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COMMUNES AND DESPOTS: THE CITY STATE IN LATE-MEDIEVAL ITALY

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IT is a commonplace of political history that in the later Middle Ages the city states of north and central Italy were the scene of a conflict in the theory and practice of government between two contrasted systems: republican and despotic (or in contemporary terminology, government 'a comune', 'in libertà' etc., and government 'a tiranno', *signoria* or *principato*). The conflict began about the mid-thirteenth century, and in most places, sooner or later, was settled in favour of despotism. As early as 1300, in fact, in purely territorial terms, the contest was becoming uneven: much of Lombardy with Piedmont, Emilia and Venetia, and most of Romagna and the Marche, were under despotic rule; and already certain writers, like Albertino Mussato, were beginning to speak, with classical reminiscence, of a predetermined cycle in the development of states.¹ There was much to encourage such beliefs, even though, in the congested political society of medieval Italy, the development of states was seldom wholly free. From an early stage, indeed, the decline of communal institutions was accompanied by a process of regional consolidation, in which, independently of forms and principles of government, the larger states swallowed up the small. In this way, by the fifteenth century, a number of territorial powers had emerged—Milan, Florence and Venice, Mantua and Ferrara—which shared, by uneasy balance of influence, the control of Upper Italy. But through all phases of territorial politics the advance of despotism was maintained.² At the close of the Middle Ages there were few towns which were both independent and freely self-

¹ N. Rubinstein, 'Municipal Progress and Decline in the Italy of the Communes', *Fritz Saxl, Memorial Essays* (London, 1957), pp. 165 ff.

² Interregional politics, indeed, contributed much to this result: E. Sestan, 'Le origini delle signorie cittadine: un problema esaurito?', *Bull. Ist. Stor. Ital.*, lxxiii (1961), pp. 64 ff.

little danger of it dying of neglect. Some doubt remains, however, about its practical influence,¹ and, even more, it must be said, about its relation to political reality. That disagreement might be sharp between principles and practice is a fact confessed by contemporary observers. It appears most emphatically in the relations between states, where constitutional differences were no bar to common action by despotisms and republics or to a common policy of subjugating neighbours in the name of political 'freedom'.² What remains indeterminate is the effect, within states, of differences of régime and the true measure of contrast between communes and *signorie*.

In no sense, it need hardly be said, was it a contrast of democracy and dictatorship.³ Despotic government was not totalitarian; communal government, though sometimes called *democratia*, knew nothing of manhood suffrage. By the statutes of most Italian towns, qualification for citizenship, and even more for office, was restricted almost exclusively to property-owning burgesses of local origin and prolonged residence. Rustics, the largest class, though combined in rural communes, were defined by law as natural inferiors and were almost nowhere granted political rights; nor were the humbler townsmen, the wage-

¹ Even within Florence: G. Sasso, '“Florentina libertas” e Rinascimento italiano nell'opera di H. Baron', *Riv. Stor. It.*, lxxix (1957), pp. 264–68; P. O. Kristeller, in *The Renaissance, a Reconsideration*, ed. T. Helton (Wisconsin, 1961); H. Baron, 'Machiavelli: the Republican Citizen and the Author of “The Prince”', *Eng. Hist. Rev.*, lxxvi (1961), pp. 231 ff., 251 ff.; C. Varese, *Storia e politica nella prosa del Quattrocento* (Turin, 1961), pp. 30, 63, 114 ff., 140, 142.

² Thereby debasing the word *libertas* to an almost meaningless term: see for example F. Gabotto, 'L'attività politica di P. C. Decembrio', *Giornale ligustico di archeologia*, xx (1893), p. 260; N. Carotti, 'Un politico umanista del Quattrocento: Fr. Barbaro', *Riv. Stor. It.*, 1937, pp. 20 ff.; Baron, *Crisis*, *passim*.

³ In the following discussion, based on a work in preparation, references have been minimized. For background facts and bibliography see L. Simeoni, *Le signorie* (Milan, 1950); N. Valeri, *L'Italia nell'età dei principati* (Verona, 1950), and the general histories of Italian law and government, from Pertile to Calasso and De Vergottini. On despotism particularly see E. Salzer, *Ueber die Anfänge der Signorie in Oberitalien* (Berlin, 1900); A. Anzilotti, 'Per la storia delle signorie', *Studi Storici*, 1914; F. Chabod, 'Del “Principe” di Machiavelli', *N. Riv. Stor.* ix (1925); G. B. Picotti, 'Qualche osservazione sui caratteri delle signorie italiane', *Riv. Stor. It.*, xliii (1926); G. Masi, 'Verso gli albori del principato in Italia', *Riv. Stor. Diritto It.*, ix (1936).

workers and 'plebei' (Giannotti); nor finally were the citizens of independent towns, incorporated by conquest in expanding territorial states. Though allowed some powers of self-government, they were not admitted to political representation. Representative parliaments, in Italy as elsewhere, were the creation not of urban but of feudal régimes. Under the rule of the richer republics, Venice and still more Florence, subordinate communities were degraded to a position of colonial dependence and ruthlessly exploited in the economic interest of the dominating town. 'Florentina libertas' was for Florentines alone.¹

But if political rights, on republican principles, were narrowly distributed, narrower still, in republican practice, was the normal distribution of power. Despite all constitutional checks and balances, power in the Italian communes clung obstinately to wealth and migrated with movements of wealth, and through all revolutions of political and economic régime, oligarchy, in fact or law, was the predominant form of government. In the first century of the commune this represented, in contemporary language, government of those called *minores* or *pedites*, who constituted the *populus*, by the class of *maiores* or *milites*, a composite group of feudal gentry and merchants, who in Florence, for example, may have numbered some 100 families. In a few towns, notably Venice, this patrician régime survived unchallenged for as long as the commune lasted; but in most places, from about 1200, it began to break up. On the one hand the governing class fell apart into rival factions; on the other the *populus* or *popolo*, enriched by trade and enlarged by urban immigration, began to rebel against magnate domination, and in the course of the thirteenth century secured a share, and in places control, of the communal government. These fratricidal divisions, partly of social origin, more often political or personal, are the familiar theme of medieval Italian history. More difficult to establish is their effect on the tenure of power. A common result of party warfare was mass

¹ Cf. for example D. Bizzarri, 'Ricerche sul diritto di cittadinanza nella costituzione comunale', *Studi Senesi*, xxxii (1916); Ercole, *Comune*, p. 244 (and references there); G. Dahm, *Das Strafrecht Italiens im ausgehenden Mittelalter* (Berlin, Leipsig, 1931), pp. 22 ff.; A. Zanelli, *Delle condizioni interne di Brescia dal 1426 al 1644* (Brescia, 1898), pp. 84 ff.; M. Lupo-Gentile, 'Le corporazioni delle arti a Pisa nel secolo xv', *Annali Scuola Normale di Pisa*, 1940, pp. 197 ff.

politically, the irresistible trend, as even republicans recognized,¹ was to restrict supreme office, the unpaid *honores*,² to a group of dominant families, the *ottimati*, *principali*, *beneficiati* and so on. Their numbers varied with circumstance. At Siena in the early Trecento they were barely more than 60 in an urban population of c. 50,000. At Florence, in 1459, they were about 365. At Siena again, in 1497, they were declared to be 350, with 1,829 members, in a population of roughly 25,000.³

The political creed of this urban patriciate is clearly stated, at the end of the period, by the aristocratic Guicciardini and other Florentine writers. According to them, government belonged properly to the wealthy and the wise. Democracy was a dangerous delusion, which identified liberty with licence. But if government by the many threatened government by the few, then it was better to have government by one.⁴ Not surprisingly similar views were entertained by despots. 'It seems to me', wrote the duke of Milan, Filippo Maria Visconti, 'that it's better to obey a prince or king, whatever his disposition, than submit to being governed by a rabble of artisans or by rulers of whom we cannot even tell who their fathers were.'⁵ Such precise opinions are not often recorded; but, that they represent the traditional prejudices of the Italian

op. cit., pp. 249-50; Masi, *op. cit.*, pp. 119 ff., 156 ff.; Becker, 'Aspects', p. 431. Brucker, *op. cit.*, pp. 59, 70-71, 393, 395; Albertini, *op. cit.*, pp. 381 ff.; C. Paoli, 'Del magistrato della balia nella repubblica di Siena', *Atti Memorie R. Acc. dei Rozzi*, iii (1876-79), pp. 115-59.

¹ Not least L. Bruni: Baron, *Crisis*, pp. 293, 370-71, 575. Cf. Varese, *op. cit.*, pp. 112, 114; G. Sasso, *loc. cit.* Like Dante's imperialism, humanist republicanism was an 'epitaph instead of a prophecy'. Cf. Becker, 'City State', p. 50.

² As distinct from minor offices, paid but powerless: G. Pampaloni, in *Arch. Stor. It.*, cxix (1961), pp. 42 ff.

³ J. Luchaire, *Documenti per la storia dei rivolgimenti politici del comune di Siena dal 1354 al 1369* (Lyon, 1906), pp. xxvii-viii; cf. W. M. Bowsky, 'The Buon Governo of Siena (1287-1355)', *Speculum*, 1962, pp. 368 ff.; G. Martini, in *Bull. Senese di Stor. Pat.*, 1961, pp. 106-7. Pampaloni, *op. cit.*, pp. 48 ff. C. Falletti-Fossati, 'Principali cause della caduta della repubblica senese', *Atti Acc. Fisiocritici*, 1873, pp. 91-92; cf. D. L. Hicks, 'Sienese Society in the Renaissance', *Comp. Studies in Soc. and Hist.*, ii (1960), p. 416.

⁴ Albertini, *op. cit.*, pp. 42 ff., 107, 231 ff. and *passim*.

⁵ G. Barni, 'La formazione interna dello stato visconteo', *Arch. Stor. Lombardo*, N.S., vi (1941), p. 34.

upper class, there can be little doubt. And it is in these class prejudices, aggravated by the rise of *gente nuova* and enflamed by anti-magnate laws, that the source of Italian despotism must be principally sought. Not only did most despots derive from the upper class, as feudatories like the Visconti, or plutocrats like the Medici. From Ferrara in the early-thirteenth century, where the first stable *signoria* was formed, to Florence in the early-sixteenth century, where the last was successfully established, the interests which promoted or most readily accepted despotism are to be identified primarily among members of this class. If they could not be natural rulers, they would be natural counsellors. No doubt a single formula cannot cover all cases. There were some ephemeral *signorie* which were founded by noble demagogues, 'class traitors' as they have been called;¹ while others, more enduring, arose through popular magistracies or by acclamation in popular assemblies. But popular acclamation is no proof of popular initiative; rather were mass assemblies repudiated as a tyrannical device in towns where republican institutions were temporarily re-installed. And this is only one sign that the most strenuous resistance to incipient *signorie* came from the middle-class *popolo*.² However popular in form, in Italy unlike the ancient world, the origins of despotism lay in oligarchy rather than democracy.³

Democracy, it is said, was bound to follow, not precede despotism.⁴ For its successful realization was needed first the formation of an absolute state, superior to all divisions, and in this, it is claimed, a precocious start was made in Italy, when *signori* succeeded to communes.

The argument implies no disparagement of the communes. In the general revival of government, common to medieval Europe,

¹ E. Sestan, in *Bull. Senese*, 1961, pp. 62-64.

² See for example Salzer, *op. cit.*, pp. 45, 63, 72 ff. Zorzi, *op. cit.*, pp. 184 ff.; Albertini, *op. cit.*, pp. 82-83. Pampaloni, *op. cit.*, pp. 32 ff.

³ Cf. in this sense, as against the 'democratic' interpretation of Salzer, Anzilotti, Ercole and others: F. Gabotto, in *Boll. Stor.-Bib. Subalpino*, v (1900-1), p. 40; Masi, *op. cit.*, pp. 65 ff., 73 ff., 104 ff., 127, 149 ff.; Sestan, 'Origini', p. 68. Cf. also below, pp. 92-93. Fuller treatment of this critical question will be given elsewhere.

⁴ A. Visconti, *La pubblica amministrazione nello stato milanese durante il predominio straniero (1541-1786)* (Rome, 1913), p. vi.

the first steps, in Upper Italy, had been taken by the towns. Beginning with the rudest elements they had managed to construct, between the eleventh and thirteenth centuries, an elaborate constitution, a strong administration, and the nucleus of a permanent bureaucracy. At the same time they had striven to restore the ancient unity of town and *territorium*, and assert, in fact if not in doctrine, the principle of legal sovereignty within the boundaries of the *civitas*. Externally, they had freed themselves, in Tuscany and the North, from all but the titular supremacy of the Empire, and in the States of the Church, from all but the minimum claims of papal suzerainty.¹ Internally, they had waged war on private jurisdiction, challenged feudal immunities and ties of fealty, and, by the class legislation of the *popolo*, reduced the legal and fiscal privileges of the nobility.² They had also gone further than most medieval states in contesting the privileges of the Church, taxing the clergy, disputing and even suppressing the payment of tithe, and passing drastic mortmain laws to limit church property.³ In law, particularly, they had evolved, by 1300, from a confusion of Germanic custom, case-law, and Roman jurisprudence, an impressive body of statutes; and beside the justice of statute they had started to develop an equitable jurisdiction which disregarded *ius scriptum* in the name of *humanitas*.⁴ In the process of legislation they had gone far to substitute territorial for personal law, supersede private initiative in the execution of justice, and revive the notion of crime as an offence against the state.⁵ Progress was equally marked in the sphere of public finance. In indirect taxa-

¹ Ercole, *op. cit.*, pp. 208 ff., 331 ff.

² Fasoli, *op. cit.*, pp. 240 ff.; G. Salvioi, *Storia della procedura civile e criminale* (Milan, 1925), pp. 6 ff.

³ G. Salvemini, *Studi Storici* (Florence, 1901), pp. 39-90; S. Pivano, *Stato e chiesa negli statuti comunali italiani* (Turin, 1904); G. Volpe, *Medio Evo italiano* (Florence, 1923), pp. 197-214; Zorzi, *op. cit.*, pp. 85 ff.; L. Prosdocimi, *Il diritto ecclesiastico dello Stato di Milano* (Milan, 1941), pp. 97 ff., 140 ff.; C. Boyd, *Tithes and Parishes in Medieval Italy* (Cornell, 1952), pp. 178 ff.

⁴ Calasso, *op. cit.*, p. 495; W. Engelmann, *Die Wiedergeburt der Rechtskultur in Italien* (Leipzig, 1938), pp. 77 ff., 99 ff., 128 ff.; L. Prosdocimi, 'La formazione dell'unità giuridica medievale', in E. Rota, *Questioni di storia medioevale* (Milan, 1946), pp. 607 ff. On the complex question of *aequitas*, however, cf. G. Kirsch, *Erasmus u. die Jurisprudenz seiner Zeit* (Basel, 1960), pp. 36 ff., 407 ff.

⁵ C. Calisse, *Storia del diritto penale italiano* (Florence, 1895), pp. 168 ff.

tion, the communes exhibited great ingenuity in devising gabelles and customs duties; in direct taxation they replaced the primitive hearth-tax (*focaticum*) by a new form of property-tax (*libra*), which was graduated according to wealth on the basis of cadastral surveys (*estimi, catasti*);¹ and in the management of revenue they began to adopt from business practice advanced techniques of accountancy.² The uniformity of development, in all branches of government, was not the product of chance. Despite political disunity, there was a lively exchange of statutes and institutions, which prepared the way from an early date for regional systems of law and administration. Similarly in economic policy, protectionist though it was, towns worked to establish some regional uniformity, by standardizing measures and negotiating treaties for the equalization of coinage.³

In discussing communes and *signorie*, however, and the transition from one to the other, it is customary to emphasize, in common with contemporary critics, not the creative achievement, but the practical deficiencies of the Italian city state. Too often, it is pointed out, the elaborate constitution, which the statutes describe, concealed a confusion of offices, courts, and councils, created but never co-ordinated by successive revolutions.⁴ Similarly the administration, however intricate, was still too much dependent on private service and hand-to-mouth expedients. For military defence, as late as the fifteenth century, there was no regular army, nor, except in Venice, any permanent fleet.⁵ For the routine conduct of government the judiciary and bureaucracy were often insufficient and persistently underpaid. Accordingly, under all régimes, justice was denounced as ineffective and corrupt, open to manipulation by the *optimates*. The influence of wealth was encouraged by the widespread survival in municipal

¹ See most recently E. Fiumi, 'L'imposta diretta nei comuni medioevali della Toscana', *Studi in onore di A. Saporì* (Milan, 1957), pp. 329 ff.

² F. Melis, *Storia della ragioneria* (Bologna, 1950), pp. 399 ff., 527 ff.

³ Masi, *op. cit.*, p. 95; S. Mochi Onory, *L'applicazione pratica del diritto statutario* (Città di Castello, 1927), p. 14 and *passim*; F. Carli, *Storia del commercio italiano*, ii (Padua, 1936), pp. 128-29; L. Banchi, in *Arch. Stor. It.*, 3rd Ser., iii. 2 (1866), p. 82; C. M. Cipolla, *Studi di storia della moneta* (Pavia, 1948), p. 51, n. 4.

⁴ For example Brucker, *op. cit.*, pp. 58-59, 69 ff.; Cristiani, *op. cit.*, pp. 230-31.

⁵ J. Heers, *Gènes au XVe siècle* (Paris, 1961), pp. 98, 270.

law of the Germanic system of money penalties for crime and fixed tariffs of fines; the death penalty, even when imposed, was commonly commuted for the rich.¹ In other ways also statutes countenanced inequality before the law. In many towns peasants were punished more severely than burgesses; under the class laws of the *popolo*, nobles paid more heavily than commoners; and by a large number of statutes landowners were granted generous powers of imprisonment and distraint over their tenants, and employers over their workmen.² The fiscal system, as it finally evolved, was hardly less inequitable. In all communes the country was taxed more harshly than the town; in most, movable wealth escaped direct taxation; while at Florence and certain other large cities direct taxes were neglected, or for burgesses even suppressed, in favour of a system of redeemable government loans, secured against items of income.³ The effect of this, at the best, was to pervert state finance in the interest of the rich, who could lend, for themselves and others, on profitable terms; at the worst it involved nothing less than the practical transfer of public revenue to a narrow financial oligarchy. Such was the result, by the fifteenth century, at Florence, Bologna, and, most conspicuously, Genoa, where in 1405 the shareholders of the public debt took over the control of revenue, and eventually some political powers as well.⁴ Hence P. C. Decembrio's gibe that the Genoese could not distinguish public from private rights, and Machiavelli's description of Genoa as two states not one.⁵

By later writers, familiar with the modern state, the Machiavel-

¹ See for example L. Chiappelli, in *Arch. Stor. It.*, 4th Ser., xv (1885), pp. 35 ff., 180 ff.; Calisse, *op. cit.*, 236 ff.; Mochi Onory, *op. cit.*, pp. 40, n. 3, 44; Brucker, *op. cit.*, pp. 64, 130-31. W. M. Bowsky, in *Speculum*, 1964, pp. 12, 22.

² Cf. Calisse, *op. cit.*, pp. 188 ff.; Dahm, *op. cit.*, pp. 12, 22 ff.; Fasoli, *op. cit.*, pp. 240 ff.; L. Zanoni, *Gli Umiliati* (Milan, 1911), p. 160; etc.

³ Brucker, *op. cit.*, pp. 92 ff.; Bowsky, *op. cit.*, pp. 11 ff., 23; S. Bongi, *Inventario del R. Arch. du Lucca*, ii (Lucca, 1876), pp. 127-29.

⁴ Becker, 'Essay', p. 54; L. Marks, 'The Financial Oligarchy in Florence under Lorenzo', *Italian Renaissance Studies*, pp. 123 ff.; G. Orlandelli, 'Note di storia economica sulla signoria dei Bentivoglio', *Atti Mem.-Dep. Stor. Pat. Romagna*, N.S., iii (1953), pp. 207 ff.; Heers, *op. cit.*, pp. 98, 125, 140 ff. The humanist maxim, derived from Sallust, 'publicae opes, privata paupertas', was in these towns reversed.

⁵ P. Lucca, in *Boll. Stor. Pavese* (1952), pp. 22-23; Machiavelli, *Istorie fiorentine*, Lib. viii, sub a. 1484.

lian analysis has been extended to the Italian cities generally: they were not sovereign communities, and their authority was not single but divided.¹ However independent in practice, they continued to acknowledge in theory, and reluctantly in fact, the supremacy of imperial or, still more, papal overlordship;² however much anti-clerical, they were forced to recognize the privileges of the clergy;³ and however much anti-feudal, they all tolerated in varying degrees the persistence of feudal franchise.⁴ As the greater communes expanded, their jurisdiction was regulated by individual compact with dependent towns and lords, who were often more nearly confederates (*accomandati*) than subjects. Territorially, therefore, the city state was never unified, but remained throughout an association of communities and powers.⁵ No doubt the same was true of other medieval régimes. Peculiar, rather, to the Italian towns, was the composite structure of the communal polity itself. It evolved as a combination of semi-autonomous groups and institutions; and among these the majority of citizens only too readily divided their allegiance.

First and most fundamental was the family-group or clan. Though never, like the early *polis*, a coalition of clans, the Italian commune, in all its history, knew no more powerful influence than that defined by Leon Battista Alberti as 'the strongest of all bonds, the bond of blood'. In Italy, as elsewhere, loyalties and functions which, in the early Middle Ages, had been claimed by the family, were surrendered only reluctantly to the re-emergent state. The large family unit, especially among the nobility, was defended by rules of law, administration, and inheritance. Its members lived together, under a close common discipline, and their home was often literally a castle: a fortified keep or tower within the city walls, with drawbridges and all the apparatus of

¹ For example P. Vaccari, 'La concezione dello stato corporativo medioevale', *Rendiconti Ist. Lombardo Scienze e Lettere*, lxxi (1938).

² Ercole, *op. cit.*, *passim*; Masi, *op. cit.*, p. 172; N. Rubinstein, 'Firenze e il problema della politica imperiale al tempo di Massimiliano I', *Arch. Stor. It.*, cxvi (1958); P. J. Jones, 'The Vicariate of the Malatesta of Rimini', *Eng. Hist. Rev.*, lxxvii (1952).

³ As Marsilius of Padua complained: *Defensor Pacis*, Dist. II, cap. xxiii, pt. 11. Cf. p. 80, n. 3 above.

⁴ For a good example see Zorzi, *op. cit.*, pp. 85 ff.

⁵ Cf. G. Mengozzi, in *Riv. It. di Sociologia*, xv (1911), pp. 84-85. Heers, *op. cit.*, pp. 592 ff.

war, in later times including private artillery. The clan was expected to co-operate in all activities, but in none so much as defence. Accordingly one inveterate custom of communal society was the practice of vendetta. The vendetta rested as a duty of honour on all members of the family, and recourse to public justice was considered an indignity: in the Florence of the great merchant dynasties, Bardi and Frescobaldi, 'justice', it is said, was regarded still 'as a private prerogative rather than a public responsibility'.¹ Feuds were often bitterly ferocious, and by encouraging habits of personal violence, especially among *magnati*, they aggravated social conflict; yet law and public opinion were slow to condemn the feud, and most Italian statutes tried only to restrain it. Nor was it only by the right of vendetta that the family restricted the action of the state. Consolidated in large groups, with up to 100 men-at-arms, many clans increased their strength still further by artificial unions, *consorterie* or *alberghi*, and in the thirteenth century these family federations often came to form nothing less than communes on their own. They had elected officials, councils or parliaments, jurisdiction and police powers, and codes of private statute. Some of these codes survive, and perhaps no records come closer to the facts behind the theory of the city state. Most explicit are certain clan-statutes from thirteenth-century Lucca, which provide that in the event of political disturbance the members should meet and decide: 'whether to serve the commune or to serve each one his friends'.² The issue is succinctly put: for the state, or against it. The dilemma, however, should not be pressed too far. In the Italian towns, service for the commune was often indistinguishable from service for friends. From the thirteenth to the sixteenth century no complaint recurs more insistently in Italian political writing, and no fact is more frankly confessed, than that men practised politics for office and sought office for family advantage—to gain access, as one Florentine put it, to the public 'manger', the *mangiatoia* of lucrative

¹ Brucker, *op. cit.*, p. 62. Cf. M. Barbi, in *Studi Danteschi*, ix (1924), p. 59.

² F. Niccolai, *I consorzi nobiliari* (Bologna, 1940), p. 31, and *passim*. Cf. on the foregoing: N. Tamassia, *La famiglia italiana nei secoli xv e xvi*, (Milan, 1910), esp. pp. 59 ff.; Calisse, *op. cit.*, pp. 232 ff.; Dahm, *op. cit.*, pp. 17 ff., 90 ff.; N. Rubinstein, *La lotta contro i magnati a Firenze* (Florence, 1939); Heers, *op. cit.*, pp. 564 ff.; Cristiani, *op. cit.*, pp. 81 ff.

appointments, government contracts and leases, tax-farms and the rest.¹

It was largely against the excesses of family power and influence that the popular movements in the commune were directed; and during periods of more democratic rule, there are certainly signs that law and government tended to become more impersonal and controls more strict on violence and vendetta.² But it was not only with ties of kindred that the commune had to contend. Beyond the family were other associations—the trade-guild, the social class, and most of all, the party; and it is characteristic that, like the *consorterie*, the guilds, the parties, and even the social classes, all came to assume a corporate organization, modelled on that of the commune. They exacted oaths of fealty, they had laws and jurisdiction, assemblies and officials, and in certain cases they established military or para-military formations. Nominally these groups were all subject to the commune; practically they were rival corporations, which strove to absorb the commune and identify the state with a class or party. By the later-thirteenth century they had generally achieved their aim. In many towns the organization of the *popolo* had in effect replaced the commune, in most the commune had become officially Guelf or Ghibelline, and, however democratic the form of government, membership of a particular class, party, or guild, had almost everywhere become a qualification for citizenship or office.

In the great majority of city states the triumph of corporate interest, whether popular or partisan, marked the final phase of republican independence. In a few towns like Florence the commune survived, but only to continue the conflict with sectional loyalties, in which eventually party once again prevailed over the state. And from the partisan state emerged the despotic state. However different in detail the constitutional process of their rise, nearly all Italian despots were alike in one thing: they came to power first as leaders of faction.

By origin, therefore, Italian despotism was the product of

¹ Pampaloni, *loc. cit.*, p. 16, n. 10. Not that all posts were desirably lucrative; troublesome offices were a difficulty to fill: Brucker, *op. cit.*, pp. 77 ff.; D. Marzi, *La cancelleria della repubblica fiorentina* (Rocca S. Casciano, 1910), pp. 96, 175.

² See particularly Becker, 'City State', pp. 47 ff.; 'Essay', pp. 55 ff.; 'Popular Government', p. 375; and in *Tradito*, xviii (1962), pp. 393 ff., 405 ff.

restrictive tendencies, oligarchical and factious, in states imperfectly sovereign and unified. This focusses attention on the question, how far, by 1500, the despots managed to repudiate their origins and remove the imperfections of the city state?

Formally, it is well known, the city state long remained unmodified, in its laws and institutions, by the revolution of political system; and what changes occurred were often prepared or accompanied by similar developments under republican régimes. Not only did the name and corporate notion of the commune survive; the communal constitution also persisted, with its magistrates and councils, through which, with varying degrees of freedom, the subordinate community continued to elect officials, enact laws, and raise and administer taxes.¹ One particular sign of this formal partnership between commune and despot was the indifference with which, in many towns, lords as powerful as the Visconti continued until quite late to draw fixed salaries like common magistrates.² No less evident was the conservatism in law and administration. In law, the municipal statutes, supplemented by *ius comune*, remained the basis of justice; and although commonly revised and reinforced by seignorial decree, they suffered little change of substance. There is evidence of an increasing claim by the state to responsibility for the punishment of crime, and a growing severity in penalties for offences; but this was common to all régimes, and in spite of it, under lords and communes alike, the habit of feud continued, and in places also the ancient right of kindred to a share of money fines.³ Similarly, in state finance and accountancy, contrary to some opinions, the despots were responsible for no great technical advance.⁴ The prevailing forms

¹ Cf. for example, Picotti, *op. cit.*, pp. 22–23; Ercole, *op. cit.*, pp. 108 ff.; Masi, *op. cit.*, pp. 131 ff.; Jones, 'Malatesta Rule', pp. 223 ff.; C. Santoro, 'Gli uffici del comune di Milano nel periodo visconteo-sforzesco', *Archivi d'Italia*, 2nd Ser., xvii (1950).

² M. Tagliabue, 'La politica finanziaria nel governo di Giangaleazzo Visconti', *Boll. Stor. Pavese*, xv (1915), p. 26; Jones, *op. cit.*, pp. 225–26.

³ Calisse, *op. cit.*, pp. 177 ff., 240 ff.; Dahm, *op. cit.*, pp. 284, 299 ff., 313; Engelmann, *op. cit.*, pp. 265–68; Niccolai, *op. cit.*, pp. 24–26; D. Zaccarini, 'Delitti e pene negli stati estensi nel sec. xvi', *Atti Memorie Dep. Ferrarese Stor. Pat.*, xxvii (1928), pp. 10–11.

⁴ In the duchy of Milan under Filippo Maria Visconti, and perhaps already under Giovanni Visconti, (monthly) statements and budgets are found prescribed: Tagliabue, *op. cit.*, p. 28; C. Santoro, in *Studi Fanfani*, iii, pp. 465 ff.;

of taxation remained unchanged, and so did the trend of development in military and all other charges on the population. Indirect taxes were the richest source of revenue; of other burdens, armed service and *corvées* were levied only from the rural areas; townsmen, when not wholly exempt, commuted such services to money.¹ For waging war, therefore, despots, like republics, relied mostly on mercenary companies, reinforced by rural levies, though from the later Trecento some *signori* were starting to retain a small corps of permanent, stipendiary troops (*provisionati*, etc.).²

With the notable exception of military organization, which they mistook for a political issue,³ contemporary publicists paid little attention to administrative detail. For republican writers the survival, in despotic states, of communal institutions was a mere 'pasci-popolo',⁴ a sop to popular sentiment, which could not conceal the realities of power. Whatever the constitutional forms, under despotism all political matters, from rights of citizenship upwards, were controlled if not decided by the lord.⁵ If

but there are republican parallels to this: G. Rigobon, *La contabilità di stato nella repubblica di Firenze e nel Granducato di Toscana* (Girgenti, 1892), p. 133 and *passim*.

¹ Jones, *op. cit.*, pp. 231–33, 237, 239; P. Sitta, 'Saggio sulle istituzioni finanziarie del ducato estense', *Atti Dep. Ferrarese cit.*, iii (1891), pp. 137, 159, 164; A. Zanelli, in *Riv. Stor. It.*, 1892, p. 398; A. De Maddalena, *Le finanze del ducato di Mantova all'epoca di Guglielmo Gonzaga* (Milan, 1961), p. 58.

² Sitta, *op. cit.*, p. 120; Jones, *op. cit.*, p. 233; M. Formentini, *Il ducato di Milano* (Milan, 1877), pp. 85 ff. Analogous, and common to despotisms and republics, were *condotte in aspetto*: D. M. Bueno De Mesquita, in *Proc. Brit. Ac.*, xxxii (1946), pp. 219–41. That *signori*, however, like some republican régimes, preferred their subjects unarmed, is a charge without foundation. Cf. following note.

³ Contrary to humanist (and later) belief (on which see now C. C. Bayley, *War and Society in Renaissance Florence* (Oxford, 1961)), the growing prevalence of mercenaries over militias, from c. 1200, was the product, not of failing political virtue, but of technical changes common to the whole of Europe: L. Simeoni, in *Atti Memorie Acc. Scienze di Modena*, 5th Ser., ii (1937), pp. 136 ff. Cf. the impending studies on this of Dr D. P. Waley.

⁴ A. Missiroli, *Astorgio III Manfredi, signore di Faenza (1488–1501)* (Bologna, 1912), pp. 39–40.

⁵ On what follows cf. Salzer, *op. cit.*, pp. 255 ff.; Tagliabue, *op. cit.*; D. M. Bueno De Mesquita, *Giangaleazzo Visconti* (Cambridge, 1941), pp. 50 ff.; Santoro, 'Uffici'; *Gli Uffici del dominio sforzesco* (Milan, 1948), pp. xvii ff.;

communal councils met, their work, numbers, and attendance, were all determined from above. The general councils especially retained little power, and in places their membership was drastically reduced; while the smaller councils, though still conceived as representing the commune, were in practice transformed into administrative organs of the despot. Similarly, all officials of importance were appointed by the *signori*, and often prolonged in office beyond the statutory term. Statutes, like government, now rested on the sanction of the despot: his decrees took precedence of the codes and common law, and in the administration of justice he claimed and freely exercised an exclusive right of dispensation.¹ The same power was exercised in respect of taxation. Financial rights were commonly among the last to be surrendered by the commune; but whatever the conventions in use, final control of revenue belonged in practice to the lord, and it was only a matter of time before the imposition, collection, and administration of taxes passed in form as well as fact to the lord and his officials.

In most cases this redistribution of authority between commune and lord was a natural development from the plenitude of power (*arbitrium*, etc.), with which the great majority of despots had been invested at an early stage of their rise. To begin with, such power derived almost everywhere from an act of popular election, repeated with each new ruler; but, as time went on, an increasing number of *signori* contrived to reduce the ceremony of election to a mere matter of form. This they did, in part, by securing hereditary tenure of power by direct grant or by associating heirs with the government; but a no less favoured device was to seek from the nominal overlord, emperor or pope, the title of temporal vicar, or later of margrave or duke, which without any actual surrender of power conferred an independent warrant for the exercise of authority.² As far as possible also, the *signori* tried

Jones, *op. cit.*, pp. 226 ff.; L. Simeoni, in *Atti Acc. Agric. di Verona*, 5th Ser., xvi (1938).

¹ Calisse, *op. cit.*, pp. 224-25; Jones, *op. cit.*, p. 228. Related was the lord's concern with 'political' offences, 'treasonable' words and actions: Calisse, p. 201; G. Pardi, 'Borso d'Este, duca di Ferrara', *Studi Storici*, xv (1906), pp. 30 ff., 38, 158; A. Cappelli, in *Arch. Stor. Lombardo*, 3rd Ser., vii (1897), pp. 147 ff.; but in republics also politics interfered with justice: Salvioli, *op. cit.*, pp. 24-25; Brucker, *op. cit.*, pp. 108-9, 112-13, 198, etc.

² For details and bibliography see Ercole, *op. cit.*, pp. 76 ff., 280 ff.; Masi, *op. cit.*, pp. 110 ff., 126 ff.; Jones, 'Vicariate'.

to dissociate themselves from the partisan allegiance with which they began: after a suitable interval, exiled factions were restored; persons of all denominations were drawn into service; and the very names of parties were proscribed.¹ And so both the partisan and electoral basis of despotic rule were slowly superseded: to the figure of the factious leader, with delegated power from the commune, succeeded the figure of the Prince, who delegated power to the commune, and was expected to exert an equal authority over all sectional interests.²

For this ideal of princely rule evidence has been found, not only in the theory, but also in the practice of despotism.³ Thus, intermittently, it can be shown, *signori* sought to enforce greater equity in the administration of justice and the distribution of taxes between different classes and different parts of their dominions; even in the smaller *signorie* the tendency appears to release rural districts from dependence on the towns, and smaller towns from subjection to the larger. In defiance of local discontent despots drew their servants from all over their territory and all over Italy.⁴ The Visconti and the Sforza even made use of clerks, excluded from secular office under the commune. They also allowed the clergy access to urban statute, from which they had formerly been debarred as *forenses*.⁵ Such levelling of status was simply part of a wider policy to assert untrammelled authority over all forms of privilege, corporate or territorial. Wherever they could, the despots acted, like Bernabò Visconti, as 'pope, emperor and lord' in their domains. So independent lordships were forced into submission, and feudal grants from outside subjected to authorization. Unlicensed clan-associations were also forbidden, at least in

¹ For example: Salzer, *op. cit.*, p. 22; Anzilotti, *op. cit.*, p. 82; Barni, *op. cit.*, p. 36; Jones, 'Malatesta Rule', pp. 243-44; G. Sandri, in *Arch. Veneto*, 5th Ser., xxiii (1938), pp. 179 ff.

² According to some, from a position 'above the law': see, for example, *Arch. Stor. Lombardo*, xi (1884), pp. 510, 512.

³ As well by contemporary writers (cp. G. Romano, in *Boll. Stor. Pavese*, xv (1915), pp. 138 ff.; U. Meroni, in *Annali Bib. Governativa di Cremona*, v (1952) fasc. i), as by modern historians, for example Mengozzi, *op. cit.*; Anzilotti, *op. cit.*; F. Cognasso, in *Boll. Stor. Pavese*, xxii (1922); N. Valeri, *La libertà e la pace* (Turin, 1942), pp. 26 ff.; L. Simeoni, in E. Rota, *Questioni*, pp. 424 ff.; C. M. Cipolla, in *Storia di Milano*, viii (Milan, 1957), pp. 350 ff.

⁴ Mesquita, *op. cit.*, pp. 181-82; Jones, *op. cit.*, p. 243.

⁵ Prosdocimi, *Diritto*, pp. 27 ff., 38 ff., 288 ff.

the state of Milan;¹ and everywhere the trade-guilds were reduced to subordination and deprived of political power.² The privileges of the Church were more recalcitrant, and in the smaller despotisms, of the Papal States especially, remained virtually free from interference; but in the Milanese dominions they continued to be closely restricted: benefit of clergy was generally allowed, but clerical appointments were controlled by seigneurial licence, clerical wealth was regularly taxed, without papal or local consent, and clerical property was limited by statute.³ It was in the larger states, finally, and most conspicuously Milan, that the common subjection of different groups and territories to one overriding authority began to assume expression, from the mid-fourteenth century, in a certain community of law and administration. General decrees were published, statutes were extended from one town to another, and local courts were opened to citizens of other communes. In the Milanese dominion, under Giangaleazzo Visconti, regional courts were created for the eastern and western territories; and in a number of states, central appeal courts were introduced, the administration of finance slowly centralized, and in all branches of government the impersonal power of a specialized bureaucracy increasingly interposed below the personal power of the lord.⁴

It is in tentative developments like these that the first beginnings have been seen in Italy of a new kind of state, the 'Renaissance' state, unitary, absolute, and secular, built on new foundations and a new class structure, and serving as a model to the rest of western Europe.⁵ Yet, measured beside the achievements of western monarchy, they are perhaps not remarkable; and even in

¹ Niccolai, *op. cit.*, p. 24; Barni, *op. cit.*, p. 35.

² For references see F. Valsecchi, *Comune e corporazione nel medioevo italiano* (Milan, 1949), pp. 39 ff., 60 ff., 90-91.

³ Prosdocimi, *op. cit.*, pp. 83 ff., 293 ff.; G. R. Orsini, in *Arch. Stor. Lombardo*, 8th Ser., v (1954-55), p. 133. Cf. Pardi, *op. cit.*, pp. 151 ff.

⁴ Salvioli, *op. cit.*, pp. 14, 560 ff.; Tagliabue, *op. cit.*, pp. 43 ff.; Barni, *op. cit.*, pp. 36 ff., 49 ff., 55, 63 ff.; Prosdocimi, *op. cit.*, p. 288; Mesquita, *op. cit.*, pp. 45 ff., 54 ff., 312 ff.; G. Galli, in *Arch. Stor. Lombardo*, liv (1927), pp. 497 ff. Like republics, *signori* also promoted some regional uniformity in weights, measures and coinage: see, for example, Mazzi, in *Arch. Stor. Lombardo* (1901), pp. 44 ff.

⁵ F. Chabod, 'Y a-t-il un état de la Renaissance?', *Actes du colloque sur la Renaissance* (Paris, 1958), pp. 64 ff., 70-72; G. Mattingley, in *The Renaissance, a Reconsideration*, p. 11.

Italy itself, it is hard to draw sharp differences between work done by despots and that begun by communes and continued independently by contemporary republics. In much of their policy, indeed, republican Venice and Florence would seem to have been less tolerant than despots of autonomous authority, clerical, feudal, or urban.¹ What rather calls for emphasis, in the constitutions of despotic states, is the obstinate survival of diversity and privilege. In the domain of law, local statutes continued to vary widely, even in the most ruthlessly centralized states, and in a number of critical cases, so powerful a lord as Giangaleazzo Visconti was unable to impose uniformity of law or reciprocity of rights between towns. Laws, courts, and jurisdictions were confused and contradictory, and in the costly muddle resulting, the poorer litigants particularly suffered. Uncontrolled custom persisted, and even the corpus of seigneurial decrees remained uncoded.² The unification of despotic states was never more than rudimentary. It is sufficient to note the frequency with which lords shared their dominions on inheritance or divided them by appanage.³ Rarely did their native towns assume the status of capital cities; and where, as at Milan, a capital did develop, one effect was to give the citizens a privileged place in preferment which offended local feeling. In all the subject communes local feeling and privileges remained indomitably strong, and so, very often, did the old party loyalties and divisions. In a number of towns, indeed, as late as the fifteenth century, the authority of *signori* was still indissolubly tied to partisan support. And so it is not surprising that, at moments of political crisis, the most imposing of despotic states fell apart in the space of weeks or days, as happened twice in the duchy of Milan, in 1402 and 1447.⁴

¹ For the last see, for example, P. Silva, in *Studi Storici* xxi (1913), p. 22. According to Machiavelli (*Discorsi* ii. 2, 11) republics were harsher to subject towns than monarchs. Cf. p. 75 above; but see also n. 4 below.

² Salvioli, *op. cit.*, pp. 16, 23 ff., 191 ff.; Visconti, *op. cit.*, pp. 112, 269; Zaccarini, *op. cit.*, p. 57; Prosdocimi, *op. cit.*, pp. 151-52; A. Lattes, *Diritto consuetudinario delle città lombarde* (Milan, 1899), cap. I and *passim*.

³ Salzer, *op. cit.*, pp. 232 ff.; Jones, *op. cit.*, pp. 229-30.

⁴ Chabod, 'Del "Principe"', pp. 47 ff.; Barni, *op. cit.*, pp. 17 ff., 40 ff.; Santoro, *Uffici, passim*; Jones, *loc. cit.*; N. Valeri, *L'eredità di Giangaleazzo Visconti* (Turin, 1938); A. Zanelli, in *Riv. Stor. It.*, ix (1892), pp. 389-90, 400 ff.; C. Capasso, in *Boll. Civica Bib. di Bergamo*, xv (1921). As under republics, local economic interests were sacrificed to those of the capital: G.

To the end of the Middle Ages, therefore, the unity of despotic states remained more personal than territorial, based rather on centralization of authority than equalization of rule. And this appears even more clearly in the policy of *signori* towards classes and corporations. They were more concerned to authorize than eradicate privilege. Thus the trade-guilds, though reduced to subordination, retained their courts and jurisdiction, and in Milan and certain other towns, the powers of the courts merchant were actually increased.¹ Similarly the clergy, where subject, as in the duchy of Milan, to the claims of secular government, were in practice granted increasing fiscal immunities, obtaining by charter of privilege what, in canon law, was their right. Most *signori*, in fact, though ready enough to occupy ecclesiastical property by lease or feudal tenure, were lavish of gifts and favours to the Church. But the beneficiaries were mostly the greater monasteries and prelates, not the clerical order at large.² The same distinction occurs in the secular policy of despots. Though commonly said to have shown favour to the peasantry, in reality they did little to moderate rural burdens, and nothing at all to reduce the judicial privileges of citizens and landlords.³ Nor were such measures to be expected. Themselves great landowners, it was from the class of *gentiluomini* that most despots came; it was by this class that they largely rose to power; and it was through this class, finally, that they principally governed and were recommended to govern. With the accession of *signori*, the *popolo*, with its class laws and organization,

Barbieri, *Economia e politica nel ducato di Milano* (Milan, 1938), pp. 40, 130 ff., 235, etc.; C. M. Cipolla, in *Cambridge Ec. Hist.*, iii (Cambridge, 1963), pp. 403-4, 417. This is only one reason for questioning the theory that *signori* promoted economic prosperity: cf. Masi, *op. cit.*, pp. 96 ff. (against Anzilotti); C. Violante, in *Riv. Stor. It.*, 1961, p. 532 (against Cipolla).

¹ Salvioli, *op. cit.*, pp. 97-103; Masi, *op. cit.*, pp. 99 ff.; Barbieri, *op. cit.*, pp. 37 ff., 97 ff., and *passim*; Valsecchi, *op. cit.*, pp. 60-72. The further statement, that *signori* favoured craft guilds and workers against merchants and manufacturers (S. Thrupp, *Camb. Ec. Hist.*, iii, p. 240; Cipolla, *ibid.*, pp. 426, 428-29), awaits demonstration.

² Prosdocimi, *op. cit.*, pp. 27 ff., 110 ff., 148 ff.; Tagliabue, *op. cit.*, pp. 68 ff.; Galli, *op. cit.*, pp. 496-97, 508.

³ E. Nasalli Rocca, 'I decreti signorili viscontei e sforzeschi e il diritto agrario', *Arch. Vittorio Scialoja*, 1937. Cf. Visconti, *op. cit.*, pp. 123-24; Zaccarini, *op. cit.*, pp. 21, 29, 63; Jones, *op. cit.*, p. 237; G. Biscaro, in *Arch. Stor. Lombardo*, xxxvi (1909), pp. 297 ff.; F. Cusin, *ibid.*, 1936, p. 290; Anzilotti, in *Arch. Stor. It.*, lxxiii (1915) and lxxxii. 1 (1924).

was almost everywhere suppressed.¹ Nobles and patricians held the leading posts (or emoluments) of church and state, and they also dominated the municipal assemblies, which progressive reduction of membership made increasingly aristocratic in composition.² As Machiavelli was among the first to observe, aristocracy and monarchy went together. Identifying republics with social equality and lordships with inequality, he remarked that a prince, without a nobility, could not administer government, and that where no nobility existed, it would have to be created.³ That the Italian despots, however, as is sometimes affirmed,⁴ created a new nobility and built their power on upstarts, is far from evident. New men, of course, there were. There always are. But this is a fact of biology as much as history. What history rather shows is the tenacious survival in Italy of old-established families, both feudal and patrician, within a narrow class of *optimates* (250 or so at Milan, a mere 30 to 40 at Camerino), which, through all political changes, seems not to have varied much in size nor greatly in composition. Of the *signori* it is truer to say that, from a combination of families, old as much as new, they established their own *clientela* of magnates and vassals, using the well-tried devices of intermarriage, privilege, and feudal benefaction. With the resurrection of monarchy, feudalism also revived.⁵ Beside the older feudal lordships, which although reduced to dependence were rarely reduced in power, a growing number of new fiefs were granted, often endowed with ampler rights than the old; and if

¹ Fasoli, *op. cit.*, pp. 272-73; L. Astegiano, *Codex Diplomaticus Cremonae*, ii (Turin, 1896), p. 324; E. P. Vicini, *Respublica Mutinensis*, i (Rome, 1929), p. xx. Under certain rulers the *signoria* represented little more than a return to aristocratic licence; conversely, where popular government was temporarily revived, anti-magnate legislation was introduced or restored: Zorzi, *op. cit.*, pp. 64 ff.; Dahm, *op. cit.*, p. 14, n. 29; Vicini, *loc. cit.*

² Chabod, *op. cit.*, pp. 43 ff., 54; Santoro, *Uffici*, pp. xvii, xxix ff.; Jones, *op. cit.*, pp. 242-44, etc. By 1500 council membership was becoming hereditary (see, for example, M. Rabozzi, in *Boll. Stor. prov. di Novara*, xxxix (1948), p. 5; W. Cesarini-Sforza, in *Boll. Stor. Piacentino*, v (1910), p. 74), a trend evident also in towns under the republican rule of Venice: Zanelli, *Condizioni*.

³ F. Ercole, *La politica di Machiavelli* (Rome, 1926), pp. 147-48, 152.

⁴ For example by Cipolla, in *Storia di Milano*, viii, pp. 350 ff.

⁵ A fact which, on R. Mousnier's definition of absolutism (*X Cong. Intern. di Scienze Stor. 1955, Relazioni*, iv, pp. 6-9, 12-15), would disqualify the Italian principality.

this increased the number of places independent of the towns, it also reversed the unifying process by which the towns had once subdued them.¹ No less common than feudal grants were grants of tax-immunity, the effect of which was to shift a growing burden to the lower classes. It is not in the despotic states, but in the republican state of Florence, that the most radical experiment is found in equitable taxation. Under the despots tax inequality flourished, to the profit of rich and noble, and so too did the privileges of magnates before the law.²

Privilege, it is true, was not equivalent to power. Incapable of ruling themselves, or keeping rule to themselves, the patrician class had in effect surrendered one to preserve the other, and clearly the unwritten compact had been kept. But in Italy of the despots, as in France of the *ancien régime*, respect for privilege was the ultimate sanction of power. 'Be especially careful', wrote Leo X to the young Lorenzo de' Medici, 'not to give offence to the notables (*case*).'³ The impolicy of doing otherwise was proved by more than the Medici. Whenever, in the fourteenth and fifteenth centuries, *signorie* were overthrown, the occasion, more often than not, was offence to the notables, in their property, their persons, or their honour. Despotism, in its fall as in its rise, was regulated by the same class interests.

'In all ages,' it has been said, 'whatever the form and name of government, be it monarchy, republic, or democracy, an oligarchy lurks behind the façade.'⁴ This observation, inspired by Roman Italy, may be extended also to medieval Italy. Between republics

¹ See for example: Sitta, *op. cit.*, p. 133; Chabod, *op. cit.*, p. 47; Zaccarini, *op. cit.*, pp. 8, 60; Masi, *op. cit.*, p. 78; Barni, *op. cit.*, pp. 17 ff.; Jones, *op. cit.*; G. P. Bognetti, in *Arch. Stor. Lombardo*, 1927, pp. 267 ff.; E. Nasalli Rocca, in *Boll. Stor. Piacentino*, xxx (1935), and in *Studi in onore di C. Manaresi* (Milan, 1953), pp. 239 ff.; Mesquita, in *Italian Renaissance Studies*, pp. 184 ff.

² Salvioli, *op. cit.*, p. 24; Mesquita, *Giorgio Visconti*, pp. 227 ff., 295; Jones, *op. cit.*, pp. 226-27; Balduzzi, in *Atti Memorie Dep. Stor. Pat. Romagna*, 1875, pp. 156-57; E. Verga, in *Arch. Stor. Lombardo*, xxviii. 2 (1901), p. 116; Salvioli, in *Vierteljahrsschrift f. Sozial- und Wirtschaftsgeschichte*, iii (1905), p. 151; P. Ciapessoni, in *Boll. Stor. Pavese*, vi (1906), pp. 383 ff., 611; T. Zerbi, *La banca nell'ordinamento finanziario visconteo* (Como, 1935), pp. 216, 256-57.

³ *Arch. Stor. It.*, Ser. i, App. i (1842-44), p. 300.

⁴ R. Syme, *The Roman Revolution* (Oxford, 1939), p. 7.

and despotisms the resemblances seem at least as great as the differences. In political organization both prolonged the past without radical alteration; and not the least striking resemblance between them is their unqualified failure, in common with other forms of European government, to support the fashionable concept of 'Renaissance state' or 'Renaissance monarchy'.¹ Rather do they confirm the view which sees, all over Europe, from the close of the early Middle Ages, a continuous development in the theory, practice and 'reason' of the state,² itself part of a larger movement, economic as well as political, which transgresses the traditional frontiers of 'medieval', 'Renaissance' and 'modern' history.³ In Italy at any rate the 'Renaissance state' is a fiction to be banished from the books. Here, down to the eighteenth century, government remained, in the words of one observer, 'an invincible confusion' ('une foule d'incohérences');⁴ and not till the eighteenth century, when despotism became 'enlightened', was any attempt made to impose an egalitarian state. In this period, in all states, the same interests prevailed, power and office were effectively restricted to the same privileged order, and from the mass of people, under republics and despots alike, the same complaints monotonously arise: against unjust taxation, against corrupt and costly justice, against local and personal privilege.⁵ In the language of Tudor England, government for them was 'nothing but a certain conspiracy of riche men procuring their own commodities under the name and title of the Common Wealth'. Nor did political writers take a very different view: to Bartolus, to Machiavelli, to Francesco Vettori, all Italian governments were 'tyrannies'—of party, of class, of despots. In a more sombre spirit, they shared

¹ For some current (and divergent) definitions of which see: F. Chabod and G. Mattingley, *op. cit.*, p. 95, n. 5 above; J. Russell Major, *Representative Institutions in Renaissance France, 1421-1559* (Madison, 1960), pp. 3 ff.

² See most recently Gaines Post, 'Ratio publicae utilitatis, ratio status und "Staatsräson" (1100-1300)', *Die Welt als Geschichte*, xxi (1961), pp. 8 ff., 71 ff.

³ A. Saporiti, 'Medio evo e rinascimento', *Arch. Stor. It.*, cxv (1957); P. J. Jones, in *Riv. Stor. It.*, 1964, pp. 287-88.

⁴ *Riv. Stor. It.*, 1962, p. 721.

⁵ Also, from the early-fifteenth century, against the practice of the sale of offices: G. Giulini, *Continuazione delle Memorie di Milano*, iii (Milan, 1771), p. 616; Verga, *loc. cit.*, p. 104; Sitta, *op. cit.*, p. 147; Zaccarini, *op. cit.*, p. 8; Santoro, *Uffici*, pp. xvii-xviii; R. Mousnier, 'Le trafic des offices à Venise', *Rev. Hist. de Droit*, 1952, pp. 552-63.

the opinion later expressed by Dr Samuel Johnson, when invited to comment on the theme of political liberty: 'Sir, that is all visionary. I would not give half a guinea to live under one form of government rather than another.'

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THE SUBMISSION OF THE CLERGY

The Alexander Prize Essay

By Michael Kelly, Ph.D.

READ 13 JUNE 1964

THE concessions presented by Archbishop Warham and representatives of Convocation to Henry VIII on 16 May 1532 have been the subject of endless controversy, while the background and circumstances of the enactment have received remarkably uniform treatment from later generations. Despite the proliferation of Reformation and Convocation histories since the eighteenth century, historians have, by and large, been content to repeat or elaborate an outline of the event first found in Wake's *The State of the Church* (1703). According to this interpretation, the King and Cromwell employed the Commons Supplication against the Ordinaries presented in March 1532 to compel the clergy's approval of the articles of 16 May. They demanded successive answers from Convocation concerning its independent right to enact laws and manoeuvred the clergy into gradual retreat and final capitulation to the demands for Submission laid before the ecclesiastical council on 10 May. Two general explanations or implications usually accompany this interpretation: something closely resembling the eventual *dénouement* was calculated well in advance by the King or Cromwell, and the entire affair was arranged to intimidate the Pope, enlarge the jurisdiction of the Crown, and suppress the Church.¹ It is the purpose of this paper to exhibit the factual and interpretative inadequacies of the accepted narrative of Submission, and to present a more plausible analysis of the Submission crisis in 1532.

Modern historians have subscribed to an over-crude account of the Church's position during the troubles; they have accepted a

¹ The prominence given to Cromwell was developed in the nineteenth century with the discovery of his hand on several recensions of the Supplication in the State Papers. The summary given above no doubt minimizes discrepancies and differences in emphasis between the various narratives, but it does justice to the terms in which discussion of the Submission has been conducted.