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Map 1. Communal Italy

In what follows, I intend to nuance that moment, quite considerably. But let us begin by looking briefly at why the moment, and the new régime, has such historiographical importance. There are two contexts for this, seen very broadly, one Italian and one international (including, not least, American). For professional historians in Italy, the role of the middle ages in the grand narrative of the past was never that of the origins of the modern state, as in most of western Europe (or else its regrettable failure in Germany), but, rather, the victory of the autonomous city states over external domination, which made possible the civic culture of the Renaissance; indeed, external rule was only part of it, for Italians tended until recently to regard the genuine state-building of Norman and Angevin southern Italy as a wasted opportunity

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to fail), and were also indeed founded on bottom-up collaboration (however fundamentally shot through they were with hierarchical and military-aristocratic values and rivalries as well). These were novelties, and their very contradictions make them interesting, as well as difficult to explain. The leitmotif of this book will therefore be such contradictions; and they are best summed up by a simple problem. North and central Italian cities in 1050 (say) were run by aristocratic and military—and also clerical—élites with much the same practices and values as those anywhere else in Latin Europe; and, even if they were sometimes hard to control, these élites were, just as elsewhere, fully part of hierarchies which extended upwards to bishops, counts, and kings/emperors, as part of a coherent Kingdom of Italy. By contrast, in 1150 (say) they were run by élites which may well have been from the same families, but which had developed autonomous and novel forms of collective government focused on annually changing consuls in fifty and more cities and towns, almost none of them looking more than nominally to any superior powers, which regularly fought each other; such governments seemed highly radical to outsiders,[6] and were organised enough and sure enough of themselves to be able thereafter to ally together and fight off the most serious attempt by an emperor to control Italy in depth for two hundred years, that of Frederick Barbarossa, in the years 1158–77. This was a new world. And yet they made this to-us dramatic change without, in all but a few cases, showing us any evidence of an awareness that they were doing anything new. What did they think they were doing? What did they *think* they were *doing*?

The short answer is that we do not know, and will never know, except very partially indeed. Our evidence is scarce, of course; this is the middle ages, and not the late middle ages

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of the documentary explosion, which in Italy was fully under way by 1250 but not at all a century earlier. But the question is important enough that it is worth trying to answer it. I have thus chosen to focus on three case studies, which are in each case characterised both by a relatively good set of documents (usually land transactions) and a varied set of narratives, the dialectic between which may get us somewhere towards the problem as I have posed it: Milan, Pisa, and Rome. They are in fact the best three cities in Italy for such a pairing. Genoa might have been a fourth, but its earliest evidence is too sketchy—as we shall see (pp. 162–66) in the fifth chapter here, which contains a briefer overview of other Italian cities, so as to locate the three in their wider typicalities and atypicalities. My three chosen cities are also well-studied, but these studies do not fully focus on the issues which most concern me here. Milan and Pisa are relatively often compared (largely because the University of Pisa hired several historians from Milan in the 1960s); Rome is seldom brought into the equation, however, and will be a useful contrast to and control on the other two. It is a mantra that every Italian city is different, and this is undoubtedly true, but the different experiences shown by each of these three have obvious parallelisms as well, and thus will go some way towards creating the sort of indirect, glancing picture of the way people made choices, which is the best the evidence can offer us. I am by training a social historian, so I am more experienced in analysing the results of such choices and the patterns they make than the mental processes involved, but those processes are crucial too, and I wish to set them out as clearly as I can.

Before we look at concrete examples in the next chapters, however, we need to look at the historiographical frame for how to analyse communes in more detail as it has emerged

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in the last generation; this is important to set out, in order to show where I am following others (including my own previous work) and where I am not.

The quantity of detailed and comparative Italian scholarship on early communes has not been as substantial as one would think. For a long time Italians concentrated on their immediate antecedents, and when consuls appeared they perhaps thought their job was done; for example, the leading Italian historians of the generation before this one, Giovanni Tabacco and Cinzio Violante, did most of their empirical work on the period before the late eleventh century.[7] In the last forty years, however, although the number of studies is still not huge (except for monographic analyses of individual cities, which are plentiful; but these do not often use their empirical data as a basis for wider rethinking), some important work has changed our view of what happened across the period 1050–1150 quite considerably.[8]

The first point that needs to be made (and it is one that is uncontroversial in the historiography) is that the leadership of medieval Italian cities was not ever exclusively commercial, whether mercantile or artisanal, unlike the picture often painted for northern Europe.[9] Most of Italy's major landowners lived in cities—that was the basic reason why Italian cities were so much larger, more powerful, and more socio-politically complex than those of the rest of Latin Europe, and had been for centuries—and they always had a central role to play in city politics. Indeed, economic development, although it was moving fast in Italy in the eleventh and twelfth centuries, was not in itself a necessary cause of the development of communes; the major ports of Pisa

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and Genoa were precocious communes, and so were the exchange foci of Cremona and Milan, but Venice was not, and plenty of relatively uncommercial centres, such as Bergamo or Parma, developed consular régimes at much the same speed as economic leaders; I will not have much to say about economics here as a result. Essentially, early city communes are by now generally recognised to have been, in the very loosest sense of the word, aristocratic: they were not usually the result of open conflict (Rome was the major exception here; see below, pp. 174, 184, for others), and they worked to perpetuate the power of landed élites of different types. It was the pre-communal period, above all the early and mid-eleventh century, that was the period of urban uprisings; the very earliest evidence for what could be called communes, by contrast, appears in the last decade of the eleventh century in the case of a handful of cities and the twelfth, often well into the twelfth, for the others. They appeared, historians often now say, in the context not of contestation but of compromise:[10] between the different factions or strata of urban élites, between bishops and secular urban leaders, and between those leaders and wider communities. This occurred above all as a result of the confusion caused by the Investiture Dispute in the decades after 1076, which pitted emperor against pope and led to a civil war in Italy (including, often, rival bishops in individual cities and thus a crisis of their traditional leaderships) in the 1080s–90s, and to the steady breakdown of the Kingdom itself from then on into the following decades; communes were thus a defensive reaction to crisis.

As we shall see, I will call some of the detail of that defensive reaction into question, to an extent; all the same, I would not disagree with most of the general picture. But the stress

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on aristocratic dominance has had its good and its bad side. It can be a reality check on older romantic notions of popular democracy winning out in the Italian city-republics, but it can also, even now, be based on a Paretoesque assumption that all historical protagonism is *really* aristocratic by definition. Some Italian historiography has been rather comfortable as a result, and has stressed how the real sources of political power did not change at all with the early communes. In favour of such continuitist readings are some unproblematic findings, such as (as Ottavio Banti showed) that the new city régimes were mostly not called 'communes' until the mid-twelfth century, but 'cities', *civitates*, as they had always been, thus hiding for us (and for them?) any changes in their governance—indeed, *commune* was not even a noun in sources for most cities before the 1120s, but an adjective or adverb, meaning 'collective' or 'in common'.[11] Furthermore, it is now often argued, not just that consuls had or could have a public role from very early—which is not hard to show[12]—but also that consular régimes simply inherited the public role that counts and bishops had in cities before them. A further element of continuity was the undoubted importance of *iudices*, men with legal training and experience, for they had run cities under bishops in the eleventh century, under some mixed régimes in the early twelfth, and then under more clearly consular-dominated régimes in the mid-twelfth: it has been argued that as long as they controlled public acts, the legal basis of such acts was unlikely to be very different.[13]

These latter arguments, however, risk flattening out the period so completely that the real novelties of the consular period, whether consciously perceived at the time or not, become invisible. For example: the main way in which the traditional *regnum Italiae*, which united Italy north of Rome

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elements of early and central medieval government. Not all communes were in practice autonomous (e.g., from bishops), particularly at the start; and not all communes had magistrates regularly chosen or assented to from below (Frederick Barbarossa chose many urban rulers for a decade, and the dukes of Venice, who were life-long rulers even if themselves elected by complex processes, doubtless had a strong voice in the choice of their *sapientes* and *consiliatores*), but the point about an ideal type is that it allows a focus on why certain elements are absent, rather than provoking often unhelpful arguments about whether a city without one element or another is 'really' a commune at all. Nonetheless, it also allows one to see that a city with only a single one of these elements might not so usefully be compared with cities with most of them: a city with a community of the oath, for example, and no other autonomy (Milan in the 1040s is a clear instance) could well be difficult to control, and in Milan's case was, but found it hard indeed to maintain the continuous protagonism that annual magistrates and a city-based judicial remit would later bring; similarly, a wholly autonomous city which nevertheless firmly looked to a single ruler for life (as were both Rome and Venice before 1143) had a markedly different political practice from one where the rotation of powerful offices was already the norm.

Consuls were very widely accepted as city rulers in northern and central Italy by the 1150s. They are taken for granted as rulers in narratives of that decade, whether written by men holding communal office themselves, such as Caffaro in Genoa, Ottone Morena in Lodi, and Bernardo Maragone in Pisa, or by an outsider as unsympathetic as the highly aristocratic German historian Otto bishop of Freising, uncle to Barbarossa himself; by now we begin to get our first clear

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references to early communal fiscal exactions; and the 1150s was also the decade in which Pisa took the important step of preparing the first version of a comprehensive local law-code, an undoubted claim for full practical autonomy.[24] These are the main reasons why I will regard 1150 as an endpoint for my discussions, for communes were fully established in most major cities in north-central Italy, in one form or another, by then. Earlier, it would depend on the city; but for me a crucially important marker is the appearance of regular consular judicial records, which are the first documents which show consuls or their representatives autonomously in action in any systematic way, sometimes describing themselves as *electi a populo* and similar phrases, significant ones for our recognition that this was a very different form of government from the traditional hierarchies of the Kingdom of Italy. Such records also soon show a claim to legal supremacy over parties even if they did not consent to it (an important sign of legal authority), which is shown by the preparedness of consuls to reach judgements even when one of the parties did not appear in court.[25] If so, the consolidation of a communal régime can be regarded as first attested in the 1130s in most of the precocious cities: Milan again, plus Piacenza, Lucca, Padua, Cremona, and Verona, with Pisa and Genoa, as we shall see, clearly the first of all, with a similar consolidation partially visible already around 1110—but this time the group definitely does not include Asti and Arezzo, where consular courts are not recorded until as late as the 1180s and 1190s respectively.[26] Keller has argued for the 1120s–30s as the moment of the institutional crystallisation of communes, which fits these dates well enough, at least, again, for the earliest-established communes.[27] I would also prefer this to his other main argument, set out in the context of Milan, in which a collective oath of peace between the

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civitas (or *populus*) and the *nobiles* of the city, at the end of an urban uprising in 1044–45 against the aristocratic *ordines* and the archbishop, and then the punctuation of religious disputes among the Milanese *populus* by collective oaths (called *iuramentum commune*) in the 1060s and 1070s, are 'primitive forms of communal organisation and self-government'; these oaths were too inchoate and ad hoc to be straightforward harbingers of a new political régime, and there is for me a clear danger of a teleological reading here.[28] But it must also be recognised from the outset that, if the full set of elements of my ideal-type commune only appear in most cities in the 1130s to 1150s, then this is rather later and slower than some other historians have argued, which has implications for our understandings of causation—and for the self-awareness of the people who moved these developments along.

A final element in this historiographical survey is a closely related point which I have argued myself, and which I wish to continue to develop here: that communes at their inception were very informal bodies. They had, in the end, to become more formal, to replace the old formal hierarchies, public and private, of the Carolingian and post-Carolingian world, which lost force, sometimes finally, with the civil wars of the late eleventh century; but that process was by no means immediate. Consuls were creating a new structure, based on elements (such as collective oaths and rotating offices) which had never been used on their own for government before; their leaders were often from traditional élite families, who in the past had been in the entourages of kings/emperors, counts/dukes, bishops, and will often have found the habitus of royal or episcopal courts and formalised *placitum* assemblies much more familiar and congenial than that of the city gatherings which marked the early communal period in most

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places. Why would we assume that they had a clear and consistent idea of what they were doing? Why would we assume that they would automatically feel that ruling their peers, and those less powerful than they, would be more honorific than remaining in the traditional hierarchies accepted by their ancestors, which they were, indeed, sometimes still members of, again royal and episcopal ones above all? And why would we assume that, once consular systems were established, their leaders would recognise that this was The Future, and simply set about consolidating them? They were most likely making it up as they went along; they may well have thought of themselves as simply modifying earlier forms of political practice, and they may well have preferred to think this, too. Indeed, some consular régimes do not seem to have been permanent, or very high-profile, at the start; they were 'latent' in Giuliano Milani's nice phrase, as in the cases of Vercelli, Ravenna, and Florence, discussed later.[29] Some elements of the future communal ideal type did become formalised relatively early, notably the city assembly, as we shall see. But even the solidest régimes otherwise developed very informally for a long time, adding on elements as they became necessary and possible, certainly borrowing them from neighbours in one of the classic examples of 'peer polity interaction' (by 1200 most communes had very similar institutional structures, in fact), but proceeding along very ad hoc paths at the start.

It can be added that those who led cities at the end of the eleventh century did not necessarily all want to become consuls at all. Links to kings and bishops, even if by now less power-enhancing on their own, could remain more attractive. The Avvocati family in Lucca, for example, major city figures throughout the eleventh century, and the lay leaders of the city in the thirty years after 1080, do not appear among

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the city's consuls in the first generation after their first real appearance in Lucca in 1119–20, but instead are attested as imperial representatives (*missi*), as 'counts of the sacred palace', an even higher-flown imperial title, and also as episcopal advocates (hence their later surname): these titles and roles seem to have been more prestigious than 'mere' consular office. Once the Lucchese consulate had fully stabilised, they did join it, but that was not until the 1150s.[30] Perhaps they were the family who saw this period most clearly, whereas the actual consuls had less idea of what they were doing. It is hard to tell in Lucca, as there are too few discursive texts which might give us a clue as to people's motives—the major reason why I do not include Lucca, which I know well, among my case studies. But the Avvocati have plenty of parallels in the earliest communes elsewhere, as we shall see. And it is this initial, uncertain, informal period which I shall be concentrating on here, when city leaders of different types—and we shall look at a whole set of different types in our three case studies—were sleepwalking into a new and often radically different régime: all the while, for the most part, pretending that they were doing nothing of the kind.

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