

Gender and Peace

Intermarriage Between Four Communes in the March of Ancona in 1306

Didier Lett

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IN **ANNALES. HISTOIRE, SCIENCES SOCIALES** 2012/3 67th Year , PAGES 453 TO 479

PUBLISHER **ÉDITIONS DE L'EHESS**

ISSN 2268-3763

Uploaded: 02/08/2013

Article available online at

<https://shs.cairn.info/journal-Annales-2012-3-page-453?lang=en>



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On February 18, 1306 in the Communal Palace of Macerata, a *concordia* was signed in the presence of two papal legates between the city of Camerino and three neighboring *quasi-città*¹: Matelica, San Severino, and Fabriano.² To secure the peace, the treaty contained a number of very specific clauses, including those imposing a series of marriages between inhabitants of these four communes.

By the authority and the power [to act], for the good of peace and concord between the said parties and in the province of the March, and for the safekeeping of the said peace, concord, and friendship, we wish, order, decree, establish, recommend, and require, upon pain of the aforementioned punishment, that in eight days the commune of Camerino choose and delegate four, six or eight wise and upstanding men of the city Camerino, and

This article was translated from the French by Katharine Throssell and edited by Angela Krieger and Stephen Sawyer.

1. The concept was forged by Giorgio Chittolini to designate communes that do not have the status of papal cities but which have equal or superior demographic, economic, and political weight. See Giorgio Chittolini, “‘Quasi-città.’ Borghi e terre in area lombarda nel tardo medioevo,” *Società e storia* 47 (1990): 3-26, reprinted in Giorgio Chittolini, *Città, comunità e feudi nell’Italia centro-settentrionale (secoli XIV-XVI)* (Milan: Unicopli, 1996), 85-104.

2. *Archivio Storico Comunale di Matelica, Pergamena*, no. 838; text mentioned in Camillo Acquacotta, *Lapidi e documenti alle memorie di Matelica* (Ancona: Baluffi, 1838), 1:111 and published (abridged) in *ibid.* (1839) doc. 100, 2:181-90. The parchment is included in the inventory by Giulio Grimaldi, *Archivio Storico Comunale di Matelica, Indice delle pergamene*, no. 838, p. 281.

that each of the said communes of San Severino, Fabriano, and Matelica choose within the same period the same number, and that each of the said lands of Camerino, Fabriano, San Severino, and Matelica, jointly with each father in these different lands, give to those that they delegate for these different lands, full and general power to negotiate, decide, and carry out the betrothals and marriages as per below; and also, if necessary and if it appears opportune to the said noble men who have been delegated, [to be able] to partially or wholly provide the women entering into betrothal and marriage, with the financial gains of these said lands. The noble men must order and undertake the marriage of forty women of the city of Camerino (of which some will come from the best families, others from middling families, and the remainder from the rest of the city) into the castrum of San Severino, twenty into that of Matelica, and ten into that of Fabriano. Vice versa, forty women of the best, middling, and lowest families from the fort of San Severino, twenty from that of Matelica, and ten from that of Fabriano will be married into the city of Camerino. One third of these marriages must occur within the next two months, another third in the two months that follow, and the remainder in the two months that follow these four months. Those who take a wife from the town of Camerino will be considered citizens of that city, and those who receive a wife from the lands of Fabriano, San Severino, and Matelica will be considered castellani of the lands from which their wives originate.³

Here is an original instance of collective intermarriage, at the level not of family groups but of neighboring towns. It is not so much the union of a man and a woman

3. "Item auctoritate et potestate predictis pro bono pacis et concordie inter dictas partes et in provincia Marchie, et pro conservatione dicte pacis, concordie et ami / citie, volumus, ordinamus, declaramus, deffinimus, precipimus et mandamus quod commune Camerini eligat et deputet quatuor, sex vel octo probos et sapientes homines civitatis Camerini infra octo dies et quelibet ex dictis communautiis Sancti Severini, Fabriani et Mathelice infra dictum terminum deputet totidem et quelibet ex dictis terris Camerini, Fabriani, Sancti Severini et Mathelice in comuni et etiam singulares persone dictarum terrarum patresfamilias dent plenam, generalem et liberam potestatem illis quos duxerint deputandos pro singulis terris predictis trac / tandi, ordinandi et faciendi sponsalia et matrimonia infrascripta. Et etiam si opus fuerit et predictis probis viris deputandis visum fuerit expedire de bonis terrarum predictarum de quibus assumuntur mulieres sponsalia vel matrimonium contrahentes in totum vel in / partem dotandi easdem. Per predictos autem probos viros ad hec deputatos procuretur effectualiter et ordinetur quod de civitate Camerini maritentur quadraginta mulieres, quarum aliquae sint de majoribus, aliquae de mediocribus et aliquae de aliis dicte civitatis in castro Sancti Severini / et viginti in castro Mathelice et decem in castro Fabriani. Et vice versa, quadraginta mulieres de majoribus, mediocribus et inferioribus castri Sancti Severini et viginti de castro Mathelice et decem de castro Fabriani maritentur in dicta civitate Camerini. Et / de dictis matrimoniis compleatur et fiat tertia pars infra duos menses proximos, altera vero tertia pars infra alios duos menses tunc sequentes et alia tertia pars infra alios duos menses post dictos quatuor menses immédiate sequentes. Illi autem qui accipient in uxores mulieres / civitatis Camerini sint et reputentur cives predicte civitatis et illi de dicta civitate Camerini qui recipient in uxores mulieres dictarum terrarum Fabriani, Sancti Severini et Mathelice sint et reputentur castellani illius terre, de qua originem uxor acceperit eorumdem." Grimaldi, *Archivio Storico Comunale di Matelica*, no. 838, published in part in Acquacotta, *Lapidi e documenti* 2:184-85.

from formerly enemy communes that is meant to produce peace here but rather the fact that a socially representative sample of 140 men were to become brothers-in-law through the transfer of 140 women.⁴ The papal delegates who produced this remarkable document, which was validated by the communal elites, thus attempted to impose a form of peace whereby marriage was more than a simple exchange. The number of people involved as well as the goal of including the entire social body make this type of matrimonial union reminiscent of (without being the same as) Claude Lévi-Strauss's notion of "organic fusion." Lévi-Strauss elaborated this notion in a study of the exchanges between two groups of Nambikwara, inhabitants of central Mato Grosso, whom he observed for nearly a year (1938-1939). He writes: "They had decided to merge by deciding that all the children of one group would be automatically betrothed to all the children of the other group, which would, in several years ensure the organic fusion of the two groups ... As a result of the specific kinship system of the Nambikwara ... the fact that the children were promised to each other transformed all the men in the two groups into 'brothers-in-law' and all the women in the two groups into 'sisters,' at least theoretically. Henceforth, the two groups became one."⁵

However, the document that will be studied here is rather unusual, since it presents an isolated example amongst all the documented rituals of reconciliation in communal Italy. Furthermore, this clause, like the rest of this very precise and particular reconciliation program was never applied. Indeed, the treaty failed to put an end to hostilities, which immediately resumed in the days following the promulgation of this text (particularly between Camerino and Matelica). Thus, none of these marriages was ever celebrated. Historians confronted with this situation should not limit themselves to the analysis of the structures and prescriptions of rituals. Instead, they may describe the event as "a unique actualization of a general phenomenon, a contingent realization of the cultural pattern"⁶—one made all the more contingent because peace was never obtained. In the years preceding the signature of this *concordia*,⁷ other treaties were signed in order to end or attempt

4. Analyzing Pierre-Paul Rubens's painting, *L'enlèvement des filles de Leucippe*, completed between 1615 and 1618, Margaret Carroll demonstrated that the union of a man and woman from enemy clans does not in itself lead to peace. The latter is instead the result of the fact that men become brothers by exchanging women. See Margaret D. Carroll, "The Erotics of Absolutism: Rubens and the Mystification of Sexual Violence," *Représentations* 25 (1989): 3-30.

5. Claude Lévi-Strauss, "La politique étrangère d'une société primitive," *Politique étrangère* 14-2 (1949): 146.

6. See Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985), vii.

7. Although both of these terms (*pax* and *concordia*) were used by the writer to describe the text studied here, I have chosen to use the term *concordia*, or "peace treaty" in English. The term *pax* refers to peace as well as calm and tranquility (also on a personal level), whereas *concordia* only refers to calm established between several elements and denotes a community of feeling, union, and harmony. See Anna Osbat, "'È il perdonar magnanima vendetta,' I pacificatori tra bene comune e amor di Dio," *Ricerche di storia sociale e religiosa* 53 (1998): 125. Of the two ancient divinities referred to by Ovid and

to end conflicts between communes in this region.⁸ On January 28, 1306, three weeks before the peace treaty, another *concordia* was produced by the same two papal legates in the Communal Palace of Macerata to attempt to resolve the differences between Fermo and San Ginesio.⁹ These texts offer few points of comparison with the *concordia* in question. The January 28, 1306 text contains prescriptions that are less abundant and original than the rituals in the *concordia* initially evoked in this essay: the sharing of a kiss of peace (*osculum*), the liberation of prisoners, and the banning of fortifications and delimiting of lands. How can these exceptional, extraordinary, and even absurd instructions be described then? Who amongst those present at the signing of the *concordia* on February 18 really believed that these carefully planned intermarriages would take place before the end of the year 1306, in a context still wrought with tension between Camerino and its three enemy *quasi-città*? Did papal rhetoric, with its depiction of an idyllic society characterized by peace and fraternity, overtake everything in its path? Did communal elites, conscious of the utopian nature of the project, simply consent in order to “have peace?” Why were such original and meticulously detailed rituals planned, apparently for nothing? Perhaps it is necessary to consider that the social impact lies in the production of the text itself. The uniqueness of this document is also key to understanding the fact that it does not reveal so much as construct the social within a specific context.

The excerpt from the text concerning intermarriages mobilizes men and women who were socially very different and part of a complex network of relations. Moreover, these men and women were living in four communes under specific, different, and fluctuating legislation (*jus proprium*), which attempted to define what constitutes a foreigner or a citizen and which under normal circumstances laid out rules for organizing the transfer of dowry following marital unions. The prescriptions laid out in this document were not exempt from the social relations in which they were situated. These contextual details make it necessary to shift one’s anthropological gaze from the symbolic structures to the dynamics of interaction in order to observe—as that is the ultimate focus of this article—both how the “gender distinction” was understood during a particular period and in a particular historical, relational, and documentary context as well as how a gender regime is established. The latter may be understood on a number of levels: first, through an analysis of the roles assigned by elite males to all the women of the community in the reconciliation rituals; second, through the study of marriage, which represented a figure of peace on a small scale; third, by looking at the framework put

Cicero, *Pax* and *Concordia*, the oldest is *Concordia* who personifies the political union of citizens and the affection between relations, especially between husbands and wives.

8. Amongst those that have been preserved, one can cite the peace between Macerata and Ancona (1269), Macerata and Montecassiano (1272), Macerata and Montolmo (today Corridonia; 1272) or between Macerata and Montemilone (today Pollenza; 1277). See Dante Cecchi, “Sull’istituto della Pax dalle costituzioni Egidiane agli inizi del secolo XIX nella Marca di Ancona,” *Studi maceratesi* 3 (1968): 128.

9. Text published in Giuseppe Colucci, *Della Antichità Picene* (Fermo: 1786-1797), anastatic reproduction (Ripatransone: 1999): 19:LXXIII-LXXIX.

in place to ensure the transfer of dowries; and finally, by examining citizenship. The women were required to be mediators: they had to promote peace in their households so that it could then spread throughout the entire community, and they had to confer citizenship on their husbands in order for the men to maintain their dominant position.

Like the rest of the peace treaty, the organization of intermarriages does not reveal a hidden order in which gender differences were permanently inscribed but instead sought to produce relations between the principal actors of the four communities concerned and assigned different roles to the men and women living there. Thus, the gender analysis I am proposing here is part of a pragmatic approach that includes all the questions raised by a more strictly documentary analysis while neglecting none of the other forms of domination and social differentiation. This is why, keeping as close to the sources as possible, I will begin by describing the document, which is unique both in its materiality and content, as a point of departure for the observation of the gender regime. I shall then discuss the question of the symbolic and social meaning of these intermarriages as metaphors of peace, while focusing on the roles that the men attributed to the women. Finally, delving as deeply as possible into the ethnographic details of these rituals, I shall demonstrate how these men organized the transfer of wives, dowries, and citizenship.

The Documentary, Political, and Social Context

A Composite *Rotulus*

Given that the study of gender regimes is, like that of all social practices, dependent on documentary practices, it is first necessary to examine the documentation so as not to confuse discursive practices and social relations (which, in this instance, involve gender). The document of interest here is conserved in the communal archives of Matelica.¹⁰ It is part of a collection containing a range of documents, mostly attestations of acquittals from appeals made to the rector of the Marche, either for individual cases (for example, homicides) or more often on behalf of the commune of Matelica represented by a government administrator.¹¹ The documentary environment of the text studied here enables us to partly understand the reasons for its conservation. Among the acts immediately prior to the *concordia* is the pardon (act implemented in the Palace of Macerata) accorded to the commune

10. No other copy was preserved in the three other communes concerned by the treaty. However, a copy exists in the Vatican archives and is partially published in Ludwig Schütte, *Vatikanische Aktenstücke zur Italienischen Legation des Duranti und Pilifort, d. J. 1305-1306* (Leobschütz: Druck von W. Witke, 1909), 29-32.

11. It is thus possible to observe how an appeal before the rector by a commune in the Marche really functioned. In these acts, at the end of the thirteenth and beginning of the fourteenth centuries, one can also consult the number of mills purchased by the commune, lists of taxpayers per neighborhood, etc. See Grimaldi, *Archivio Storico Comunale di Matelica*, 254-87.

on March 26, 1304 by Rambaldo, rector of the March of Ancona and Count of Treviso, for leaguings with Fabriano and San Severino against Camerino (the *Liga Comunantiarum*¹²). There is also a call for condemnation dated June 20, 1305, from the commune to the rector, which accuses Matelica of bringing aid to Fermo against San Ginesio and having hindered Esanatoglia and Camerino. Next, there are copies (dated April 9, 1306) of two papal bulls fulminated on August 18, 1305, against all the officers, communes, and nobles of Tuscany, the March of Ancona, Romagna, and the Duchy of Spoleto in order to aid the actions of Guillaume Durand and Pelfort de Rabastens, the two papal legates charged by the Pope with re-establishing peace in the region, or at least imposing a peace treaty.¹³ Finally, there are two other appeals from the commune addressed this time directly to the Pope, dated December 9, 1305, and implemented in the palace of Macerata. The first is an appeal against a condemnation pronounced by the general criminal magistrate to the same Rambaldo against Matelica, accused of having perpetrated violent acts with men of Fabriano and San Severino against Esanatoglia. The second is an appeal against the condemnation pronounced by the rector for having provided military aid to the Count Speranza da Montefeltro against the city of Fano.¹⁴ Immediately following the *concordia* is an act dated March 29, 1306, in which the representative of Camerino refuses to recognize the right of the two papal legates to decide matters concerning the *castra* (particularly that of Santa Maria in Monte), which according to him belong to Camerino. Another act, probably also dated March 29, 1306, states that the two papal legates announced that they are obliged to leave the region to deliver the reports of their legation to the Pope *ultra montes*, but they confirm the *concordia* signed a month earlier and redefine the confines and possessions of the *castra* between Camerino, San Severino and Matelica—a decision against which the government administrator of Camerino appealed immediately.¹⁵ Through this brief enumeration of the documentary environment of the text studied here, one can see why the commune would have conserved this series of acts so preciously; they demonstrate both their good behavior towards the papacy and indirectly provide insurance against the possibility of appeals against Camerino.

12. After 1312, this league was referred to as the *Liga Amicorum terrarum Marchiae*. See Virginio Villani, *Signori e comuni nel medioevo marchigiano. Il Conti di Buscareto* (Ancona: Deputazione di storia patria per le Marche, 1992), 59-62.

13. Guillaume VI Durand (Bishop of Mende from 1296 until his death in 1330) was the nephew of Guillaume V Durand, the author of *Rationale divinarum officiorum*. During the summer of 1305, Pope Clement V had already given him, along with Pelfort de Rabastens, a mandate to intervene in favor of the Ghibellines besieged in Pistoia by the Guelphs (without success). Pelfort de Rabastens, Abbot of Lombez, became Bishop of Pamiers from 1312 to 1317, was made Cardinal by Pope John XXII in 1320, and died around 1330. On Guillaume Durand, see Philippe Maurice, *Fasti Ecclesiae Gallicanae – Diocèse de Mende* (Turnhout: Brepols, 2004), note 129.

14. Acts 820, 829, 831, 835, and 836 respectively, in Grimaldi, *Archivio Storico Comunale di Matelica*, 278-81.

15. Acts 840 and 841 respectively. *Ibid.*, 281-82, partially published in Acquacotta, *Lapidi e documenti*, nos. 101 and 102, pp. 190-99.

The document in which the *concordia* appears is the longest and most meticulously written of the whole collection. It takes the form of a *rotulus* of approximately 54 centimeters wide by 316 centimeters long, made up of five pieces of parchment sewn together (four that are approximately 70 centimeters and one that is 36 centimeters long). The two notaries who wrote the act drew their respective *signum* four times on either side of each join in the parchment, one on the left and one on the right. This document is composed of a long text of the *concordia*, which occupies nearly three quarters of the text, followed by copies of two papal bulls issued by Pope Clement V the year before announcing the arrival of the two papal legates. The first of these bulls was addressed to the clerks and the second to the two legates the Bishop of Mende Guillaume Durand and Pelfort de Rabastens, abbot of Lombez. When they arrived in the Marche, these men convened a parliament in Montolmo (today Corridonia, southeast of Macerata) on January 15, 1306, in order to implement peace treaties in the region.¹⁶ On the *rotulus* are also the acts addressed to the government administrators of the respective communes¹⁷ as well as the validation and signatures of the notaries. The *concordia* was “acta, data et recitata ... in palatio communis” in Macerata, the seat of the rector of the March of Ancona since 1278—neutral in the conflict but above all a symbol of papal power in the Marches. During the implementation of the act the two papal legates, Rambaldo, Frederic the Bishop of Recanati,¹⁸ Gabriele de Pazienti, *rector in spiritualibus*, and many *probi homines* of the four communes were all present.

The clauses of the treaty often begin with a legitimizing statement, such as “For the good of peace and concord between the said parties and in the province of the March” or “For the preservation of peace, concord and friendship.” War and peace are recurring themes in the discourses of communal Italy.¹⁹ Military glory

16. See Lodovico Zdekauer, *Gli atti del Parlamento di Montolmo del 25 gennaio 1306* (Rome: Tipografia della R. Accademia dei Lincei, 1915); Lodovico Zdekauer “Magistrature e Consigli nei Comuni Marchigiani agli inizi del Trecento,” *Atti e memorie della R. Deputazione di Storia Patria per le Marche* series III, vol. II, 1916-1917, pp. 221-57. See also Dante Cecchi, *Il Parlamento e la Congregazione provinciale della Marca di Ancona* (Milan: Giuffrè, 1965).

17. The government administrators included *magister* Francesco di Crisco for Camerino (February 10, 1306), Branchitto di Andrea for San Severino (January 23, 1306), Cicco di Villano di Tebaldo for Fabriano (January 21, 1306), and *magister* Matteo di *magister* Giunta for Matelica (January 22, 1306).

18. Nineteen years later, Frederic was one of the two commissioners mandated by Pope John XXII to prepare the canonization of Nicolas de Tolentino in 1325. See Didier Lett, *Un procès de canonisation au Moyen Âge. Essai d'histoire sociale. Nicolas de Tolentino, 1325* (Paris: Presses Universitaires de France, 2008), 126-28.

19. For an initial overview, see Alessandro Barbero, “Il castello, il comune, il campanile. Attitudini militari e mestiere delle armi in un paese diviso,” in *Storia d'Italia. Annali*, vol. 18, *Guerra e pace*, ed. Walter Barberis (Turin: G. Einaudi, 2002), 47-69. For summaries of the medieval period, see: Thomas Renna “The Idea of Peace in the West, 500-1500,” *The Journal of Medieval History* 6-3 (June 1980): 143-68; Kiril Petkov, *The Kiss of Peace: Ritual, Self, and Society in the High and Late Medieval West* (Boston: Brill, 2003). On the close social links between peace and war or, rather, reconciliation and penance at the end of the Middle Ages and in the modern era, see: Ottavia Niccoli, “Rinuncia,

was obligatory for *laudes urbis*,²⁰ but wisdom, justice, and an ability to maintain peace were also required for good governance. This rhetoric of peace was central in the papal letters, in which the Pope presented these interventions in the Marches (or elsewhere) as part of a desire to return to *pax*, *quies* or *tranquillitas*. As the representative of God on Earth, the Pope was the archetypal *princeps pacis*.²¹ In the papal letters, his legates, who were an extension of his pacifying action, are occasionally designated as “angels of peace.”

Reconciliation Through Ritual

The clause dealing with intermarriages thus only occupies a few lines within a composite document. It is equally important to situate this clause within the framework of an ensemble of recommendations that can only be understood as a unit. I would now like to turn to the clauses in the order in which they appear in the text.

Firstly, the ambassadors of each commune, present in Macerata (government administrator, prosecutors, podesta, and vicars) had to give each other a kiss of peace, which was the first act of reconciliation.²² Then all the inhabitants (*cives*, *castellani*, and *habitatores* of the four communes)—exclusively men (*mares*) between the ages of 18 and 70—had to swear an oath on the Bible before the representatives of the four communes indicating that they would respect the peace. This oath (*juramentum* or *sacramentum*) was to be renewed every three years and had to first be sworn in Camerino in the presence of the ambassadors and government administrators of the other communes, then in Fabriano, San Severino, and Matelica in the presence of the ambassadors and government administrators of the episcopal city. The text of the *concordia* then specifies that, upon paying a fine of 100 pounds,

pace, perdono. Rituali di pacificazione nella prima età moderna,” *Studi storici* 40-1 (1999): 219-61; Marco Bellabarba, “Pace pubblica e pace privata: linguaggi e istituzioni processuali nell’Italia moderna,” in *Criminalità e giustizia in Germania e in Italia: pratiche giudiziarie e linguaggi giuridici tra tardo Medioevo ed età moderna*, eds. Marco Bellabarba et al. (Bologne: Il Mulino, 2001), 189-213; and Osbat, “È il perdonar magnanima vendetta,” 121-46. A general study over the long term of the notions of *pax* and *concordia* in the March of Ancona is provided by Cecchi, “Sull’istituto della pax,” 103-61.

20. Gina Fasoli, “La coscienza civica nelle ‘laudes civitatum,’” in *La coscienza cittadina nei comuni italiani del Duecento, Atti del XI Convegno del Centro di Studi Sulla Spiritualità Medievale* (Todi: Academia tudertina, 1972), 11-44.

21. See Nicolas Offenstadt, “Le pape et la paix,” in *Faire la paix au Moyen Âge. Discours et gestes de paix pendant la guerre de Cent Ans* (Paris: Odile Jacob, 2007), 77-83. Pope Clement VI’s *Tertia vita*, for example, qualified him as the “dispenser of harmony (*concordie sator*),” “in love with peace (*pacis amator*)” or “source of friendship (*amicitie fomes*).”

22. Many of these elites were present at the parliament in Montolmo the month before on January 15, 1306. In addition to the government administrators of each commune, there were, for Camerino, Brodario de Sassoferrato, Captain of the People, Berardo de Varano, and other representatives of the episcopal town (the most damaged part of the parchment); for San Severino, Rainaldo da Castiglione d’Arezzo, *juris peritus* and vicar of the podesta; for Fabriano, Tommaso da Labro, podesta; for Matelica, Giacomo da Acquapendente, *juris peritus* and vicar of the podesta.

all persons writing or dictating a will must oblige their heirs to respect the clauses of the treaty. It was then decided that, within a three-day period, all those who possessed banners or arms with the *signum* of the former enemy commune, which were won during past battles, should remove them from all public spaces where they were previously kept or displayed. All ostentatious signs of conflict and anything likely to humiliate the other parties had to be removed. All signs of previous discord had to be erased from the communal memory and forgotten, as “peace is found in silence and forgetting.”²³

The clause relative to intermarriage follows these initial prescriptions. Next are found measures aiming to establish equality of integration and exclusion (the latter being the opposite of citizenship, just as war is the opposite of peace) between the communes. Within eight days, the statutes of the four communes had to record the permanent exemption from taxes and tolls for “citizens” (*castellani*) in the three *quasi-città* trading in the Varanos’ episcopal city and its surrounding area “as though they were citizens of Camerino,” and, vice versa, the inhabitants of Camerino were also exempt as though they were *castellani* of the three other communes.²⁴ It goes on to stipulate that he who committed a crime against an inhabitant of a formerly enemy commune would incur double the punishment than if the crime had been committed against one of his fellow citizens. One must remember that in most of the communal statutes of the region, a foreigner often had to pay a fine twice as large as what a citizen would pay for the same crime. While a citizen was twice as protected as a foreigner under “normal” circumstances, in peacetime it was the foreigner who was twice as protected. The text also stipulates that those who were banished for treason, homicide or capital offences in one city could not be welcomed in the other three communes and that all the banishments that had been previously pronounced because of war, and “in hatred of the Guelph and Ghibelline factions” (the only time in the text where these categories are used), were to be annulled within eight days. The *concordia* additionally required that all those detaining prisoners captured during the war should bring them to Macerata the following Wednesday (February 23), where they would be liberated. The officer of the Bishop was then asked to remind the four towns, at the diocesan synod, not to violate the peace treaty under penalty of excommunication, the government administrators and representatives of the four towns were asked to give their accord and to approve the signed articles within eight days. Finally, the text restates the rights of each commune in the different localities of its *contado*, and, in order

23. Offenstadt, *Faire la paix*, 49.

24. Even though none of these four statutes bears the trace of this instruction, one can observe the ability of the *statuti* of Italian communes to quickly integrate contextual elements. This suggests that statutory texts, centered on local usage and deeply anchored in a specific territory, were not a rigid norm and instead provided a way of studying practices. As Paolo Cammarosano writes: “Chi analizza un testo statutario deve quindi cercare in prima istanza di ricostruirne la posizione e la dinamica nel tempo, la relazione con le altre componenti del quadro istituzionale, l’articolazione in un sistema di relazioni territoriali.” See Paolo Cammarosano, *Italia medievale. Struttura e geografia delle fonti scritte* (Rome: La Nuova Italia scientifica, 1991; repr. 2000), 156.

to avoid the perpetual conflicts of delimitation of these areas, the papal envoys reserved the right to determine the limits of each of these communities.²⁵ If a commune did not respect all of the clauses of the *concordia*, it ran the risk of incurring a fine of 50,000 silver marks, excommunication, and proscription.

This treaty thus illustrates the wealth of medieval reconciliation rituals and demonstrates that there indeed existed a considerably varied “grammar of peace gestures” that provided a stock of customary rites from which participants drew during ritual performance.

The Contextualization of an Event

Having described the document and the event, the “context” may now be introduced: “this hypothetical reservoir of ordered representations,” which does not exist prior to practices and does not provide them with an a priori meaning.²⁶ The four localities concerned by this treaty are situated in the Marche of Ancona, one of the six provinces of the Papal States. In the last decades of the thirteenth century, war between the communes was still latent and, in some cases, officially declared.²⁷ Camerino was an episcopal city belonging to the Guelph faction and controlled by the Varano family, who were by tradition loyal to the Pope.²⁸ The other three

25. In particular, the city of Camerino was required to return the Santa Maria castle, seized in 1293, to the Matelicans.

26. For a warning against the reification of context, see Alban Bensa, “De la micro-histoire vers une anthropologie critique,” in *Jeux d'échelles. La micro-analyse à l'expérience*, ed. Jacques Revel (Paris: Gallimard/Le Seuil, 1996), 44. While participants are undoubtedly influenced by context, they also contribute to the constitution of collective identities and the elaboration of categories. Before revealing the context (i.e., what we know in addition to the text), it is therefore necessary to “let the actors act.” Bruno Latour writes: “Instead of adopting a reasonable position and assigning a definite order in advance, the sociologist of the actor-network aims to be able to find order after leaving the actors to play out the range of controversies they are confronted with ... In other words, the task of defining and ordering the social must be left to the actors themselves rather than monopolized by the researcher.” Bruno Latour, *Changer de société, refaire de la sociologie* (Paris: Éditions de la Découverte, 2006), 36.

27. For an overview of the Marche in the Middle Ages, see Jean-Claude Maire Vigueur, “Comuni e signorie in Umbria, Marche e Lazio,” in *Storia d'Italia*, ed. Giuseppe Galasso (Turin: Utet, 1987), 7:321-606. For a concise summary of the political context in this region at the beginning of the fourteenth century, see Lett, *Un procès de canonisation*, 69-73, and especially the bibliography referred to in the notes. On the numerous conflicts between the communes, see: Joachim-Felix Leonhard, *Ancona nel Basso medioevo. La politica estera e commerciale dalla prima crociata al secolo XV* (Bologne: Il Lavoro Ed., 1983; repr. 1992), 165-72; Alberto Meriggi, *Incastellamento, espansione e conflitti in comune della Marca Anconetana nel Basso Medioevo* (Tolentino: Edizioni Pezzoti, 1985); and Villani, *Signori e comuni*.

28. Concerning Camerino, see Camillo Lili, *Dell'Historia di Camerino (con supplementi di F. Camerini)* (Camerino, 1649; repr. 1885). Concerning the Varanos, see Pier Luigi Falaschi, “Berardo I da Varano signore di Camerino,” in *Camerino e il suo territorio fino al tramonto della Signoria. Atti del XVIII convegno di studi maceratesi (Camerino, 13 au 14 novembre 1982)* (Macerata: Centro di studi storici maceratesi, 1983), 15-76.

communes were supposedly Ghibelline in 1306, but only Fabriano actually belonged to this tradition (in 1306, the podesta was from the Labro family from Viterbe, a city that had long been anti-Guelph),²⁹ because San Severino and especially Matelica had a reputation for being Guelph in the decades preceding the treaty.³⁰

War again broke out after only a few years of peace (1294-1304).³¹ In 1304, the Matelicans took up the attack, seeking to extend their control over the neighboring *castrum* of San Anatolia (today Esanatoglia), which was under the influence of the Varanos. According to papal documents, they burned houses in the region, destroyed vineyards, and killed many people. In retaliation, the inhabitants of Camerino laid siege to Matelica. After 1305, the conflict intensified as the three communes of Fabriano, San Severino, and Matelica created the Ghibelline league, later called *Liga Comunantiarum*. They chose the Count Speranza da Montefeltro as their captain, and many other communes followed in their wake. With the help of Pisan and Aretini reinforcements, the *Liga Comunantiarum* attacked the villages of the Marche under the control of the Malatestas, head of the Guelph party.³² This local war was paralleled by another conflict: Fermo, another important Ghibelline city of the region, declared war against San Ginesio, a *castrum* allied with Camerino.

29. Jean-Claude Maire Vigueur, "Nello Stato della chiesa: da una pluralità di circuiti al trionfo del guelfismo," in *I podestà dell'Italia comunale*, vol. 1, *Reclutamento e circolazione degli ufficiali forestieri (fine XII sec.-metà XIV sec.)*, ed. Jean-Claude Maire Vigueur, (Rome: École française de Rome, 2000), 2:790-91, note 83.

30. Concerning San Severino, see Raoul Paciaroni and Oreste Ruggeri, *San Severino Marche. Contributi per una storia da rifare (Quaderni di Miscellanea Settempedana)* (San Severino Marche: Bellabarba Editori, 1981). Concerning Fabriano, see Francesco Pirani, *Fabriano in età comunale. Nascita e affermazione di una città manifatturiera* (Florence: Nardini, 2003), 54-62 (for discussion of the territorial expansion of the commune at the end of the thirteenth century). Concerning Matelica, see Maria Paola Simonetti, *Matelica aurea. La storia di Matelica in età medievale* (Matelica: Geronimo, 2003). The reputation of Matelica as Guelph did not prevent the commune experiencing "Ghibelline" periods. See Simonetti, *Matelica aurea*, 84-88. It is important to remember that during this period, Guelph referred to communes that supported the alliance between Anjou and Florence and its hegemony, and Ghibelline referred to the communes that challenged this hegemony. See Sergio Raveggi, "Da Federico II a Carlo d'Angiò: l'Italia dei guelfi e dei ghibellini," *Storia della società italiana* 6 (1986): 255-79. However, the conflicts between communes only partially cover the opposition between Guelphs and Ghibellines, as the example dealt with here reveals. These "labels" are above all a pretext for the local elites to extend their *dominium* over a given territory in order to consolidate the possession of urban seigniorship. As François Menant writes, "These two terms have become referents of identity that no longer really connote any type of government in Italy but which are transmitted from one generation to another, setting apart a particular town, family (or part of a family) or a political party within a town." François Menant, *L'Italie des communes (1100-1350)* (Paris: Belin, 2005), 98.

31. Simonetti, *Matelica aurea*, 76-77.

32. See Virginio Villani, "Origine e sviluppo delle autonomie comunali marchigiane," in *Istituzioni e statuti comunali nella Marca d'Ancona. Dalle origini alla maturità (secoli XI-XIV)*, I, *Il quadro generale*, ed. Virginio Villani (Ancona: Consiglio regionale delle Marche, 2005), 41-227.

Matelica sent troops to help Fermo, thereby disobeying the rector of the Marche who had called for all communes in the region to refuse aide.³³ On August 18, 1305, Berardo de Varano, then podesta of San Ginesio, received a letter of thanks from Pope Clement V, applauding him for having so aptly defended papal interests in the region and promising (as seen above) the immediate dispatch of two papal legates. These two legates brought together the parliament in Montolmo and produced the text of the *Concordia* studied here, as well as that between Fermo and San Ginesio.³⁴ In Avignon in April 1306, they affirmed that after long negotiations, the captain of the *Liga* and most of the “rebel” communes had signed the peace treaties and sworn obedience to the Church.³⁵ In actual fact, many communes did not sign, and, except for periodic truces and changes in alliance, the war between the communes continued after the legates’ departure and up until at least 1320. Days after the treaty was signed, the inhabitants of Camerino attempted to appeal to the rector and later sent envoys to France to complain to the Pope about this treaty. Thus, in spite of the clause that was intended to avoid conflicts relating to the delimitations of territories, Camerino refused to recognize that the *castrum* of Santa-Maria in Monte belonged to Matelica and undoubtedly kept this castle in its own jurisdiction during the following years against the recommendations of the papal legates.³⁶ In 1318, a truce suspending hostilities “for fifty years” was signed between Matelica and Camerino. This *concordia* was thus a brutal failure for the Papacy, as were nearly all the decisions made by the Montolmo parliament in 1306. This leads to the final element of the context, that of papal policy in the region during the years that preceded the promulgation of the *concordia*.

In order to better control the communes in the Marche region, Pope Boniface VIII (1294-1303), like his immediate predecessors, generously granted the *merum et mixtum imperium* (the delegation of power allowing the communes a

33. As a result, in 1305, the rector of the Marche required Matelica to pay a fine of 5,000 silver marks and reimburse damages. The inhabitants of Matelica appealed this decision, arguing that they had sought, on the one hand, to help the nobles of Fano (then enemies of Fermo)—who were oppressed by Pandolfo Malatesta—and, on the other hand, to give the town its freedom. They were sentenced on December 9, 1305. See Acquacotta, *Lapidi e documenti*, vol. 2, nos. 97 and 98, pp. 174-78.

34. Lodovico Zdekauer, *Gli atti del Parlamento di Montolmo del 15 gennaio 1306* (Rome: Tipografia della R. Accademia dei Lincei, 1915); Lodovico Zdekauer, “Magistrature e Consigli nei comuni marchigiani agli inizi del Trecento,” *Atti e Memorie della Deputazione di storia patria per le Marche*, 3-2 (1916-1917): 221-44; Cecchi, *Il Parlamento e la Congregazione*; and Francesco Pirani, “Bonifacio VIII e la Marca di Ancona,” *Bullettino dell’Istituto storico italiano per il Medio Evo* 112 (2010): 382-87. This article can be consulted on the *Reti Medievali* website: <http://fermi.univr.it/rm/biblioteca/saaffale/p.htm#FrancescoPirani>.

35. In this account made to the Pope, the legates also indirectly recognized incidents of frequent abuse perpetrated by provincial public servants of the Marche region. This account was published by Robert Davidsohn, “Rubrica de statu Marchie,” in *Forschungen zur älteren Geschichte von Florenz* (Berlin: E. S. Mittler und Sohn, 1896-1908), 3:294-95.

36. Acquacotta, *Lapidi e documenti*, vol. 2, no. 101 (dated March 29, 1306); see also Lili, *Dell’Historia di Camerino*, 64 onward.

great deal of autonomy in matters of criminal and civil justice), attempted to favor the small centers rather than the larger ones, and above all promulgated the papal bull *Celestis patris familias* in Anagni on September 6, 1303.³⁷ Paragraph 6 of this text denounces the abuse, intimidation, and threats by provincial rectors and their officers against the inhabitants of the communes in the Marche, who in turn appealed to the papal court.³⁸ To curb this problem, the pope threatened them with excommunication. The bull was thus copied and often conserved in the archives of the communes of the Marche region. However, in January 1304, the recently elected Pope Benedict XI (October 1303-1304), under pressure from the cardinals, repealed the *Celestis* with the bull *In supreme dignitatis*.³⁹ This decision reinforced the emergence of oppositions against the Papacy in Avignon. The Montolmo parliament was thus convened to discuss the annulment of this bull, and it appears that during the January 19 session, the legates were constrained to reintroduce the *Celestis* constitution. Along with the relative failure of all the legates' interventions in 1306, the failure of the peace treaty between the four communes is without a doubt imputable to the confrontation between two political and ideological systems—communal and papal⁴⁰—forming the backdrop against which a gender regime developed.

Peace Between Communes, Households, and Sons

In all the instructions laid out in this document, women are only mentioned in the clause concerning intermarriages, which is significant in itself. For the papal legates and the male elites of the communes, women were called upon as future wives and mothers, female functions that were likely to play a role in the affirmation and propagation of values dealing with peace, harmony, and friendship within the family.

37. Text published by Theiner, *Codex diplomaticus domini temporalis Sanctae Sedis. Recueil de documents pour servir à l'histoire du gouvernement temporel des États du Saint-Siège. Extraits des Archives du Vatican* (Rome: Impr. du Vatican, 1861), vol. 1, doc. DLXXI, pp. 391-95. See Pirani, "Bonifacio VIII e la Marca di Ancona," 373-75.

38. This occurred during a time of increasing appeals to local priests (for Matelica, see the acts cited in notes 10 and 11). For the activity of the provincial curia in the March of Ancona at the very end of the thirteenth century, see Thérèse Boespflug Montecchi, "Montolmo e la curia rettorale negli ultimi decenni del secolo XIII," *Studi maceratesi* 25 (1989): 101-16.

39. Text published by Theiner, *Codex diplomaticus*, doc. DLXXVII, 398.

40. Sandro Carocci has argued for the increasing divide during the Trecento between the demand for greater autonomy on the part of the communes of the Papal States and the Pope's policy to adopt a more intransigent program affirming his pre-eminence. See Sandro Carocci, "Regimi signorili, statuti cittadini e governo papal nello Stato della Chiesa (XIV e XV secolo)," in *Signori, regimi signorili e statuti nel tardo Medioevo*, eds. Rolando Dondarini et al. (Bologne: Pàtron, 2003), 245-69. See also Sandro Carocci, *Vassalli del papa. Potere pontificio, aristocrazie e città nello Stato della Chiesa (XII-XV sec.)* (Rome: Viella, 2010), 161-91.

Mixed Marriages and Household Peace

Marriage often occupied a central role in the various forms of reconciliation between States. The marriage rite had to signify reconciliation between parties, and the exchange of a woman played an “appeasing” role by creating new relationships between groups, who henceforth shared similar interests.⁴¹ This provides one reason why “the rite of the shared bed,” in which the leaders of the two parties share a bed (often after having dined together), frequently figured in peace rituals as a strong gesture of reconciliation.⁴² In Italian society at the end of the Middle Ages, conflict was the normal state of affairs, and each commune had numerous ways of resolving it, whether it was internal to the community or involved neighboring communes.⁴³ The resolution of conflicts between rival factions within a given city was frequently recognized by one or several marriages. The resolution of this inter-communal discord followed the same logic.⁴⁴ However, in 1306, these intermarriages went one step further than a simple peace treaty between states accompanied by a royal wedding or between communes leading to one or two weddings between elite families. Here, there was an interlacing of equivalent unions that were meant to bring about equality and harmony. The exceptional nature of this treaty was essentially due to the number of unions involved. By multiplying the number of inter-communal brothers- and sisters-in-law, these 140 unions along with the “organic fusion” to which they aspired, aimed to make brothers of all the residents of these communities.

In the context of medieval Christendom, brotherhood, imposed by the need for peace, took on a spiritual sense because the community of Christians was considered a group of brothers. Any internal conflict between Christians was therefore fratricidal. The Pope, *princeps pacis*, was responsible for restoring the spiritual fraternity linking Christians. In the *City of God*, Saint Augustine writes, “God, desiring not only that the human race might be able by their similarity of nature to associate with one another, but also that they might be bound together in harmony and peace by the ties of relationship, was pleased to derive all men from

41. On the theme of the woman as peacekeeper, see: Nicolas Offenstadt, “Les femmes et la paix à la fin du Moyen Âge. Genre, discours, rites,” in *Le règlement des conflits au Moyen Âge, XXXI^e Congrès de la SHMESP, Angers, juin 2000* (Paris: Publications de la Sorbonne, 2001), 317-33; Offenstadt, *Faire la paix*, 112-27.

42. Offenstadt discusses this in *Faire la paix*, 223. This phenomenon is above all demonstrated by royal or princely marriages in sixteenth-century France. See Sheila Ffolliott, “Make Love, Not War: Imaging Peace through Marriage in Renaissance France,” in *Peace and Negotiation: Strategies for Coexistence in the Middle Ages and the Renaissance*, ed. Diane Wolfthal (Turnhout: Brepols, 2000), 213-31.

43. Recent studies on this subject are numerous. Amongst them, see: Jean-Claude Maire Vigueur, *Cavaliers et citoyens. Guerre, conflits et société dans l'Italie communale, XII^e-XIII^e siècles* (Paris: Éd. de l'EHESS, 2003); Andrea Zorzi, ed., *Conflitti, paci e vendette nell'Italia comunale* (Florence: Firenze University Press, 2009).

44. Mario Sanfilippo, “Guelfi e ghibellini a Firenze: la ‘pace’ del cardinal Latino (1280),” *Nuova rivista storica* 64 (1980): 22.

one individual.”⁴⁵ In these four communes, as in the City of God, this *concordia* had to reestablish the rule of divine right. The most obvious signs of peace were always visible as trade resumed. Peace lay in the establishment or re-establishment of the free circulation of goods and persons along with the possibility of creating connections between people.

Within this papal rhetoric, marriage represented a metaphor of peace. As early as the twelfth and thirteenth centuries and the first documents of peace or allegiance between Italian communes, the key figures represented themselves as spouses, with the emphasis on mutual aid (*salvare adiuvare*) and fidelity (*fidelitas*).⁴⁶ In 1306, in Camerino, Fabriano, San Severino, and Matelica, the newlyweds united by the bonds of marriage had to commit to peace through the exchange of a kiss of peace, just like the ambassadors from each commune who came to Macerata to sign the *concordia*. Like all the adult male inhabitants of the four communes, they promised mutual *fides* by swearing an oath to the Church. Words exchanged between members of the former enemy communes promised love, peace, and loyalty in addition to echoing the words uttered during the signing of the treaty, which aimed to erase past declarations of hatred and discord. The addition of 140 indissoluble matrimonial unions was intended to ensure perpetual peace. In the symbolic (and only in the symbolic) order of things, marriage represented the conjunction of two apparently opposing elements, the union of which was intended to ensure harmony.⁴⁷ The love between men and women within these unions was meant to guarantee and defend peace, thereby setting the treaty in stone.

The wide range of social conditions represented by the participants was meant to render the achievement of this harmony all the more successful. The clause stipulated that the women must be from different social backgrounds (*de majoribus, mediocribus et inferioribus*), as they were supposed to represent the whole social body (even though the key figures behind the treaty issued from the elites of the communes). It is noteworthy that nothing is said of the future husbands' social status, as the largely homogamous matrimonial practices implied that their status would be in accordance with that of their betrothed. The addition of both sexes and all social conditions was meant to strengthen the promise of peace.⁴⁸

45. Saint Augustine, *The City of God*, 14.1.

46. See Enrica Salvatori, “I Giuramenti collettivi di pace e alleanza nell’Italia comunale,” in *Legislazione e prassi istituzionale nell’Europa medievale. Tradizioni normative, ordinamenti, circolazione mercantile (secoli XI-XV)*, ed. Gabriella Rossetti (Naples: Liguori, 2001), 141-57.

47. Ffolliott, “Make Love,” 215.

48. Enrica Salvatori also commented on this regarding the peace treaties of northern Italy between the second half of the seventeenth century and the middle of the eighteenth century: “In tutte è evidente l’esigenza di cercare un consenso alla pace allargato e concreto, di assicurare l’adesione al patto da parte di una porzione ragguardevole, per numero e qualità, della popolazione.” Salvatori, “I Giuramenti collettivi di pace,” 149.

The Friend's Child

The objective of a peace treaty is also to “ritually construct the future,”⁴⁹ not only the near future in which these marriages would be celebrated, but also the long-term future in which children would be born of these unions. The text of the *concordia* also takes a number of ostensibly exceptional measures to produce peaceful future generations. Indeed, one of the clauses specifies, upon penalty of a one-hundred-pound fine, that each testator pass on the instructions of the treaty to their heirs: “For the safekeeping of the peace, harmony, and friendship, we wish, order, declare, decide, prescribe, and mandate, upon pain of the aforementioned punishment, all persons of the said city of Camerino and the lands of San Severino, Fabriano, and Matelica who make a last will and testament are required in said testament to lay out the obligation for his heirs [to respect] the peace, concord, and friendship, and to ask them to perpetually observe the present dispositions.” In a papal letter dated December 29, 1303 condemning war and discord and seeking to impose peace, there is a phrase that perfectly summarizes the above clause. It attests even more to the fact that the exceptional nature of this clause is largely due to papal rhetoric. It reads: “There can be no tranquility among the fathers if there is dissension between the sons.”⁵⁰

The “public” peace, established by men—since it was they who had started the previous war—had to be introduced into the “private” sphere of the family by women. Just as, in 1306, it had to be shared between a man and a woman of the same generation by marriage, it also had to be affirmed by future generations. Present and future had to come together in order to forget the past.⁵¹ As wives and mothers, women were the principal agents when it came to relations across time, helping to diffuse peace within families. The extent to which the wars of the twentieth century revolutionized gender relations and sexual violence is well known. During wartime, women may be raped by the men who invade or occupy their country because they represent and embody the nation to be vanquished and must be inseminated so that they then carry “the enemy’s child”⁵² in shame. In

49. Offenstadt, *Faire la paix*, 226.

50. “Non enim patris animus potest adherere quieti, cuius mentem turbat et concutit dissentio filiorum.” Theiner, *Codex diplomaticus*, vol. 1, doc. DLXXVI, p. 397.

51. As early as 1889, Georges Espinas wrote: “Peace, the end and appeasement of disagreement, annulling the past, forever guarantees the future and removes any pretext for the renewal of war.” Georges Espinas, “Les guerres familiales dans la commune de Douai aux XIII^e et XIV^e siècles: les trêves et les paix,” *Revue historique de droit français et étranger* 23 (1899): 419-20.

52. For World War I, see: Stéphane Audoin-Rouzeau, *L’enfant de l’ennemi, 1914-1918. Viol, avortement, infanticide pendant la Grande Guerre* (Paris: Aubier, 1995); Ruth Harris, “The ‘Child of the Barbarian’: Rape, Race and Nationalism in France during the First World War,” *Past and Present* 141 (1993): 170-206. For World War II, see: Fabrice Virgili, *La France virile. Des femmes tondues à la Libération* (Paris: Payot, 2000); Fabrice Virgili, *Naître ennemi. Les enfants de couples franco-allemands nés pendant la Seconde Guerre mondiale* (Paris: Payot, 2009).

the case studied here, it was peace that needed to be inseminated into the women's bodies: they were taken in marriage and needed to carry "the friend's child." They became matrices for the propagation of peace, concord, and friendship. While in war the enemy seeks to humiliate his adversary, in peace, the new friend—and former enemy—seeks reconciliation. In both cases, these objectives are expressed through physical or symbolic violence played out on women's bodies.⁵³ The *concordia* assigned and reminded the men of Camerino, Matelica, San Severino, and Fabriano of their role in social reproduction and reminded the women of their biological function. By maintaining their place within a gender regime known and accepted by all, both parties were obliged to produce households (*casae*) that reflected the city on a small scale, serving as units for the diffusion of peace and solidifying communal power.

Inscribed in a framework encompassing multiple forms of domination—particularly, social and male—these gender relations cannot be isolated from the other social interactions that produced or shaped them, as in the case of this extremely detailed text. This explains why, in order to understand the construction of this gender regime and of the relevance of this concept to the historical study of social practices in general, it is necessary to conclude by situating the implementation of this text within the context of communal practices. This leads to a better understanding of the proposed decisions, which were heavily ritualized, occurred in a precise context, and reveal the spatial, economic, and juridical dimensions of the strategies involved. Indeed, beyond what the text conveys metaphorically about alliances, inheritance, and kinship, and close ties, all elements of family relations stemming directly from stereotypical papal rhetoric, the organization of 140 intermarriages reveals the relations between the episcopal city and the three other *terrae* or *castra*. It also reveals how both citizenship and the dowry system functioned in the communes of the Marche at the beginning of the fourteenth century.

The Transfer of Wives, Dowries, and Citizenship

The Relationship Between Camerino and the Other Three Communes

Upon reading this clause, the mercantile nature of the exchange stands out. Like war, peace is a business matter, particularly in Italy.⁵⁴ Both are decided, orchestrated,

53. I examined this type of physical violence in my study of rape legislation in certain communal statutes in the Marche region. See Didier Lett, "Connaitre charnellement une femme contre sa volonté et avec violence." Viols des femmes et honneur des hommes dans les statuts communaux des Marches au XIV^e siècle," in *Le Moyen Âge aujourd'hui. Mélanges Claude Gauvard*, eds. Julie Claustre et al. (Paris: Publications de la Sorbonne, 2010), 447-59.

54. The mercenary function of war in fourteenth-century Italy was documented by Mario Del Treppo, who demonstrated how all free companies functioned on the basis of contracts and emphasized client relations. See Mario Del Treppo, "Gli aspetti organizzativi economici e sociali di una compagnia di ventura," *Rivista storica italiana* 85

and organized by the communal oligarchy, who are notable in terms of seniority and an ability to fight in addition to (and sometimes especially because of) recent wealth acquired through commerce and industry, professions in which counting is important⁵⁵: depending on the number of marriages to be organized, eight, six or four *probi homines* were nominated, and a third of these unions had to take place every two months. Knowing that neither forty, twenty nor ten are multiples of three (a highly symbolic number), this third figured more as a unit of measure and provided another indication that this clause was unlikely to be realized.

Why was the number of marriages variable? Should it be considered in relation to the number of inhabitants in each commune? The *Descriptio Marchiae*, a document combining several lists written between 1320 and 1357 (the result of an inventory by Cardinal Albornoz during his time as legate in the Marche from 1353 onward),⁵⁶ can be used to measure this. For fiscal and legal purposes, this *Descriptio* provides the number of hearths (*fumate*) in seventy-five areas (*civitates* and *terrae*). For the most part, the figures cover the period between 1320 and 1330. According to the number of hearths, the population of Camerino can be estimated to have comprised about 15,000 inhabitants, that of Fabriano and San Severino around 10,000 each, and that of Matelica around 4,000. This demographic hierarchy therefore does not sufficiently explain the difference in intermarriages stipulated for each commune. Might it then be due to geographical proximity? This seems to be a more pertinent explanation. San Severino is situated ten miles from Camerino (where eighty women were exchanged); Matelica is twelve miles away (forty women) and Fabriano fifty miles away (twenty women). It seems that the further away the commune was from the episcopal city, the fewer the number of women to be exchanged. However, beyond the demographic and geographical aspects, it is necessary to take into account an essential qualitative aspect in order to better

(1973): 253-75. For a more recent study with an extensive bibliography, see Paolo Grillo, *Cavaliere e popoli in armi. Le istituzioni militari nell'Italia medievale* (Rome: Laterza, 2008).

55. For Fabriano, see: Giancarlo Castagnari, ed., *La città della carta. Ambiente società cultura nella storia di Fabriano* (Fabriano: Città e Comune di Fabriano, 1986); Pirani, *Fabriano in età comunale*.

56. See Emilia Saracco Previdi, ed., *Descriptio Marchiae Anconitanae (sec. XIV)* (Ancona: Deputazione di storia patria per le Marche, 2000); revised version published in Emilia Saracco Previdi, *Descriptio Marchiae Anconitanae da Collectoriae 203 dell'Archivio Segreto Vaticano* (Spoleto: Fondazione Centro italiano di studi sull'alto Medioevo, 2010). See also Maria Ginatempo and Lucia Sandri, *L'Italia delle città. Il popolamento urbano tra Medioevo e Rinascimento (secoli XIII-XVI)* (Florence: Le Lettere, 1990). Chapter 2 of the second section of this book examines central Italy (Marche, Lazio, and Umbria); for the sections covering the Marche (117-128), the authors use this *Descriptio*. See also Francesco Bonasera, "La Città delle Marche elencate nelle 'Constitutiones Aegidianae' (1357). Contributo alla Geografia Storica delle Marche," *Studia Picena* 27 (1959): 93-105. Now out-of-date, this article has been updated by Philippe Jansen, "Les constitutions égidienne de 1357. L'idée du fait urbain et sa classification au Moyen Âge", in *Les petites villes du Moyen Âge à nos jours*, eds. Jean-Pierre Poussou and Philippe Loupès (Paris: Éd. du CNRS, 1987), 15-28.

interpret these differences: the nature of inter-communal relations in the years before the treaty, trying to overcome the simple and not very useful opposition between Guelphs and Ghibellines. The competition between Fabriano and Camerino was by far the strongest—the former had always been a Ghibelline stronghold and the latter Guelph—and further reinforced by the fact that, from the last decades of the thirteenth century, Fabriano sought to expand and take control of its *contado*.⁵⁷ Only twenty women were exchanged there. The tension between Camerino and Matelica was equally strong at the end of the thirteenth and the beginning of the fourteenth century, particularly concerning control over the *castrum* and the western part of Esanatoglia, situated in the foothills of the Apennine Mountains.⁵⁸ During the decade preceding the *concordia*, the rectors of the Marche, representing the Pope, managed to place friends or family members in the position of podesta of Matelica. Guillaume Durand himself, one of the two legates in 1306, was podesta of the *quasi-città* in 1296,⁵⁹ which indicates his strong relations with the notables of that commune at the time of the act in February 1306, when his uncle (of the same name) was rector of the Marche and Romagna.⁶⁰ From the beginning of the fourteenth century, the podestas in place in Matelica were for the most part recruited from Guelph towns.⁶¹ In 1306, although relations with the Varano family in Camerino remained tense, Matelica was in the process of being “Guelphized.” Forty women were exchanged there. Finally, it seems that despite joining the *Liga Comunantiarum* in 1304, San Severino followed a Guelph tradition, and relations with the Varanos’ city were less strained. It was only in 1325, however, that there was a Camerino podesta in San Severino, Gentile Varano. Eighty women were exchanged there. This makes it possible to affirm that, at the beginning of the fourteenth century, the more cordial the relations between communal elites, the greater the number of matrimonial unions proposed.

As a result, the range of figures does not refer to some symbolic order but rather to a social “reality” that participants in the treaty (the papal legates and communal elites) had to take into account. Specifically, this meant acknowledging that the tensions between the inhabitants of Camerino and Fabriano were so

57. Pirani, *Fabriano in età comunale*, 54–62.

58. See the act of June 20, 1305 in Grimaldi, *Archivio Storico Comunale di Matelica*, nos. 829 and 279.

59. The archives of Matelica contain an act in which Guillaume Durand and his paternal uncle of the same name recognizes having received from the government administrator of Matelica 225 pounds from Ravenna and Ancona as salary for the podesta for the year 1296, according to the statutory norms. Act listed by Grimaldi, *Archivio Storico Comunale di Matelica*, nos. 679 and 254.

60. In 1298, the podesta was Davide Paporini da Ferentino, vicar general of the Marche; in 1301, it was Napoleone Orsini. See Acquacotta, *Lapidi e documenti* 1:349.

61. From May–June and then in November 1300, the podesta of Matelica was Signor Nicolo di Martinello da San Sepolcro. See Giustiniano Degli Azzi, *Gli Archivi della Storia d’Italia*, series II, vol. II (Rocca San Casciano: Licinio Capelli, 1911), 266–67 and 269. In the 1320s, the podesta were generally from the Varano family: Rodolfo di Nuto di Rodolfo in January 1321 and Gentile di Berardo in August 1323. See Gino Luzzato, preamble to *Gli statuti del comune di San Anatolia del 1324* (Ancona: 1909), 1.

strong that they could not “reasonably” permit the exchange of more than twenty marriages between these two communes. Indeed, the term “communes” denotes an “oligarchy of communes,” and the number of women exchanged reflects above all the quality of the connections between the elite families of each of these towns. Although in the text it was necessary to show that the whole social body was covered and engaged in the peace, the resolution of conflicts between communes was above all a matter for the oligarchies.⁶² The apparent desire to regulate peace or the need to accept the peace imposed by the papal legates does not obscure the pragmatism involved. Affinities and connections between elite families continued to signify a preference for friendly families rather than those less worthy of marriage—precisely those who ought to have been preferred by the *concordia* according to the rhetoric of peace. This is perhaps another reason why these instructions were not respected.

Guaranteed Dowry Transfers

It is unnecessary to stress the importance of the dowry within the marriage union in communal Italy at the end of the Middle Ages⁶³: the significant inflation in dowries at the end of the thirteenth century⁶⁴ or the system of “exclusion for dowry” indicated in nearly all of the statutes of the communes in the Marche attest to this fact.⁶⁵ At the beginning of the thirteenth century, normative and sumptuary laws aiming to restrict dowries and control marriages, funerals, and excesses of fashion were promulgated in order to avoid wasting wealth and to keep citizens’ assets within the commune.⁶⁶ Even though men spent more money on clothing

62. See Pierre Monnet, “Élites et conflits urbains dans les villes allemandes de la fin du Moyen Âge,” *Cahiers d’Histoire*, special issue “Élites et conflits” 45-4 (2001): 533-61, and republished in Pierre Monnet, *Villes d’Allemagne au Moyen Âge* (Paris: Picard, 2004): 151-71.

63. Amongst the plethora of work dealing with communal Italy (though there is very little focus on the Marche), see: Christiane Klapisch-Zuber, “Le Complexe de Griselda. Dot et dons de mariage au Quattrocento,” *Mélanges de l’École française de Rome, Moyen Âge-Temps modernes* 94-1 (1982): 7-43, and republished in Christiane Klapisch-Zuber, *La maison et le nom. Stratégies et rituels dans l’Italie de la Renaissance* (Paris: Éd. de l’EHESS, 1990), 185-213; Angela Groppi and Agnès Fine, eds., special issue “Femmes, dot et patrimoine,” *Clio. Histoire, femmes et sociétés*, 7 (1998); and the recent synthesis by Isabelle Chabot, *La dette des familles. Femmes, lignage et patrimoine à Florence aux XIV^e et XV^e siècles* (Rome: École française de Rome, 2011).

64. Dante’s expression is well known here and contemporaneous with our document: “Non faceva, nascendo, ancor paura / la figlia al padre, ch’èl tempo e la dote / non fuggien quinci e quindi la misura.” (“The birth of a daughter did not yet dismay fathers since dowry and bride’s age were fitting, the one not too high the other not too low.”). Dante, *The Divine Comedy: Paradiso*, XV:103-5.

65. Worth mentioning here is the title of Section XCII of the *Capitulum maleficiorum* of the Esanatoglia statutes (1324), according to Luzzato: “Quod mulier quae fuerit dotata a patre vel alio consanguineo non possit ulterius petere partem de bonis patris.” Luzzato, *Gli statuti del comune di San Anatolia*, 79.

66. There are many examples in the statutes of areas near Esanatoglia: see sections IIC, CLXV, and CLXXXXVI of the *Capitulum maleficiorum*. *Ibid.*, 81, 106, and 118.

and fashion than women, female dress (veils, embroidery, gold, silver, etc.) was specifically targeted in the communal statutes. In Renaissance Florence, not only did most of the sumptuary laws affect women, but, when they did concern men, they appeared under the title *ornamenta mulierum*. Women were targeted more frequently because legislators often equated the luxury of female garments with economic instability, the decline of marriages, and the decrease in fertility rates. Indeed, the communal authorities who created these statutes feared a demographic downturn. The sumptuary laws of Lucca in 1380 explained, for example, that there were many young marriageable women available and many young men wishing to marry them. However, the former could not raise sufficient dowries, and the latter could not afford to spend what was required for the wedding day.⁶⁷

The dowry was at the heart of matrimonial transactions. No marriage was possible without one, as observed in the 1306 document. In order to be certain that each of the 140 wives would have a dowry worthy of her social status, *probi homines* were chosen from each commune in proportional number to that of the unions to be carried out. In arranging these marriages these men were to act as intermediaries between the families, a role that was sometimes institutionalized. In parts of Flanders and Brabant in the mid-thirteenth century, for example, a specific jurisdiction known as the *Paiseurs*—probably stemming from the local magistrates—was responsible for establishing peace between families.⁶⁸ In Italy, these negotiators also served as mediators, establishing peace or a marriage between families or neighboring towns. Immediately after the reconciliation between the Lucchese and the Pisans in 1342, the statutes of Lucca encouraged marriage between the inhabitants of both cities. To enable this, the *Anziani* were therefore asked twice a year to elect a commission of five men to arrange these unions. These negotiators were exempt from taxes and provided with a “present” of up to 25 pounds by the *Anziani*.⁶⁹ Public offices of this nature (*pacificatores*, *pacerii*, *regulatores*) were found in many statutes of the communes in the Marche.⁷⁰

In order to allow the *probi homines* and the heads of household time to negotiate and publish the bans, the marriages were to take place in thirds every two months. The marriage negotiators had to ensure that the women were well endowed “in land assets,” which were essential in the communes of the Marche and a fundamental element of any dowry. They were also entitled to act in place of fathers who were either too poor or too reluctant to provide their daughters with a dowry. This mission was conferred on them because under “normal” circumstances, especially during this period of demographic tension, the communes balked at relinquishing

67. Cited by Catherine Kovesi-Killerby, *Sumptuary Law in Italy, 1200-1500* (New York: Clarendon Press, 2002), 51.

68. Espinas, “Les guerres familiales,” 423.

69. *Archivio di Stato di Lucca, statuti*, 5, book II, chap. 5, cited by Cédric Quertieri, “Le devenir des étrangers. Prospective pour une histoire totale des *forstieri* à Lucques au XIV^e siècle,” (*mémoire de master I*, Université de Paris 1-Panthéon-Sorbonne, 2008), 130-31.

70. See the many examples in Cecchi, “Sull’istituto della pax,” 118-21.

their young women to marry foreigners. The vast majority of communal statutes for this region (as in other regions of northeastern Italy) forbade high-status women from marrying foreigners. Thus, the women of Apiro (a commune situated roughly eighteen miles from Matelica and to the west of Cingoli) who possessed assets of a value superior to 200 pounds could not marry a foreigner unless he adopted the citizenship of Apiro, at the risk of having the assets exceeding this limit confiscated.⁷¹ Under “normal” circumstances, these wealthy families had to adopt strategies to bypass these laws. Either they tried to persuade the future husband to live in his wife’s commune, although such matrilineal marriages were probably rare,⁷² or (more frequently) they adopted patrilocality over a short distance, leading to (geographically) endogamous marriages within the same *città* or *terra*.⁷³

Indeed, the risk for any commune was to see its young women leave with an overly substantial dowry and thus dilapidate the wealth of the commune, which thereby became untaxable. It is worth recalling that the clause of the *concordia* specified “women ... of diverse social conditions.” This detail was no doubt intended for the elites of communal society so that they too participated in these exchanges. It is possible to surmise that women of lower and poorer status would have less difficulty marrying foreigners if they could be endowed. If their parents were too poor, the *probi homines* had a mandate to compensate for such a shortcoming.

The 1306 clause liberated men and women of the elite from the restrictions inherent in the protection of inheritance and guaranteed marriage with poor families who would not have been able to provide a dowry. It also allowed men and women to establish a union that might have been prevented by war or which might nonetheless have taken place in secret.

71. Dante Cecchi, ed., *Gli statuti di Apiro dell'anno 1388* (Milan: Giuffrè, 1984), book III, XI, p. 124. As the communal legislator had to respect the principle according to which *libera debent esse matrimonia*, another solution consisted in taxing the dowries of women who married foreigners (in cases in which it was impossible to prevent the union). In 1264, the Venice statutes stipulated that the dowries of women who married foreigners were to be partly directed to the commune, with the husband keeping only 200 pounds. See *Statuti di Vicenza. Monumenti storici della Deputazione Veneta di Storia patria* (Venise: 1886), 1.140, and cited by Anna Bellavitis, *Identité, mariage, mobilité sociale. Citoyennes et citoyens à Venise au XVI^e siècle* (Rome: École française de Rome, 2001), 154, note 51.

72. Christiane Klapisch-Zuber suggests that matrilineal marriages were considered dishonorable for the families of the Florentine or Bolognese elite. See Christiane Klapisch-Zuber, “La vie domestique et ses conflits chez un maçon bolonais du XV^e siècle,” in *Le petit peuple dans l'Occident médiéval. Terminologies, perceptions, réalités*, eds. Pierre Boglioni et al. (Paris: Publications de la Sorbonne, 2002), 489.

73. See Didier Lett, “Liens adelphiques et endogamie géographique dans les Marches de la première moitié du XIV^e siècle,” special issue “Frères et sœurs. Ethnographie d'un lien de parenté,” *Médiévales* 54 (2008): 53-68.

Woman as a Vector of Citizenship⁷⁴

During the last decades of the medieval period in Italy, the right to citizenship varied from commune to commune (*Civitas sibi faciat civem*).⁷⁵ However, under “normal” circumstances the dominant conception of citizenship was derived from Roman law. Legitimate children acquired not the citizenship of their birthplace but that of their father’s place of origin (*origo*). Citizenship was thus transferred through the male line. The mother could only transmit citizenship to her children born out of wedlock. It is also known that in the mid-thirteenth century, citizenship (which involved financial advantages) became increasingly difficult to obtain because the communal authorities feared the demographic consequences of the *inurbamento*. In all the communal statutes of the region, “foreigners are always considered suspicious.”⁷⁶ For the same crime they would often pay a fine that was twice that of a citizen, and they were subject to numerous prohibitions. They could not acquire furnished assets (nor often unfurnished assets) and could not buy or sell land. As has been mentioned, they were forbidden from marrying a woman of the commune, especially if the latter possessed assets of a certain value. Similarly, heavy fines were imposed on citizens who abandoned their commune or sold their

74. There are many studies of Italian medieval citizenship (*cittadinanza*). For example, see: the seminal article by Dina Bizzarri “Ricerche sul diritto di cittadinanza nella costituzione comunale,” *Studi senesi* (1916): 19-136, and reprinted in Dina Bizzarri, *Studi di storia del diritto italiano* (Turin: S. Lattes, 1937), 61-158; Pietro Costa, *Civitas, storia della cittadinanza in Europa*, vol. 1, *Dalla civiltà comunale al settecento* (Rome: Laterza, 1999), 3-50; Pietro Costa, “The Discourse of Citizenship in Europe: A Tentative Explanation,” in *Privileges and Rights of Citizenship: Law and the Juridical Construction of Civil Society*, eds. Julius Kirshner and Laurent Mayali (Berkeley: Robbins Collection Publications, 2002), 199-225; and Ennio Cortese, “Cittadinanza – diritto romano e diritto intermedio,” in *Enciclopedia del diritto* (Varèse: Giuffrè, 1960), 7:127-40. On the theme of gender and citizenship, see: Julius Kirshner “Genere e cittadinanza nelle città-stato del Medioevo e del Rinascimento,” in *Innesti. Donne e genere nella storia sociale*, ed. Giulia Clavi (Rome: Viella, 2004), 28-35; and Bellavitis, *Identité, mariage, mobilité sociale*.

75. Julius Kirshner “‘Civitas sibi faciat civem’: Bartolus of Sassoferrato’s Doctrine on the Making of a Citizen,” *Speculum* 48 (1973): 694-713.

76. Dante Cecchi, “Sugli statuti comunali (secoli XV-XVI) di Jesi, Senigallia, di alcune ‘terrae et castra’: Filottrano, Montemarciano, Ostra, Ostra Vetere,” in *Nelle Marche centrali. Territorio, economia, società tra Medioevo e Novecento: l’area esino-misena*, ed. Sergio Anselmi (Jesi: Cassa di Risparmio, 1979), 550. On the status of foreigners, see *L’étranger au Moyen Âge, XXX^e Congrès de la SHMESp, Göttingen, June 1999* (Paris: Publications de la Sorbonne, 2000). On Italy, see Mario Ascheri, “Lo straniero nella legislazione statutaria e nella letteratura giuridica del Tre-Quattrocento: un primo approccio,” in *Forestieri e stranieri nelle città basso-medievali, Atti del Seminario Internazionale di Studio Bagno, a Ripoli, (Firenze), 4-8 giugno 1984* (Florence: Salimbeni, 1988), 7-18. On the Marche, see Dante Cecchi, “Disposizioni statutarie sugli stranieri e sui forestieri,” in *Stranieri e forestieri nella Marca dei sec. XIV-XVI, Atti del XXX Convegno di studi maceratesi, Macerata, 19-20 novembre 1994* (Macerata: Centro di studi storici maceratesi, 1996), 29-91.

land to foreigners, particularly in times of war.⁷⁷ Yet at the end of the clause relating to marriage it states that “those who take a wife from the town of Camerino, will be considered citizens of that city, and those who take a wife from the lands (*terrae*) of Fabriano, San Severino, and Matelica, will be considered as *castellani* of the lands whence their bride comes.” This highly unusual situation meant that, by their marriage, these women transmitted the citizenship of their place of origin to 140 men, even if the latter made the (likely) decision not to reside there. Since they did not lose their previous citizenship, they obtained double citizenship. This extraordinary generosity on the part of the communes turns out to have been a condition of their commitment to peace. It therefore contrasted with the general tendency toward closure at the beginning of the fourteenth century. Immigration policy was thus in flux. Referring to the immigration policy of Bologna, Antonio Ivan Pini speaks of an “elastic demographic policy (*politica demografica ad elastico*),” as the communes sometimes encouraged and sometimes forbade access to citizenship.⁷⁸

What did it mean then for these 140 men to be “citizen[s]” of a formerly enemy commune? In fact, this term regroups not one but several different ranks of status among city residents.⁷⁹ It is important to take rank into account. In the *concordia*, for example, two different terms, *cives* and *castellani*, are used. For many, and in particular for people from the *contado*, it could take a long time to acquire full citizenship (*pleno jure* or *optimo jure*). Some might be citizens but not residents; others might only be residents (often temporarily), such as recently arrived foreigners not yet entitled to citizenship.⁸⁰ In the absence of further information, the future husbands can be considered to have been accorded full citizenship (*pleno jure*), both legal (allowing the payment of taxes and access to certain professions) as well as political (which granted the right to elect representatives). In his definition of a citizen, Marsile de Padoue, who wrote his *Defensor pacis* in 1324, recognized the following hierarchy: “We call citizen ... he who participates, according to his rank, in civil community, in government, and in deliberative and juridical duties.”⁸¹

77. See the many examples found in the statutes in the Marche in Dante Cecchi, *Statuta Castri Campirotundi (1322-1366): Proprietà fondiaria ed agricoltura negli statuti della Marca di Ancona* (Milan: Giuffrè, 1966), 50-52, note 33.

78. Antonio Ivan Pini, “La politica demografica ‘ad elastico’ di Bologna fra il XII e il XIV secolo” in *Città medievali e demografia storica. Bologna, Romagna, Italia (secc. XIII-XV)* (Bologna: CLUEB, 1996), 105-47.

79. Costa emphasized this: “Non vi è una cittadinanza, ma una pluralità di condizioni soggettive differenziate e gerarchizzate. La cittadinanza non è uno status uniforme: i suoi contenuti sono determinati da parametri volta a volta diversi che danno luogo a complicate tipologie: cittadini originari o acquisiti, *cives ex privilegio o de gratia*, cittadini di antica o recente immigrazione; ancora: cittadini che abitano prevalentemente in città o cittadini residenti per lungo tempo fuori città, e allora dotati di minore tutela.” Costa, *Civitas, storia*, 15.

80. Dante Cecchi pointed out that there is a difference between *civis* and *habitor* in the Marche: “Si noti la differenza tra il *civis* e l'*habitor*: quest’ultimo è a volte trattato come il cittadino, anche se non è cittadino pleno jure.” Cecchi, *Statuta Castri Campirotundi*, 55.

81. Marsilius of Padua, *Il difensor della pace* (Turin: Utet, 1975), 174, and cited by Costa, *Civitas, storia della cittadinanza*, 27.

Also considered a citizen was the son or descendent of a citizen who paid the *onera realia et personalia* to the commune, paid the *dative* and *collecte* taxes, participated in the civilian militia, received specific exemptions, and possessed an individual house and a small plot of land. The citizen could make a summons to the local court, was protected against attacks from outside, could enroll in the *Arti*, and was also allowed to participate in political life.⁸²

What about the 140 women married by the *concordia*? As vectors of citizenship for men, were they themselves considered citizens? This question raises the complex issue of female citizenship. Legally speaking and according to the principle by which the marriage “transforms the origin of the women into that of the husband” (as indicated in the texts of Bartolus de Sassoferrato or Baldus),⁸³ a woman who married a citizen of another city lost her original citizenship and gained that of her husband. The *Glossa ordinaria* of Accursius stipulated that a woman married to a foreigner became a citizen of her husband’s *origo* while simultaneously ceasing to be a citizen of her city of birth.⁸⁴ As observed earlier, a man was able to keep his citizenship if he married elsewhere. At the beginning of the fourteenth century, dual citizenship was indeed a male privilege. For medieval-law specialists, the reason for this inequality is simple: a wife was under her husband’s control, and the association they formed through marriage meant that they no longer constituted two separate legal persons but rather a single legal person.⁸⁵ It was customary for the woman to live under her husband’s roof upon marriage (according to the rule of *mulier sequitur forum viri*). In the rare cases in which the man went to reside in his new wife’s commune, the woman kept her original citizenship.

As soon as one admits that citizenship may be defined not only by the possibility of holding political rights but also by belonging to a community of free individuals, then women are citizens. They are recognized as subjects in law and may

82. Bizzarri, “Ricerce sul diritto,” 67-68.

83. Bartolus de Sassoferrato, commentary of *Transfundit originem uxoris in originem viri*, in *Digeste*, 50, I, 38, and cited by Patrick Gilli, “Comment cesser d’être étranger. Citoyens et non-citoyens dans la pensée juridique italienne de la fin du Moyen Âge,” in *L’étranger au Moyen Âge, XXX^e Congrès de la SHMESP, Göttingen, June 1999* (Paris: Publications de la Sorbonne, 2000), 59, note 1. See also: Julius Kirshner, “Donne maritale altrove. Genere e cittadinanza in Italia,” in *Tempi e spazi di vita femminile tra medioevo ed età moderna*, eds. Silvana Seidel Menchi et al. (Bologne: Il Mulino, 1999): 377-429; Peter Riesenberg, *Citizenship in Western Tradition: Plato to Rousseau* (Chapel Hill: University of North Carolina Press, 1992).

84. *Glossa ordinaria* a Cod. 10.40 (39), 7. According to Kirshner, this is an important innovation because “the immutability of one’s personal origin was a sacred principle under Roman law.” Kirshner, “Donne maritale altrove,” 379.

85. Bartolus of Sassoferrato (who died in 1357) criticized the doctrine of the *Glossa*. While he indeed defended the principle of a single legal personage for married couples and the superiority of the husband, he considered the woman’s loss of citizenship upon marriage to a foreigner harmful. He proposed a clever compromise allowing for the reconciliation of the *Corpus juris* and the *Glossa*: as a sign of submission to her husband, the woman had to adopt his citizenship. However, she could nonetheless conserve her rights as a citizen in the place she was born. Bartolus’s text quickly became a model for jurists interested in the problem of marriage between people from different cities, but it came after the *Concordia* studied here. See Kirshner, “Donne maritale altrove,” 384.

transmit their citizenship. However, whether single or dual, citizenship remains for them “women’s citizenship”: a right to assistance, protection, and the possibility of an economic activity but with no ability to vote or be elected to office under any circumstances. The women of these Italian communes “swore no oaths, did not participate in public life, did not intervene in meetings. They had no access to the public spaces where the life of the community was decided.”⁸⁶ Exclusively for the men, “access to the female ‘body’ (in a physical sense) gave access to the ‘body’ (in a metaphorical sense) of citizens.”⁸⁷ The intermarriages that the peace treaty sought to impose thus reflected concrete social structures. Their enactment was designed to regulate the exchange of dowries and citizenship by allowing the free circulation of goods and persons on this one rare occasion.

The *concordia* of February 1306 failed to bring peace and realize any intermarriages. Not one single woman from Fabriano, Matelica or San Severino ever left her paternal home with a dowry to marry a man from Camerino (or vice versa) and gain new citizenship. The papal legates seem to have constructed a fantastical program of alliances with little regard for the possibility of social application. The communal elites never even bothered to thwart this unrealizable project or make it more flexible. And yet, can it be argued that the text was without social impact? Its influence undoubtedly lay in what it was able to negotiate, produce, and conserve. It enabled papal power to reassert its presence by demonstrating an attachment to both peace and the autonomy of the cities of the Marche. It also enabled communal elites to reaffirm their social dominance and allowed men to manifest their power and control over women.

In this document and in this specific context, depending on one’s social level and political situation within the commune, being a man meant negotiating peace, participating in rituals of reconciliation, swearing allegiance (on the condition of being over 18 years old and younger than 70), marrying a woman, and receiving citizenship. Being a woman meant becoming a wife and mother, thereby ensuring the transmission of assets, values, citizenship, and peace. In the *concordia*’s rhetoric of peace, marriage served as the cornerstone for reconciliation, and women acted as the principle vectors of peace by giving their dowry to a former enemy, contributing to the procreation of children in peace, and providing access to citizenship. Women had to consolidate, complete, and prolong the peace. By their very bodies, men required them to transform enemy into friend and to produce, both biologically and socially, men capable of defending the peace in the future.

The gender analysis crossed with a pragmatic procedure that I have proposed here makes it possible to maintain a certain distance from a strictly culturalist

86. Maria Teresa Guerra Medici, *L'aria di città. Donne e diritti nel comune medievale* (Naples: Esi, 1996), 19.

87. Anna Bellavitis, “Donne, cittadinanza e corporazioni tra Medioevo ed età moderna: ricerche in corso”, in *Corpi e storia. Donne e uomini dal mondo antico all'età contemporanea*, eds. Nadia Maria Filippini et al. (Rome: Viella, 2002), 103.

perspective. Instead, the concept of gender becomes an additional means by which to read the social, taking care to articulate it in relation to other social categories and to avoid any form of gender essentialism or determinism. Used in this way, gender presents another way to elaborate the history of social differences. It is one criterion of distinction among other types of socio-cultural relations. The heuristic strength of gender also lies in its ability to demonstrate that the division of the sexes is far from being the only one organizing social relations and attributing a place in society to individuals. For the men and women of the communes in the Marche, social status (some belonging to the “best families,” others to “middling” or “inferior families”) and age (after 18 or before 70 years for men) were also fundamental variables. The gender regime studied here is truly the result of the encounter between a unique document, a specific context, and male-female relations. While women’s sexual belonging constitutes a pertinent criterion of analysis with which to renew social history, it is only one element among many in an identity that is in perpetual flux.

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