient un corps politique régulé d'abord par les usages locaux puis par de réels codes législatifs (les *statuti*), définis de façon autonome et acceptés librement par tous. Ils étaient gouvernés par des chefs élus par toutes les personnes jouant un rôle social et économique reconnu, auxquels l'on confiait des fonctions administratives, militaires, politiques et judiciaires, en mesure de garantir les « libertés communales », c'est-à-dire la capacité de satisfaire aux besoins de la population sans intervention d'un pouvoir extérieur.

Le phénomène des communes libres, sous entendant la pleine autonomie décrite plus haut, concernait cependant uniquement les zones d'Italie qui constituaient l'ancien Royaume Lombard-Franc et certaines villes de l'État de l'Église (Ombrie et Marches), tandis que les autres villes du *Patrimonium santi Petri* n'atteignirent cette autonomie qu'occasionnellement et avec des difficultés considérables. En effet, les institutions communales ne purent se développer là où existait un

pouvoir fermement détenu par un souverain, qu'il soit laïque (les Rois Normands) ou ecclésiastique (le Pape), parce que les différentes classes sociales citadines n'obtinrent jamais l'espace nécessaire à la maturation des activités publiques qui menèrent ailleurs à la constitution de la commune.

Dans le texte complet, l'on étudiera les différentes phases de l'évolution institutionnelle des communes, depuis les gouvernements dirigés par un collège de Consuls qui durent affronter la guerre contre Frédéric Barberousse (Ière Ligue Lombarde, deuxième moitié du XIIe siècle), en passant par les podestats (première moitié du XIIIe siècle) et enfin, durant la deuxième moitié du XIIIe siècle, jusqu'aux gouvernements populaires, constitués par les représentants des corporations (les *Arti*).

L'ascension des classes populaires aux gouvernements citadins fut interrompue brusquement par la guerre, à nouveau menée contre les communes libres par l'Empereur Frédéric II, qui avait une vision centralisatrice du pouvoir. Cette guerre visait à nier leurs libertés aux communes libres pour les replacer sous l'emprise de la souveraineté impériale, manœuvre que l'Empereur avait déjà opérée dans les villes du Royaume de Sicile dont il était souverain. De nombreuses villes organisèrent à nouveau la résistance en formant la IIe Ligue Lombarde (1227), qui reçut l'appui du Pape.

Le succès de la IIe Ligue Lombarde fut de courte durée, ses milices étant défaites à Cortenuova en 1237. Cette victoire permit à l'empereur d'organiser le territoire italique en de vastes régions ayant à leur tête certains de ses vicaires généraux chargés de contrôler les actes administratifs des communes. Les communes ne pouvaient plus choisir leur podestat de façon autonome mais devaient proposer trois candidats au souverain, qui pouvait en choisir un parmi ces trois, mais pouvait également en désigner un autre. Les statuts citoyens restaient en vigueur, mais pouvaient être suspendus par simple lettre de l'empereur. C'est durant cette phase, après Cortenuova, que fut entreprise la construction du château souabe de Prato, grâce au legs d'un riche Gibelin de Prato à l'Empereur, qui avait pour objectif la réalisation d'une forteresse permettant de contrôler la région. Le château devint ensuite siège du vicariat général de Toscane.

Cette période, très dure pour les villes, ne laissa naturellement aucune marge aux activités politiques dans les dynamiques sociales de la population. Cependant, les villes résistèrent et remportèrent même des victoires lors de certaines batailles : bien que ce soit dans le cadre d'affrontements locaux, en 1249, à Fossalta (près de Modène), l'armée bolonaise vainquit les troupes impériales commandées par Enzo, fils de Frédéric II, qui fut capturé, enchaîné et conduit à Bologne. Les offres de rançon présentées par son père furent vaines. Jusqu'à sa mort, en 1272, Enzo resta prisonnier dans le nouveau Palais public, alors en construction, et qui porte encore aujourd'hui son nom (Palais du Roi Enzo).

En 1250, Frédéric II mourut et ses descendants et successeurs, qui devaient affronter les problèmes de succession au trône en Allemagne et en Italie, ne s'occupèrent plus des communes, qui purent reprendre la politique qu'elles avaient dû interrompre quelques dizaines d'années auparavant.

Vers la moitié du siècle, le processus d'accès des classes populaires au gouvernement communal était presque achevé. Le pouvoir exécutif fut ensuite divisé entre le Podestat et le Capitaine du Peuple, qui présidait le Conseil du Peuple. Ce nouvel organisme public établit la nécessité de créer des listes officielles (*matricole*) des inscrits aux corporations (*Arti*), car c'était cette inscription qui donnait le droit aux membres de constituer l'électorat actif et passif.

Les libertés urbaines dans le *Patrimonium sancti Petri* : l'exemple de Rome

L'histoire de Rome ne peut être comparée à celle d'aucune autre ville du monde. Siège de l'Empire dans l'Antiquité, siège de la Papauté au Moyen-âge, lieu de pèlerinage, comptant une aristocratie belliqueuse et luttant pour la conquête du siège pontifical (outil de pouvoir illimité), mais aussi ville riche d'une population laborieuse, qui sut adapter à ses besoins des structures urbaines et des constructions publiques antiques, en déstructurant une vaste surface urbanisée et en renaissant progressivement sous de nouvelles formes.

Au XI^e et XII^e siècle, Rome a elle aussi bénéficié fortement de l'essor économique européen, qui a donné une impulsion au secteur du bâtiment et à une certaine maturation de la société romaine, qui a cependant toujours vécu un rapport complexe et fluctuant avec le Pape, souverain temporel de l'État au sein duquel la commune s'est constituée.

Au XII^e siècle, la société romaine était disparate, avec une forte présence de l'aristocratie citadine, qui eût pour tâche de servir à cheval dans l'armée, et une classe de grands marchands qui tiraient des bénéfices économiques considérables du rapport avec le Pape. La constitution politique de la Commune de Rome date de 1143. Jusqu'aux premières décennies de 1200, elle fut dirigée par un nombre réduit de familles, une cinquantaine, qui s'auto-définirent *Senato* et dirigèrent la Commune tout d'abord de façon collégiale puis, en 1191, avec un seul Sénateur et, à partir de 1238, avec deux Sénateurs qui présidaient le Sénat de façon très semblable au régime des podestats dans l'Italie des Communes, à la différence que ces sénateurs, exception faite d'épisodes isolés, ne venaient pas de l'extérieur mais appartenaient à la noblesse romaine.

À Rome, les libertés dites urbaines étaient cependant relativement limitées. Par exemple, le contrôle des principales infrastructures (murs, portes, ponts, système d'égouts) étant un droit spécifique de l'autorité souveraine, fut une prérogative du Pape. Néanmoins, à certains moments, l'inefficacité des autorités publiques a laissé assez d'espace aux initiatives privées, notamment pour ce qui concerne les interventions d'entretien ordinaire et d'aménagement de la viabilité dans les zones d'urbanisation récente. L'activité d'une magistrature publique, dénommée *Magistri edificiorum*, est documentée dès 1227. Elle avait pour mission de régler les questions concernant les constructions privées, les routes, les terrains constructibles et les litiges entre particuliers.

C'est durant la première période de la commune romaine (1151) que fut construit au Capitole le *Palazzo Pubblico*, qui abritait les activités de gouvernement des Sénateurs. Sur le Capitole se trouvaient également l'église Sainte-Marie-Du-Capitole (aujourd'hui *Ara Coeli*), qui faisait office d'église communale ainsi que le principal marché de la ville, à bonne distance du Latran et du Vatican.

Alors que dans les communes de l'Italie Centre-Nord l'on faisait l'expérience des gouvernements populaires, dont les *Arti* avaient pris la direction politique, à Rome, aux environs de 1280, une dizaine de riches familles féodales, les *baroni*, prirent le pouvoir et s'y alternèrent. Leur style de vie, fait de vexations, d'agressivité et de clientélisme, amena une mutation profonde des institutions communales, mais également de la ville. En effet, les *baroni* construisirent des « îles » fortifiées, véritables châteaux, à l'intérieur du tissu urbain, en utilisant les grandes constructions publiques antiques présentant encore une certaine efficacité pour y bâtir leur résidence et celle de leurs familles, ainsi que les dépendances (palais, tours, magasins, fours, bains) : les Savelli au Théâtre de Marcello, les Colonna à Monte Citorio et au Mausolée d'Auguste, les Orsini à Campo dei Fiori et à Monte Giordano, toutes deux entourés de murs.

L'occupation de la commune par les *baroni* conditionna également la régression de l'économie romaine, parce que la poursuite des intérêts de toute la communauté fut abandonnée au profit de la poursuite des intérêts particuliers de la faction qui réussissait d'une fois sur l'autre à prendre le pouvoir. La crise économique romaine naquit très précocement par rapport au reste de l'Italie au XIII^e siècle.

Les villes du Royaume de Sicile : Naples sous les règnes souabe et angevin (XIII^e-XIV^e s.)

La conquête normande (1137) a représenté pour Naples un changement brutal, et a ébranlé une société engoncée depuis plusieurs siècles dans un régime ducal d'origine byzantine, belliqueux et en lutte perpétuelle contre les villes voisines, épuisé par les innombrables guerres contre les Sarrasins et les Lombards.

L'organisation administrative du Royaume normand a fait entrer la ville dans un système régional gouverné par la capitale (Palerme) et centré sur de solides structures défensives qui avaient plus une

fonction de contrôle de l'ordre public intérieur que de défense de la ville contre les dangers provenant de l'extérieur.

Naples et d'autres villes du Sud tentèrent à plusieurs reprises de s'introduire, avec les feudataires, dans les jeux politiques pour la succession des rois normands, qui conclurent leur expérience de gouvernement en laissant le Royaume à sa dernière héritière, Constance de Hauteville, épouse de l'empereur Henri VI di Souabe, et à leur fils, Frédéric II (1194-1250).

Frédéric II de Souabe, jeune empereur d'à peine plus de 20 ans, dès qu'il put, au titre de Roi de Sicile, se consacrer à l'administration du Royaume, fit de Naples la deuxième ville de son État, après Palerme. La fondation de l'Université (1224) fut une étape décisive du développement de la ville. Elle fut souhaitée par le souverain pour former les cadres dirigeants du Royaume, mais peut-être également pour empêcher aux jeunes napolitains de se rendre au célèbre *Studium* de Bologne, à cette époque lieu de formation favori de tous les étudiants européens, où jeunes napolitains risquaient d'entrer en contact avec les institutions de cette ville et ses « libertés urbaines » et de rentrer au pays porteurs de dangereuses idées autonomistes.

La législation que Frédéric donna au Royaume sous forme des constitutions de Melfi (1231) porta sous le contrôle du souverain toutes les manifestations rythmant la vie du Royaume : la ville fut privée de toute forme d'autonomie telle qu'elle était connue dans les villes de l'Italie Centre-Nord. La correspondance entre le souverain et ses fonctionnaires en place dans les villes, qui fut conservée uniquement pour les années 1239-1240, montre que les marges d'autonomie étaient réduites au minimum, et se limitaient à la possibilité de se faire représenter par un délégué dans les procès contre les autres villes ou contre des particuliers, et à la levée et à la répartition des impôts entre les citoyens, sujet peu populaire que, d'une manière générale, tous les régimes centralistes ont préféré laisser administrer localement. Pour tout le reste, rien ne pouvait se faire sans la « licence » du souverain.

Au XIIe et au XIIIe siècle, l'on vit s'élever dans les villes communales de nombreuses tours, témoignage du prestige et de la richesse de la famille qui la faisait construire. Il s'agissait plus d'une « affiche » servant à rappeler à la communauté l'appartenance sociale de ses propriétaires que d'un instrument de défense et d'attaque. À Naples, l'on ne construisit pas de tours particulières, la fonction de symbole de statut social fut en effet remplie par les *sedili* ou *seggi*, sortes de loges ou de porches fermés par des portails, appartenant à une ou plusieurs familles nobles, répartis dans les différents quartiers ou *contrade* qui formaient la ville depuis des temps immémoriaux. Les nobles se réunissaient dans les *sedili* pour traiter de questions privées ou d'intérêt commun concernant leurs zones de compétences respectives, sans exclure des actes de violence et des complots contre des clans nobiliaires rivaux (*consorterie*). Il s'agissait cependant des seuls organes citoyens qui pouvaient participer à la vie publique locale, dans les limites prévues par l'organisation administrative du Royaume.

Si les villes avaient aspiré à une certaine forme d'autonomie, parfois également par des tentatives malheureuses de rébellion ouverte contre Frédéric II (par exemple Messine, en Sicile), pendant la période angevine elles durent abandonner tout espoir. La bureaucratisation du Royaume les réduisit à un rôle purement administratif et de levée des impôts, suivant le modèle que Charles d'Anjou avait appliqué en tant que Conte de Provence, c'est-à-dire en les surveillant de façon très étroite par l'intermédiaire de ses fonctionnaires (*justiciers, capitaines, secreti, preposti*, etc.).

Conclusion

Cette brève illustration des dynamiques sociales et des rapports politiques et institutionnels qui se sont développés dans les villes italiennes montre que le niveau des libertés urbaines variait fortement en fonction des différents contextes politiques de la Péninsule italienne. Dans les villes d'Italie Centre-Nord (qui firent partie du royaume lombard, puis du royaume franc, et, en théorie, de l'Empire), les communes étaient de réelles villes-États, dans lesquelles les décisions prises par les conseils ne pouvaient être bloquées par aucune autre autorité. Il n'y avait pas de fonctionnaires de l'Empire ou des feudataires pour approuver ou empêcher les prises de décision. Dès la période

durant laquelle le gouvernement citadin avait été pris en charge par les évêques (IXe-Xe siècle), les villes de cette région s'étaient libérées des *comites* francs et de toute autre autorité exercée durant les siècles qui suivirent, et n'avaient jamais été asservies. Quand, à partir du XIVe siècle (mais dès le XIIIe à Milan et à Ferrare), les gouvernements municipaux ne furent plus en mesure de surmonter les luttes internes entre les différentes parties, causant une grande instabilité politique et ayant des conséquences désastreuses sur les activités économiques, l'on assista à la formation de gouvernements seigneuriaux où, bien que les institutions de la période précédente furent conservées, chaque décision était entre les mains du seigneur. Ce type de gouvernement était considéré comme une réelle tyrannie par les contemporains qui conservaient encore leurs anciennes libertés. Ceci fut habilement illustré par Ambrogio Lorenzetti qui, dans la célèbre fresque de Sienne des *Effets du bon et du mauvais gouvernement à la ville et à la campagne* (1338-1339), mit à la tête du « mauvais » gouvernement la tyrannie.

Le niveau de libertés urbaines dans les villes faisant partie de l'État de l'Église et du Royaume de l'Italie méridionale, contemporaines des villes-État du Centre-Nord, se fit de moins en moins intense à mesure que l'on entra dans des états aux gouvernements toujours plus absolus et centralisés. Cette situation, malgré les tentatives de certaines villes de s'en affranchir, ne varia pas dans le temps et ses effets se prolongèrent probablement durant les siècles suivants, au point de déterminer une histoire si différente d'une région de la péninsule italienne à l'autre.