

# Conciliating the Incompatible: the Chancery Activity of the Lords of Milan in the Mirror of Some Charters (Late Fourteenth Century)\*

## *Abstract*

Recent scholarship has highlighted myriad conflicts attending the legitimacy of power and authority at different levels of society in the Duchy of Milan. Against this backdrop I would like to explore how different political cultures could coexist. Indeed, day-to-day life was not made up only by conflicts, and all the players – from the prince downwards – sooner or later were interested in finding a middle road. Given that the relationships between the lords of Milan and the social and territorial bodies of the dominion were generally set out on the grounds of pacts, I assume that in the mirror of these documents it is possible to trace the role of the chancery as a political mediator. Indeed not only played the chancellors a significant role in dealing with the prince's counterparts (like communities or lords of castles), but they had also the responsibility of drawing charters which formalized the agreements. My ultimate goal is to show how, through an accurate selection of words, which each side could interpret in the light of its own political culture, the chancery made the impossible become possible, and mutually incompatible principles and ideals could overlap, apparently without clashing. Hence some concluding remarks on political communication in the state-building process.

*Keywords:* Rural Lordship, Renaissance State, Political Cultures

## *Introduction: the question*

Of the two major pillars on which official political communication between governors and the governed rested - the chancery and the assemblies of estates - only the first was present in Lombardy<sup>1</sup>.

The reasons for this different institutional development should probably be sought in the profoundly urban character of the region. Beyond the Italy of communal traditions, in fact, where the driving force of the processes of political and territorial reconstruction had been princes and sovereigns, and where there was a marked distinction of ranks - that is, juridically defined social groups, each endowed with particular rights, such as

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<sup>1</sup> Actually assemblies of estates were present, but only on a local scale, mainly in some areas of the *contadi*. Cfr. M. DELLA MISERICORDIA, *Divenire comunità. Comuni rurali, poteri locali, identità sociali e territoriali in Valtellina e nella montagna lombarda nel tardo Medioevo*, Milan 2006; F. DEL TREDICI, *Comunità, nobili e gentiluomini nel contado di Milano del Quattrocento*, Milano 2013.

the territorial aristocracy and the clergy - there had developed institutions, assemblies of estates or parliaments, specifically charged with reaching agreement, especially on taxation, between the estates (*Stände*) and the monarch.<sup>2</sup>

The picture in the Peninsula was more complex: there assemblies of estates arose only in the feudal principalities of the Alps, in the Kingdom of Sicily, and in the Papal States, that is, in regions where cities made their presence felt much less.<sup>3</sup> Vice versa, in Lombardy, Emilia and Tuscany, the strong urbanocentric stamp of the political and territorial order, together with the capacity of the *cives* to absorb the nobles, and to make themselves a governing class, had constantly impeded the aristocracy and clergy from developing to the point where they formed their own representative bodies.<sup>4</sup>

This picture did not change from the fourteenth to the fifteenth century with the birth of the regional states, political formations which were constituted by absorbing the city-states (and hence their weighty political legacy as well).<sup>5</sup>

Despite this indubitable continuity, it would be mistaken to get the impression, from the enduring lack of assemblies of estates in a large part of the Peninsula, of a political picture that was immutable in respect to the crucial theme of political communication. For the many social and territorial bodies present in the *contadi* of the cities (territorial aristocracies, communities, townships, rural lordships, etc.), traditionally resistant to the hegemony of the urban centre, the advent of the regional state in fact constituted an opportunity to seek to obtain from the new *dominus* - who, in his turn, needed the

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<sup>2</sup> W. BLOCKMANS, *A Typology of representative institutions in late medieval Europe*, in «Journal of Medieval History», 4, 1978, pp. 189-215; W. BLOCKMANS, *Representation (since the thirteenth century)*, in Ch. ALLMAND (ed.), *The New Cambridge Medieval History*, Cambridge 1998, vol. 7, pp. 29-65.

<sup>3</sup> On the princely entities (lay and ecclesiastical) that arose on the margins of the Italy of communal traditions, see G. CHITTOLINI, *I principati italiani alla fine del Medioevo*, in *Poderes públicos en la Europa Medieval: principados, reinos y coronas*, Pamplona 1997, pp. 233-261. On the diffusion of parliaments in the Peninsula: H.G. KOENIGSBERGER, *Parlamenti e istituzioni rappresentative negli antichi stati italiani*, in *Storia d'Italia, Annali 1*, Torino 1978, pp. 575-613; A. MARONGIU, *Medieval Parliaments: A Comparative Study*, translated by S.J. WOOLF, London 1968.

<sup>4</sup> On the character of the city-states: Ph. JONES, *The Italian City-State. From Commune to Signoria*, Oxford 1997, pp. 360-370; D. ABULAFIA (ed.), *Italy in the Central Middle Ages*, Oxford 2004; more recently, T. SCOTT, *The City-State in Europe, 1000-1600*, Oxford 2012, pp. 17ff. On the reinforcement of signorial, then ducal, prerogatives: J. BLACK, *Absolutism in Renaissance Milan. Plenitude of Power under the Visconti and the Sforza, 1329-1535*, Oxford 2009.

<sup>5</sup> The difference between the principalities of the Po valley - profoundly marked by the culture and role of the cities - and German principalities has been clearly pointed out by G. CHITTOLINI, *Italianische und deutsche Fürstentümer im 15. Jahrhundert: ein Vergleich*, in P. RUCKERT, S. LORENZ (eds.), *Die Visconti und der deutsche Südwesten. Kulturtransfer im Spätmittelalter / I Visconti e la Germania meridionale. Trasferimento culturale nel tardo medioevo*, Ostfildern 2008, pp. 63-87. More generally, also in F. SOMAINI, *The collapse of city-states and the role of urban centres in the new political geography of Renaissance Italy*, in A. GAMBERINI, I. LAZZARINI (eds.), *The Italian Renaissance State*, Cambridge 2012, pp. 239-260; G. CHITTOLINI, *Cities, city-states and regional states in north-central Italy*, in «Theory and Society», 8 (1989), XXI, pp. 689-706.

recognition of the subjects - the grant of those privileges (fiscal, jurisdictional) that the cities were reluctant to concede. It is well to emphasize this particular aspect and its consequences. On one side, in fact, it was in relation to these accords with the prince - by territorial bodies considered untouchable, like veritable pillars of the constitution - that the character of political obligation as a kind of pact, which elsewhere in the peninsula and in the rest of Europe had found expression above all in assemblies of estates, took form in the central and northern regions of Italy.<sup>6</sup> On the other side these same accords - and specifically the chancery documents that gave them form - represent today one of the most precious sources for understanding the mechanisms of political exchange within the confines of the state, and it is for this reason that the following notes will be based on them.

Against this problematic backdrop I propose to investigate the role of medieval chanceries as places of political communication. In particular, I will offer a case-study of the Milanese state in the late fourteenth century, at the time of the Visconti dominion. The final objective is to demonstrate the role of the Visconti chancery in the elaboration of documents in which the different languages of the prince and the territorial bodies could be harmonized, allowing each of the parties to recognize themselves in them, to the point where these accords became the platform on which a political rapport could be constituted.

I shall not, therefore, dwell on the profile of the individual chanceries or over the mechanisms through which the chanceries functioned - all elements already well-studied in the case of the Visconti<sup>7</sup> - but on the ways and forms of interaction between the lords of Milan and their subjects, between their respective ideals of political cohabitation. As will be seen more clearly below, the work of the chancery was complicated not only by divergences between these ideals, but also by their being

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<sup>6</sup> An aspect pointed out by G. CHITTOLINI, *Models of government from below in 15th-century Lombardy. The capitoli di dedizione to Francesco Sforza, 1447-1450*, in W. BLOCKMANS, A. HOLENSTEIN, J. MATHIEU (eds.), *Empowering interactions. Political Cultures and the Emergence of the State in Europe 1300-1900*, Farnham 2009, pp. 51-63, at pp. 52-53.

<sup>7</sup> On the Visconti chancery, see M.F. BARONI, *La formazione della cancelleria viscontea (da Ottone a Gian Galeazzo)*, in «Studi di storia medievale e di diplomatica», 2 (1977), pp. 97-193; M.F. BARONI, *La cancelleria e gli atti cancellereschi dei Visconti, signori di Milano dal 1277 al 1447*, in *Landesherrliche Kanzleien im Spätmittelalter*, München 1984, II, pp. 455-483. More recently, A. GAMBERINI, *Lo stato visconteo. Linguaggi politici e dinamiche costituzionali*, Milan 2005, pp. 35-67. Recent scholarship has highlighted the existence of different chanceries in the Visconti's state: the one of the lord, the one of his wife, the one of the privy council, etc. Given that the documents being analyzed in this essay have been preserved as copies, and do not present the name of the chancellors in charge of their drafting, we need to resign ourselves to renouncing to pinpoint who in the chancery acted as a mediator. This is why in what to follow I shall make use of the word *chancery*, without further indication.

rooted in cultural hinterlands which were often different. A problem, this, fraught with consequences, especially in light of the consideration that the object of political communication between the prince and the social and territorial bodies of the state was not only the parcelling out of prerogatives of jurisdiction or access to resources (material, fiscal, etc.), but the very rules of the political game, shared only in part.

*One dominion, many political cultures*

Becoming lords of Milan at the beginning of the fourteenth century, the Visconti succeeded in the course of a century of building up an extensive state, that reached out from the city of Milan to nearby centres, until it assumed superregional dimensions in the early years of the fifteenth century. On the death of Gian Galeazzo, who had been made duke by the Emperor in 1395, the dominion embraced much of central and northern Italy, from the Alps to Perugia, from Vercelli to Belluno, encompassing Bologna, Pisa and Siena.<sup>8</sup>

For some time, historians have brought to light the composite character of this dominion, in which, despite the efforts of the lord to exercise a more direct and authoritarian government, the many territorial bodies (rural lordships, townships, communities, valley federations, cities, etc.) were by no means absorbed, but retained their own spaces of self-government.<sup>9</sup> Only more recently, however, have historians begun to realize that to this stratification of institutional levels there often corresponded a stratification of political cultures, as the many political actors involved preserved their own customs, their own political categories, their own way of reading and interpreting the relations of subordination.<sup>10</sup>

The result of this sedimentation is represented by the myriad conflicts concerning the legitimacy of power and authority at different levels of society in the Duchy of Milan.

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<sup>8</sup> For a general view: A. GAMBERINI, *Milan and Lombardy in the Era of the Visconti and the Sforza*, in A. GAMBERINI (ed.), *A Companion to Late Medieval and Early Modern Milan. The Distinctive Features of an Italian State*, Leiden – Boston 2015, pp. 19-45; F. DEL TREDICI, *Lombardy under the Visconti and the Sforza*, in GAMBERINI, LAZZARINI (eds.), *The Italian Renaissance State*, pp. 156-176; F. SOMAINI, *Processi costitutivi, dinamiche politiche e strutture istituzionali dello stato visconteo-sforzesco*, in G. GALASSO (ed.), *Storia d'Italia*, vol. VI, *Comuni e Signorie nell'Italia settentrionale: la Lombardia*, Torino 1998, pp. 681-786.

<sup>9</sup> *The Italian Renaissance State*; CHITTOLINI, *Cities, city-states and regional states*; M. GENTILE, *Leviatano regionale o forma-stato composita? Sugli usi possibili di idee vecchie e nuove*, in «Società e storia», 89 (2000), pp. 561-573.

<sup>10</sup> M. DELLA MISERICORDIA, «Per non privarci de nostre raxone, li siamo stati desobidienti». *Patto, giustizia e resistenza nella cultura politica delle comunità alpine nello stato di Milano (XV secolo)*, in C. Nubola, A. Würigler (eds.), *Forme della comunicazione politica in Europa nei secoli XV-XVIII. Suppliche, gravamina, lettere*, Bologna 2004, pp. 147- 215.

To the question, «on what does obedience to a superior power rest?», social players actors expressed responses that were not only different, but often founded on heterogeneous and mutually incompatible principles of political culture (that is, Roman law versus local custom). Accordingly, it is possible to propose a new reading of political conflict in later medieval Italian states, within which opponents were motivated not only by conflicting interests but also, often, by diverse conceptions of political culture.

Up until now, research on Lombardy has mainly focused on the clash between diverse political languages, on the origins of those languages, on the association, sometimes exclusive, between particular political actors and certain languages.<sup>11</sup> In the present article, however, I would like to shift the focus away from such aspects onto the way in which different political cultures could coexist.

Examined carefully, the coexistence seems neither simple nor immediate. Faced with the diversity of political cultures in the dominion, the prince tried at first to impose his own system of values, the juridical *ratio* which he represented, rather than seek an understanding with the territorial bodies.<sup>12</sup>

It is not rare to observe the prince negating political languages different from his own: after all, refusing to recognize them was one way to combat them. This was a line that the Visconti adopted with many political actors. Research on factions, for example, has made clear how our perception of the phenomenon might in large part be founded on the image transmitted by the apparatus of the state and the latent criminalization it fostered. Disorder, violence, feud: these are the characteristics associated with the factions in public documents, increasingly preoccupied with passing over the role of the *Partes* in ordering society (in the cities, seats in councils were shared between factions; in many areas of the dominion, where the factions had territorial bases, fiscal offices were also allotted according to faction; social mobility could be warranted by belonging to a faction, etc.). As Marco Gentile has lucidly observed: «these prejudices are connected to the refusal to recognize the rationale of forms of political and social organization that lost out to the ‘territorial state’ which, between the end of the Middle Ages and the beginning of the modern era, asserted a monopoly on the output of legitimating political discourses and produced categories that continue to shape our

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<sup>11</sup> A. GAMBERINI, *The language of politics and the process of state-building: approaches and interpretations*, in GAMBERINI, LAZZARINI (eds.), *The Italian Renaissance State*, pp. 406-424.

<sup>12</sup> GAMBERINI, *Lo stato visconteo*, pp. 20-21.

‘precomprehension of the political’».<sup>13</sup>

Just as overt was the attempt by the dukes to influence the political culture of the communities (urban and rural), that since the twelfth century had developed around the principles of republican government. To the exaltation of decisions taken unanimously - after deliberations following complex procedures that emphasized the unity of the community and the equality of its members - the prince opposed efficiency and rapidity of execution, especially in relation to the government of the territory. Hence the tendency of central governments (and their local representatives, the officials) to bypass the mediation of local institutions (starting with the assembly of heads of households) and to establish contact with the figures of greatest social standing in the locality. But hence, also, the systematic discrediting by the state of communal political culture, whose practices of association were criticised in moralistic religious language that represented as sinful some features of local public life (insubordination became a manifestation of Pride; the rivalry between groups or communities was attributed to Envy or Anger, etc.), while a new vocabulary of excellence recognized the individuals that the prince had chosen as interlocutors (the *meliores*, the *principales*), in the attempt to sabotage communal egalitarianism.<sup>14</sup>

Despite these attempts by the prince to impose on the territorial bodies of the dominion his own political culture, on several occasions the Visconti had to take note of the impossibility of proceeding along this path, because of the difficulties and the resistance encountered. There were, besides, situations in which the prince himself had to find an accommodation, a compromise, that might perhaps keep up appearances and not openly imply surrender on the part of the state on such delicate matters.

As for the territorial bodies, they were the first to be anxious to find a peaceful *modus vivendi* with the prince, whose role and importance they certainly did not deny. It was at this point that the chancery of the Visconti came into action.

Given that the relationships between the prince and the social and territorial bodies of the dominion were generally defined by pacts<sup>15</sup>, I wish to argue that these documents offer a mirror in which it is possible to trace the role of the chancery as political

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<sup>13</sup> M. GENTILE, *Factions and parties: problems and perspectives*, in GAMBERINI, LAZZARINI (eds.), *The Italian Renaissance State*, pp. 304-322, p. 305. But on these same themes, see also L. ARCANGELI, *Gentiluomini di Lombardia. Ricerche sull'aristocrazia padana del Rinascimento*, Milano 2003, pp. 365-419.

<sup>14</sup> M. DELLA MISERICORDIA, *Principat, communauté et individu au bas Moyen Âge. Cultures politiques dans l'État de Milan*, in «Médiévales», 57 (2009), pp. 93-111.

<sup>15</sup> For a later period, but with much reference to that of the Visconti, see CHITTOLINI, *Models of government from below*, pp. 51-63.

mediator. The distinctive profile of this office – whose chair, the *secretarius*, was the *dominus*' right-hand man<sup>16</sup> – led to producing documents which, in terms of both form and content, aimed at making it possible for different political cultures to coexist. Indeed, not only did the chancellors play a significant role in dealing with the prince's counterparts (such as communities or rural lordships), but they also had the responsibility of drafting the charters that formalized the agreements.<sup>17</sup>

Actually we do not know who pushed most for the chancery's mediation (whether the prince or the territorial bodies), as the sources are less than forthcoming in this regard. What is for sure is that the outcome, in any event, was a win-win situation for everyone involved.

### *The prince and the territorial aristocracies*

As an example of the chancery's activity, I have chosen to analyse the relationships between the lord of Milan and the landed aristocracy, which were always somewhat tense.<sup>18</sup> Although in northern and central Italy the civic communes had sought since the twelfth century to extend their own dominion over the whole *contado* (the territory more or less corresponding to the diocese), almost none had really succeeded in doing this, so that in many areas the end of the communal era and the successive advent of the regional state had created the conditions for the revival of the rural lordship.<sup>19</sup>

In the case of the state of Milan, the attitude of the Visconti, if tolerant at particular moments and in some areas (for example, in the territories near to the frontier, where

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<sup>16</sup> An overview in M. SIMONETTA, *Rinascimento segreto: il mondo del Segretario da Petrarca a Machiavelli*, Milan 2004.

<sup>17</sup> On the political role of chancellors and secretaries in the age of Gian Galeazzo, and in particular of Pasquino Cappelli, see D.M. BUENO DE MESQUITA, *Giangaleazzo Visconti Duke of Milan (1385-1402). A Study in the Political Career of an Italian Despot*, Cambridge 1941, pp. 180-181. For a later period, there is much in F. LEVEROTTI, *Diligentia, obediencia, fides, taciturnitas ... cum modestia. La Cancelleria segreta nel ducato sforzesco*, in «Ricerche Storiche», XXIV/2 (1994) (the whole volume, edited by F. LEVEROTTI, on *Cancelleria e amministrazione negli stati italiani del Rinascimento*, pp. 305-336).

<sup>18</sup> A. GAMBERINI, *Oltre le città. Assetti territoriali e culture aristocratiche nella Lombardia del tardo Medioevo*, Roma 2009; M. GENTILE, *Aristocrazia signorile e costituzione del ducato visconteo-sforzesco. Appunti e problemi di ricerca*, in M. GENTILE, P. SAVY (eds.), *Noblesse et États princiers en Italie et en France au XV<sup>e</sup> siècle*, Rome 2009, pp. 125-155.

<sup>19</sup> F. CENGARLE, *Lordships, fiefs and small states*, in GAMBERINI, LAZZARINI (eds.), *The Italian Renaissance State*, pp. 284-303; G. CHITTOLINI, *The Italian city-state and its territory*, in A. MOLHO, K. RAAFLAUB, J. EMLÉN (eds.), *City States in Classical Antiquity and Medieval Italy: Athens and Rome, Florence and Venice*, Stuttgart 1991, pp. 589-602. On the recovery of the castellan lordships during the fourteenth century: G. CHITTOLINI, *Signorie rurali e feudi alla fine del medioevo*, in *Storia d'Italia*, general editor G. GALASSO, IV, *Comuni e Signorie: istituzioni, società e lotte per l'egemonia*, Torino 1981, pp. 628-631; G.M. VARANINI, *Aristocrazie e poteri nell'Italia centro-settentrionale dalla crisi comunale alle Guerre d'Italia*, in R. BORDONE, G. CASTELNUOVO, G.M. VARANINI, *Le aristocrazie dai signori rurali al patriziato*, Roma-Bari 2004, pp. 121-193.

the lords of castles threatened to adhere to the enemies of the Visconti)<sup>20</sup>, generally tended to oppose this phenomenon and the enlargement of the prerogatives of rural lordship. To this end, were measures such as the enfeoffment of lords of castles (who thus became vassals of the prince), the promulgation of regulations that eroded the fiscal and jurisdictional rights of the feudatories (which the prince tried to make slide from the almost equal condition of vassals to that of subjects), the periodic confiscation or destruction of castles (though often soon rebuilt), etc.<sup>21</sup>

Faced with the Visconti offensive, the territorial aristocracy tried to preserve their own autonomy, sometimes by open rebellion, which also involved the mass of dependent peasants.<sup>22</sup>

Yet it would be limiting to consider this clash a mere fight for power. Behind this struggle it is possible also to detect a clash of values and ideals, which reflected opposing political backgrounds. For example, it is well known that the prince based an important part of his claim to legitimacy on his role of peacemaker.<sup>23</sup> Yet lords of castles contested that role, and even that objective. Faced with attempts by the prince to assert a monopoly of war, landed aristocrats responded with the claim that they had a right to pursue just war (*ius ad bellum*) and that this right was a distinguishing characteristic of their status and, as such, untouchable.<sup>24</sup>

Let us focus on how the sources describe this matter. In the records produced by the duke's chancery, the clashes between lords of castles were dismissed as *rixae* (the Latin term for fights or brawls). The effect was to downgrade the importance of these disputes: indeed, according to the chancery, only the prince could wage war. But the

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<sup>20</sup> As in the case of the Reggiano: A. GAMBERINI, *La città assediata. Poteri e identità politiche a Reggio in età viscontea* Rome 2003.

<sup>21</sup> G. CHITTOLINI, *La formazione dello stato regionale e le istituzioni del contado. Secoli XIV-XV* Milano 1979, pp. 36-100; F. CENGARLE, *Immagine di potere e prassi di governo. La politica feudale di Filippo Maria Visconti*, Roma 2006; F. CENGARLE, *Vassalli et subditi: una proposta di studio a partire dal caso lombardo*, in «Rechtsgeschichte», 13 (2008), pp. 117-132.

<sup>22</sup> The *contado* of Parma, in which there were numerous lords of castles, offered several examples of clashes and resistance. At the end of the fourteenth century the reaction of the territorial aristocracies to the policy of Bernabò, who had confiscated their many castles and imposed heavy taxes, brought about an uprising of nobles and of the peasants they controlled. See A. GAMBERINI, *Il contado di fronte alla città*, in R. GRECI (ed.), *Storia di Parma*, III/1, *Parma medievale: poteri e istituzioni*, Parma 2010, pp. 177-219. But new conflicts in the fifteenth century involved the Rossi family, among the most powerful in the territory of Parma and always resistant to attempts to discipline them on the part of the dukes. See L. ARCANGELI, M. GENTILE (eds.), *Le signorie dei Rossi di Parma tra XIV e XVI secolo*, Firenze 2007.

<sup>23</sup> For the period of Gian Galeazzo: N. VALERI, *La libertà e la pace. Orientamenti politici del Rinascimento italiano*, Torino 1943.

<sup>24</sup> G. CHITTOLINI, *Private War. Some notes on Germany and Italy in the Late Middle Ages*, in Y. Hattori (ed.), *Political Order and Forms of Communication in Medieval and Early Modern Europe*, Rome 2014, pp. 109-132; A. GAMBERINI, *The Vocabulary of War in the Duchy of Milan: a Language of Class*, in *Political Order*, pp. 145-172.

sources linked to the nobles - such as their letters, peace treaties and so on - always used the words «bellum» or «guerra», that is to say, «war». From this perspective, what judicial and political theorists of public law in the early modern era called «private wa» among nobles, was considered by the «gentlemen of Lombardy»<sup>25</sup> to be the expression of an aristocratic right safeguarded by custom and with which no power could legitimately interfere. The aristocracy looked to the prince to ensure, at most, that war between nobles should be conducted according to tradition, following the norms of the feud: nothing else.<sup>26</sup>

Apparently there was very little room for compromise, as the landed aristocracy's military claims could not be revoked overnight. This is why the chancery had eventually to come to terms, not by allowing the nobles to wage war, but by such oblique stratagems as granting them the privilege to carry spears, lances, that is to say, «weapons of war», as they are defined in the Visconti charter.<sup>27</sup>

It is worth emphasizing this process: the chancery denied in principle what in practice it made possible through concessions apparently dealing with different matters. This proved a very effective means of reconciling divergent ideals, as I shall show by analysing another controversial issue, the extent of the autonomy that princes allowed to lords of castles. This matter was generally an object of heated negotiation, and its resolution reflected not only the balance of power between the sides but also a compromise between competing political cultures. As an example, I would like to focus on the rural lordships in the *contado* of Reggio Emilia in the late fourteenth century, for which an extraordinary amount of sources survives (in this respect an exceptional case-study)<sup>28</sup>

The most powerful nobles - those who controlled several castles - had no difficulty in getting the Visconti to issue patent letters granting them, in return for loyalty and military help, «merum et mixtum imperium» (the highest level of jurisdiction), and

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<sup>25</sup> As Machiavelli (*Discorsi sopra la prima deca di Tito Livio*, I,55) termed the great rural nobility. See ARCANGELI, *Gentiluomini di Lombardia*, p. IX.

<sup>26</sup> GAMBERINI, *The vocabulary of war in the Duchy of Milan*. For similar attitudes by governors in different areas and periods: H. SATO, «Peace» or not? *Powers and Communities in Late Medieval Japan*, in «Storica», 2015, in press; M. DELLA MISERICORDIA, *Distinzione aristocratica e militia nella Lombardia alpina del tardo medioevo*, in press.

<sup>27</sup> The right to carry long weapons, such as lances, was recognized only for nobles: Archivio di Stato di Reggio Emilia (from now on referenced as ASRe), *Archivio del Comune*, Registri dei decreti e delle lettere, reg. 1385-89, 1388 (the date is missing), ff. 55v-56r.

<sup>28</sup> For a general view of the Reggiano, see GAMBERINI, *La città assediata*. The situation in the Reggiano was not then very different from that in neighbouring territories. For the Parmense, see GENTILE, *Terra e poteri. Parma e il Parmense nel Ducato visconteo all'inizio del Quattrocento*, Milano 2001.

recognition of their possession of their castles. But if we look at the charters for lesser nobles, the content is quite different.

The case of Guido Savina da Fogliano is to some extent exemplar. When in 1373 he decided to move away from the Este political orbit, he was the most powerful lord in the mountains south of Reggio, controlling some twenty-four castles and more than one hundred and thirty villages. So no wonder he succeeded in negotiating with Bernabò Visconti a pact of *aderenza* including the acknowledgement of the «merum et mixtum imperium» over all of his lands. Actually Guido Savina did not only care about himself: as a good patron, he obtained from Bernabò that some other minor lords – Matteo and Giorgio of the late Niccolò, called Cattaneo de Mandra, and Niccolò Barba Fogliano – should be included in the pact, but given that they controlled a very few castles, they only received the recognition of ownership of their respective fortresses, nothing more<sup>29</sup>.

To the lord of Bismantua, who in 1373 controlled only three castles and 170 peasants, the prince granted «merum et mixtum imperium» for five years, after which the nobleman's jurisdiction would be reduced to possession of his castles.<sup>30</sup>

In the case of Ugolino da Fogliano, who was the lord of only two castles, Bernabò Visconti's letters patent make no mention of «merum et mixtum imperium», but are limited to granting possession of his castles and the right to oblige peasants to guard them.<sup>31</sup>

Additionally, the Dallo were *collegati* to the lord of Milan, who had acknowledged ownership of their few fortresses, but not the «merum et mixtum imperium»<sup>32</sup>, and the Visconti acted in a similar vein towards Niccolò da Fogliano, lord of the castle of Piagna<sup>33</sup>.

Such a condition – the possession of castles without recognition of jurisdiction – was to be so widespread in the late 14<sup>th</sup> century that a jurist of the day could argue: «ut videmus ad oculus per totam Italiam, multi sunt habentes castra qui non habent

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<sup>29</sup> ASRe, *Archivio del Comune*, Capitoli e convenzioni, b. 1191-1418, 1373 novembre 12, Pandino. Niccolò Barba Fogliano got the recognition of the castle of Saltino, whereas Giorgio and Matteo *de Mandra* were acknowledged of the possession of Mandra castle.

<sup>30</sup> ASRe, *Archivio del Comune*, Registri dei decreti e delle lettere, reg. 1337-1425, 1373 gennaio 24, Milano

<sup>31</sup> ASRe, *Archivio del Comune*, Provvisoni del Consiglio generale, 1372 settembre 14, Milano.

<sup>32</sup> GAMBERINI, *La città assediata*, pp. 181-185.

<sup>33</sup> In a petition addressed to the lord of Milan, Niccolò lamented that his peasants had stopped obeying him since his *aderenza* to the Visconti. ASRe, *Archivio del Comune*, Suppliche e lettere a principi, b. 1385-1400, (the date is missing).

iurisdictionem».<sup>34</sup>

Mainstream scholarship tends to consider the limited extent of the aforementioned concessions to be proof of the asymmetrical relationship between the lord of Milan and certain lords of castles, of the consistent ability of the Visconti to assert control over local powers. On the contrary, I believe that this reading is excessively formalistic and, as such, misleading. Indeed, my major objection lies in the fact that it completely decontextualizes the content of the Visconti charters, interpreting them in the light of the legal tradition alone. The fact of the matter is that content has a completely different meaning within the context represented by local custom. And it was this very ambiguity that allowed the Visconti chancery to bring together principles of political cultures from different political horizons.

To understand this issue fully it is necessary to focus on the foundations of legitimacy of power in some regions of the *contado* of Reggio, where lordships of castles were the principal forms of organization.

Let us take as a starting point the relationship between the lords of castles and the peasants. The aspect I would like to highlight is that all parties could agree that the castle (*castrum*) was central to this relationship, based as it was on the exchange of protection for obedience. Each party had a very different conception of the origin of the relationship, however. The lords claimed that their authority over the *homines* (dependent peasants) derived from the theory of territoriality, by which the inhabitants of a territory were subordinated to the person who had *iurisdiction* (jurisdiction) over it. According to Roman law, «*iurisdiction cohaeret territorio*» (jurisdiction is based on territory).<sup>35</sup> The theory is very straightforward: the *homines* (peasants) live in the territory of the castellany - the castellany is the jurisdictional space centred on a *castrum* (manor) - the *dominus* owns the castle, so all the *homines* of the castellany must obey the *dominus*. Within this conception of authority-relationships, the protection provided by the lord was just a corollary of obedience.<sup>36</sup>

Opposed to this view, was the conception of politics that seems to have inspired the peasants. For them, the lord's protection was the premise, not the consequence, of an

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<sup>34</sup> ASRe, *Archivi giudiziari*, Curie della città, Libri delle denunce e delle inquisizioni anni 1388-90, 1388 agosto 30.

<sup>35</sup> P. MARCHETTI, *De iure finium. Diritto e confini tra tardo Medioevo ed età moderna*, Milano 2001, pp. 86-95; D. WILLOWEIT, *Rechtsgrundlagen der Territorialgewalt. Landesobrigkeit, Herrschaftsrechte und Territorium in der Rechtswissenschaft der Neuzeit*, Köln 1975.

<sup>36</sup> GAMBERINI, *Lo stato visconteo*, pp. 203 ff. But it should be noted that this subversive political concept of the principle of territoriality, was by no means peculiar to the territory of Reggio. There were also signs of it in, for instance, the Val d'Ossola: DELLA MISERICORDIA, *Divenire comunità*, p. 858.

obligation: it was the act of *confugere ad castrum* (taking refuge in the castle) - a free and voluntary act, according to the peasants - that activated the exchange of protection for obedience. From this it followed that political subordination was a temporary, not permanent, condition, in that it was limited to the period during which the peasants were enjoying the lord's protection. As such, the provision of obedience was susceptible to interruption. Consequently, in response to promises or threats from a lord, the inhabitants of a community could decide to go to his castle, cutting the bond of obedience to another lord in whose castle they were accustomed to take refuge.

So if a particularly enterprising *dominus castri* flattered or menaced the inhabitants of a community (or even only a few of them), they could decide to *confugere* into his *castrum*, withdrawing from the bond of obedience with the *dominus* whose castle would have sheltered them and showing a blatant denial of the principle of territoriality.

Clearly, for the peasants as well the castle was crucial to the foundation of obedience to a lord. So much so that, when some men were questioned by a magistrate in the city of Reggio Emilia about their dependence on a certain lord, they replied: «Faciebant custodias ad castrum».<sup>37</sup> This statement should be borne in mind, because - as I shall show - it is a crucial point.

To sum up, I have attempted to show that lords of castles were caught between a rock and a hard place. Above them was the prince, who could tolerate the nobles' power, but only if they recognized his authority as superior. The prince's concessions could only be based on the principle of territoriality, the only political language spoken by the prince with regard to legitimacy of power. But beneath lords of castles there were peasants who took no interest in whether the nobles' authority had been delegated by the prince, as their obedience was rooted in a different political culture.

If we consider all these elements, the Visconti charters discussed here are a masterful balancing-act. On the one hand, the prince was satisfied, because he could affirm his suzerainty over the lords of castles: he was in such a strong position that he could afford not to grant them the «merum et mixtum imperium», but just some minor concessions. On the other hand, the nobles were satisfied, because the Visconti's grants assured their possession of their castles and the right to require peasants to guard them. The nobles, that is, retained the features that by local custom justified obedience to their power.

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<sup>37</sup> GAMBERINI, *Lo stato visconteo*, pp. 215-216. The importance of castles in activating the exchange protection for obedience is also recalled in CHITTOLINI, *La formazione dello stato regionale*, p. 102. For an earlier period, see: L. PROVERO, *Le parole dei sudditi. Azioni e scritture della politica contadina nel Duecento*, Spoleto 2012, pp. 261-262.

Even if stripped of the «merum et mixtum imperium», the aristocracy did not consider the prince's concessions to be «minor», as thanks to them their power remained completely unaltered in the eyes of the peasants. And this is the point I was aiming at: through a careful selection of words, which each side could interpret in the light of its own political culture, the chancery made the impossible become possible, and mutually incompatible principles and ideals could overlap, apparently without clashing.

### *Concluding remarks*

In the light of these observations, it is thus possible to formulate some more general thoughts on political communication, an issue which has until now remained in the background of this essay.

A huge amount of research on this topic began in the 1960s – of which Marco Mostert catalogued no less than 6,800 papers relating to the Middle Ages alone! – but in reality, *political communication* is a rather elusive matter, and a term used to describe very diverse studies, ranging from the relationship between orality and literacy to decision-making process<sup>38</sup>.

If, however, we wanted to search for a common thread of recent studies, this would probably be the emphasis placed on the effects of dialogue between political players on their mutual interaction, of which the actual means of communication – be it verbal, ritual or iconic – would provide the evidence. As Federica Cengarle recently put it, in order for communication to be successful, «the communicator needs to place itself partially on the same mental and cultural horizons of the receiver, and has to absorb and/or re-interpret these horizons depending on whether they are aiming to obtain consent or reply to an objection»<sup>39</sup>. Put another way, the language generated thus contains echoes of elements that can be traced back to the speech and reasoning of the other person, seen as the first step towards an agreement on the matters being put forward.

The research presented here followed a different path compared to this methodological approach. Rather than considering the presence of shared elements of conversation (in

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<sup>38</sup> For a general view: B. STOLLBERG-RILINGER, *The impact of communication theory on the analysis of the early modern statebuilding process*, in *Empowering Interactions*, pp. 313-326; M. MORSTET (ed.), *New Approaches to Medieval Communication*, Turnhout 1999; Y. HATTORI, *Communication, conflict, ritual and order. An introduction*, in Y. HATTORI (ed.), *Political Order*, pp. 7-29. As of 2012 Mostert accounts for 6.800 titles on political communication in the Middle Ages: M. MOSTERT, *A Bibliography of Works on Medieval Communication*, Turnhout 2012, pp. 2-3.

<sup>39</sup> F. CENGARLE, *Les maestà all'ombra del biscione. Dalle città lombarde ad una 'monarchia' europea*, Roma 2014.

the aforementioned cases: the castle and the obligation of the men to guard the castle) as a sign of an early integration, I have tried to put those same elements into the context of the political culture of the individuals involved. This has led to the discovery of the true meaning of the communication in the cases at hand, namely to generate a political link between the lord of Milan and the lords of Reggio, certainly not to discipline the latter, and even less to conform the local political cultures to those of the Visconti family.

In the matter being examined, in fact, political communication, far from being the main path along which the various players negotiated common political rules (in other words, the foundations of political obligation, which justified the obedience to a higher power), seems on the contrary to have achieved the opposite effect: to allow the coordination between worlds that continue to live according to different political cultures, without any attempt to bring these cultures closer to one another. It would appear, therefore, that one of the basic assumptions of the modern theories on political communication is missing: in other words, that communication (in the sense of interaction) always involves «common rules, conventions and standardizations» and ultimately, therefore, an alignment of the contents<sup>40</sup>.

It is not my ambition to handle the issues of this essay as the basis for an abstract theory of political communication: on the contrary, I would like to warn against generalization. But that is not all. The very episodes involving the lords of castles in Reggio make it possible to focus on another aspect of dialectics with the prince. The Visconti and the local lords (*domini loci*) did not only disagree on the rules of political coexistence, but also on those of political communication, as proved by the skirmishes on the documentary form used by the respective players to ratify their pacts of *aderenza* (as technically these accords were called, including rights and duties for both parties)<sup>41</sup>.

The documentary form given by the Visconti to the privileges granted to lords of castles in the ambit of the *aderenze* was that of letters patent, that is open letters, issued by a

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<sup>40</sup> STOLLBERG-RILINGER, *The impact of communication theory*, p. 314. Along similar lines F. Titone (ed.), *Disciplined Dissent. Strategies of Non-Confrontational Protest in Europe from the Twelfth to the Early Sixteenth Century*, Rome 2016

<sup>41</sup> Letters patent generally sealed the conclusion of a pact of *aderenza*: G. SORANZO, *Collegati, raccomandati e aderenti negli stati italiani dei secoli XIV e XV*, in «Archivio storico italiano», 99 (1941), 3-35; U. PETRONIO, *Adhaerentes. Un problema teorico di diritto comune*, in *Scritti in memoria di Domenico Barillaro*, Milano 1982, pp. 41-84. More recently: R FUBINI, *Potenze grosse e piccolo stato nell'Italia del Rinascimento: consapevolezza della distinzione e dinamica dei poteri*, in L. BARLETTA, F. CARDINI, G. GALASSO (eds.), *Il piccolo Stato. Politica, storia, diplomazia*, San Marino 2003, pp. 91-126; G. CHITTOLINI, *Ascesa e declino di piccoli stati signorili (Italia centro-settentrionale, metà Trecento)*, in «Società e storia», 31 (2008), n. 121, pp. 455-480.

publicly acknowledged authority, sealed with the most solemn seal, and addressed «To All and Singular to whom these presents shall to come...» («Noverint universis et singulis...»).<sup>42</sup>

In reality, the type of document used for the ratification by the other players reveals how a fierce ideological battle was being fought out in writing. In fact, while some *domini castri* resigned themselves, once they had received the *aderenza*, to taking the oath of fidelity to the Visconti through a notarial instrument - a private document, reflecting their status of subjects! - other lords of castles, motivated by an elevated sense of self, promulgated letters patent themselves, openly declaring the public nature of their own power and their good right to treat the great territorial princes as their peers.<sup>43</sup>

In a society such as that of the later Middle Ages, in which the distinction between what belonged to the public sphere and what belonged to the private sphere was much vaguer than today<sup>44</sup>, it could thus happen that the same agreement, the *aderenza*, assumed profoundly different meanings, depending on the documentary form that each part gave to its own ratification.

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<sup>42</sup> On letters patent, see: H. BRESSLAU, *Manuale di Diplomatica per la Germania e l'Italia*, translated by A.M. Voci Roth, Roma 1998, pp. 65-77; *Vocabulaire international de la diplomatie*, ed. M.M. CÁRCEL ORTÍ, 2. ed., València 1997, *ad vocem* < <http://www.cei.lmu.de/VID/VID.php?423> >; A.R. NATALE, *Stilus cancellariae. Formularii visconteo-sforzesco*, Milano 1979, p. lxxvi. See also: G. CONSTABLE, *Letters and letter-collections*, Turnhout 1976, pp. 47-48. A recent synthesis on chancery documents, in I. Lazzarini, *Materiali per una didattica delle scritture pubbliche di cancelleria nell'Italia del Quattrocento*, in «Scrineum Rivista», 2 (2004) < <http://scrineum.unipv.it/rivista/2-2004/lazzarini.pdf> >; N. COVINI, *Scrivere al principe. Il carteggio interno sforzesco e la storia documentaria delle istituzioni*, in I. Lazzarini (ed.), *Scritture e potere. Pratiche documentarie e forme di governo nell'Italia tardomedievale (XIV-XV secolo)*, in «Reti medievali. Rivista», 9 (2008), n. 1, pp. 1-32 < [www.retimedievali.it](http://www.retimedievali.it) >; A. BARTOLI LANGELI, *La documentazione degli stati italiani nei secoli XIII-XV: forme, organizzazione, personale*, in *Culture et idéologie dans la genèse de l'État moderne*, Rome 1985, pp. 35-55. See also G.M. Varanini, *Public written records*, in GAMBERINI, LAZZARINI (eds.), *The Italian Renaissance State*, pp. 385-405.

<sup>43</sup> GAMBERINI, *Lo stato visconteo*, pp. 55-56. See also H. KELLER, *The privilege in the public Interaction of the exercise of power: forms of symbolic communication beyond the text*, in M. MOSTERT, P.S. BARNWELL (eds.), *Medieval legal process: physical, spoken and written performance in the Middle Ages*, Turnhout 2011, pp. 75-108.

<sup>44</sup> G. CHITTOLINI, *The 'Private', the 'Public', the State*, in J. KIRSHNER (ed.), *The Origins of the State in Italy, 1300-1600*, Chicago 1996, pp. 34-61.