Abstract:
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Cooperation, Capital and the Italian States:

This study provides a new account of early modern political development, and adds a theory of political change through cooperation to current conflict-driven models in political science/sociology. Moving out from one corner of Early Modern Europe, the Central Italy, it uses a method that draws upon rich archival sources as well as inquiries from the historical social sciences. Central Italy offers an excellent case for understanding the dynamics of early modern power: the Central Italian states from 1300-1500 left behind the best archival paper trail of any pre-modern group of polities. Most historians and political scientists/sociologists attribute the success of one of these states, Florence, to greater wealth and a stout army. Based on twelve months of archival research, this project reveals instead that Florence survived because its political institutions projected confidence, rather than fuelled coercion or competition.

To tell this story, this project consists of six chapters. An introduction explores the many surprising ways historians echo political science/sociological conceptions of state building and political change in early modern Italy. Chapter 2, included here, builds the analytical and theoretical framework of the study. It elaborates a new theory of a contractual political environment through a critical engagement with literature in the historical social sciences as well as political/diplomatic historiography. Early modern polities lacked the vocabulary of the modern state; neither a notion of sovereignty nor a firm breakdown between the international sphere and the domestic existed. Rather, the cities and lords of Central Italy built ties in the form of established contractual relations. The chapter explores why the political actors of Central Italy turned to these agreements to mitigate region-wide biological and man-made uncertainties, and why certain institutions were better able to build trust in such agreements while others fostered distrust.

The next three chapters explain the transformation of Central Italy. Chapter 3 explores the rapid growth of Central Italian territorial states from 1350-1420. In the realms of fiscal and juridical power, early modern Italian polities found centralization a poor solution for expanding their territories. Centralization, defined as the direct control of local institutions by a city or lord, incurred high normative/juridical costs, extracted little additional revenue, stifled private patronage networks, and had little to no effect on the security of the commune. Rather, Florence and other emergent Central Italian polities preferred to maintain a political contract with a subject. Chapter 4 examines the rise, diversification, and decline of the *accomandigia* – a political and military compact between cities and feudal lords. Chapter 5, also included here, explores the emergence, evolution, and decline of city-leagues in Central Italy. Such leagues were not individual agreements, but a stable set of common activities and decisions bundled into one agreement.

Chapter 6 reviews these similar dynamics and processes in other regions of Italy. In Venice, the elite forged similar relationships among its subject communities both in Italy and in the Aegean. Within the leagues of Northern Italy as well we see a similar pattern of contractual enforcement and the evolution of enforcement mechanisms. Finally, in Genoa, we observe a failure to build a contractual state because of the toxic role elites played in that city's political process. Chapter 7 concludes the project with the discussion of the Peace of Lodi and the end of the Italian political system as well as the implications of this project for the analysis of state formation and international change.

Chapter 2:
Contracts and Cooperation:
A Theory of Political Change in Pre-Modern Central Italy

Six young lions were born in 1337, reported the Florentine chronicler Giovanni Villani in his *Nuova Cronica*. The cubs, Giovanni contended, were augurs of the city's fame and fortune. "Truly in this time and immediately thereafter [Florence] was at the summit of her power."[1] Other chroniclers from neighboring cities echoed Villani's optimism, clucking their own community's triumphs.[2] Indeed, the region had never seen so much wealth, prosperity, and independence. Yet calamity lay near; the apex of order quickly giving way to the nadir of chaos. Beginning in the fourteenth century, biological, financial, and political tragedy buffeted the region of Central Italy. Plagues and famine scythed cities' population, banks collapsed, and foreign armies streamed across the Alps. The next two hundred years witnessed the transformation of this region from a collection of relatively autonomous cities and surrounding petty lordships into one dominant regional polity, the Republic of Florence, and a few minor centers (Siena, Lucca, the Duchy of Piombino etc.). All told, the number of individual towns and lords as autonomous entities was reduced over the course of two centuries from several hundred to less than a handful.

The argument of this chapter, in brief, is that this political transformation in fact was not one but four interrelated changes to the political structures of Central Italy: 1) the formation of larger political entities, 2) the interdependence of cities, 3) the integration of Italy with the rest of Europe, and 4) the uneven march of Florence toward hegemony. Rather than changing into proto-sovereign territorial states, the polities of Central Italy transformed from small cities into diverse network of networks - large, highly decentralized regional states bounded together through bilateral and multilateral political bonds. These political bonds, in turn, were themselves the constituent institutions of the pre-modern Italian order and fostered a high degree of cooperation among cities. Multi-part, semi-permanent contracts also dictated the rhythms of inter-city war, the formation of larger territories, and the consolidation of stronger bureaucracies. Contracts were any pact, agreement, treaty, or other form of social institutions that specified the reciprocal rights and status of one or more political actor or collectivity of actors: cities, lords, leagues, mercenaries, or authorities claiming universal authority (e.g. the Papacy or the Empire). Attention to the structure and dynamics of contracts and cooperation enables us to better understand these four changes in Central Italian political life than alternative explanations based on war, sovereignty, and raw power.

Part I of this chapter begins with a review of the four political puzzles of Central Italian political change from 1300-1500. Part II explores alternative answers to these puzzles in the political science, historical sociology, and history literature. While some social scientists have sought to identify a consolidated state system in the peninsula, others have observed a weaker form of political development or a uniquely Italian path toward modernity. I will suggest a number of reasons why both interpretations seem misguided. Many further have pointed out that war was a primary motor in this process. Yet to the extent that war drove this process, it did so mainly as a byproduct of the breakdown of contracts, not independently, and certainly not due to an underlying impulse toward centralized rule. While historical literature partially has corrected these mistakes through the composite state - a diverse, decentralized, and non-Weberian polity built on negotiation, bargaining, and political contracts - the composite state project remains muddled and unclear. Part III clarifies

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[1] Villani, XI 67. Cited in Brucker, 4.
[2]

the composite state model by exploring the legal, semantic, humanistic, and ideological underpinnings of a contractual conception of power in pre-modern Italy, and shows empirically the significant increase in political contracts in the fourteenth century. Part IV finally borrows from new approaches to institutionalism in political science and economics to develop a new theory of political change through cooperation and contracts. Central Italians, faced with a litany of biological and political catastrophes, built increasingly denser webs of connections, enforced these agreements through new innovations, and attempted to mend such accords when broken. This chapter concludes by suggesting a new entry point for political scientists and sociologists to the study of the pre-modern world through the literature on property rights, bargaining power, credible commitment, and trust. In this way, the chapter sets both the historical stage as well as the theoretical boundaries for the empirical chapters ahead.

This chapter moves from empirics, to theory, and back again. My goal is to show how the literature on Italian political development remains locked into a conversation about states and war, when, if we listen to how people at the time thought of power, we would do better to use theories of networks and cooperation. In moving between history and theory, this chapter also sets the format of the chapters to come in which I shine theories of state making and cooperation across multiple disciplines against the light of the historical record. In doing so, I hope neither to do violence to the past nor to the care and time of theorists.

I: The Four Puzzles of Italian States: Formation, Interdependence, Integration, Linearity

The political experience of the cities and feudal lords of Central Italy from 1300 to 1500 raise four puzzles for scholars of early modern European history, comparative state formation, and historical international relations: (1) the precise nature of the political transformation from a collection of a few dozen cities and independent feudal lords to a single hegemonic power, the Republic of Florence, often called the formation of the Renaissance Italian state; (2) the degree of interdependence among the political units of Central Italy, in particular their political cooperation or conflict; (3) the endogenous or exogenous causes of this change, in particular, the relative integration of Central Italian with the military, political, and economic transformation of late medieval/early modern Europe more generally; and (4) the relative linearity/contingency of this process. To these four puzzles – formation, interdependence, integration, and linearity – I now turn.

If we were to take a snapshot of Central Italy in 1300 (Map 1), we might discern two important centers of political life. On the one hand, we would observe around a dozen independent city-states – urban communes (although nominally under the authority of the Holy Roman Emperor and the Papacy) claiming no higher juridical authority. Each of these cities maintained in addition an attached semi-rural countryside (in Italian, *contado*) that provided its growing urban population with a ready supply of grain and its burgeoning merchant class safe trade routes. Although not alike economically or demographically, these city-states were the juridical equal of each other.[3] Internally, these urban communes each possessed a similar juridical and governmental structure: an oligarchic committee of merchants and/or artisans who ruled collectively pared with a judge typically drawn

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[3] One could perhaps identify a two-tiered juridical foundation of Central Italian city-states. At the top tier, Florence, Siena, Arezzo, Prato, Pistoia and Pisa had bishoprics, and thus founded their secular power upon a firm religious foundation. At the bottom, San Gimignano, Colle Valdelsa and a few other communities, although exhibiting many of the same activities as their neighbors, could never claim ecclesiastical authority. As Giorgio Chittolini noted, these cities then fell into a slow grade of *quasi-cities*.
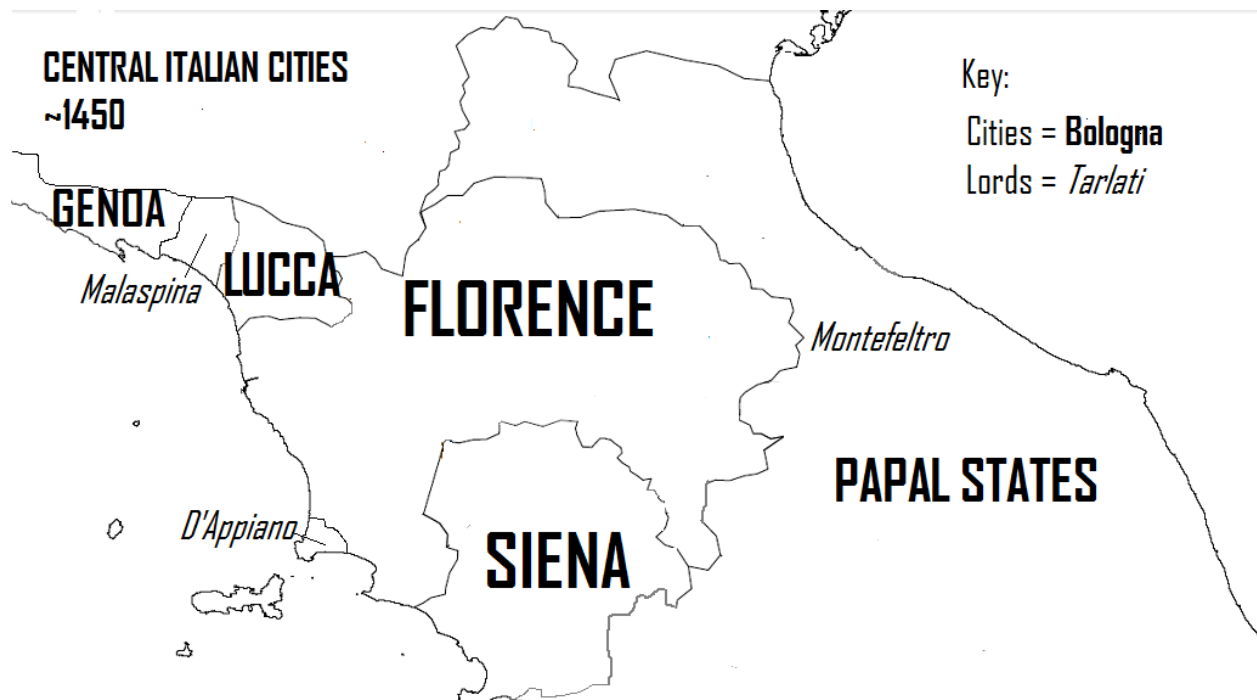
from outside the community to ensure impartiality. On the other hand, we would observe large pockets of feudal lords in the crest of hills around these cities. Unlike cities, these lords organized themselves into diversified family units, typically around a string of castles. Because of the practice of partible inheritance, the exact unity of these families could vary wildly from generation to generation. Finally, these families' integration into the lives of surrounding communes varied from near full integration into political life to near complete isolation.

MAP 1: Central Italy ~ 1300

If we were to then fast forward two hundred years, the map would look radically different (Map 2): the number of independent political entities, both communal and feudal, collapsed to only a handful. One dominant power, the Republic of Florence, dominated the region and (at least from such a view point) claimed control over the many former city-states and rural lords that once populated the region. Such a map should look typical of the process we often call the European project of "state formation:" the gradual reduction of a number of independent political units into a few into a sovereign states claiming jurisdiction over a bounded territorial community.

CENTRAL ITALIAN CITIES ~1450

Key:
Cities = **Bologna**
Lords = *Tarlati*

GENOA

Malaspina **LUCCA**

FLORENCE

Montefeltro

PAPAL STATES

D'Appiano

SIENA

Yet, such a transformation from political diversity to political unity is largely a fiction. The leaders of Central Italy would never have thought or represented this political community as a sovereign territorial state, let alone any unified political community. Power was not absolute, but relational, held within bilateral and multilateral pacts – horizontal associations among allies in addition to vertical accords between cities and subject lords/towns.

The language of the day spoke little of states, but much about pacts and networks. When, for instance, a number of Central Italian cities signed a treaty with Milan in the town of Sarzana in 1353, these cities described their polities as bundles of agreements. The city of Florence, for instance, declared itself a conglomeration of "the castles of San Gimignano, San Miniato a Tedesco, Colle Val de'Elsa, Barga, Vernia, the castle and *contado* of Putei, the city of Pistoia, the castle of Prato, the cities of Arezzo and Volterra, the castles of the Valley of the River Nebule and the River Adriana, and the counts Guido, Roberto, and Piero of the castle of Pratovecchio, and all the other communities, and districts, men, followers etc:"[4] Florence's neighbor Perugia signed the treaty in the name of "its lands, places, and positions, and the cities of Spoleto, Fuglino, Assissi, Nuceri," as well as the lands of numerous dependent lords and followers.[5]

Political power then looked more like a bundling of individual contracts among a central city and many diverse centers of authority than a nascent proto-sovereign state. Contracts fell into a number of significant juridical-legal categories. The analogy of an onion maybe works best. At the core of an Italian state was the city, claiming universal authority. Further out, we would find a

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[4] Ibid: "le terre e luoghi che tiene e possiede, e pei castelli Sancti Geminiani, Sancti Miniatis del Tedesco, Collis Vallis Else, Barghe, Vernie, castello o contado Putey, città Pistorii, castello Prati, città Aretii e Vulterre, castelli Vallis Nebule e Vallis Adriane, comitibus Guidone, Ruberto e Piero de Pratoveteri, e per tutte le altre comunità e distretti, pertinenze e umini, seguaci, ec"

[5] Ibid; "Spoleti, Fulginey, Assisi, Nucerii."

countryside ruled directly by this city (a *contado*). Next, a series of subjected communities with a high degree of political independence in a surrounding district (a *distretto*) existed under the nominal authority of the center. Further out, a number of feudal lords and military captains or *raccomandati* were held as a reserve of force for the city. Finally, nearly every city was part of at one time or another leagues or alliances – collections of juridically independent allied cities.

If we wish to understand the transformation of political power in this region, we need to identify not how Central Italians formed consolidated states, but how Central Italians developed these unique bonds – why the onset of this process began in the fourteenth century, why Florence attained the broader network of bonds than its neighbors, and why these networks seemed to stultify into more rigid forms of control after the Peace of Lodi in 1454.

The interdependence of these polities is the second puzzle we need to address – if *what* Italian cities made from 1300-1500 looked like a bundle of networks rather than states, does it change *how* this process happened? If many scholars have stressed the high degree of conflict among Central Italians, they have generally undervalued the degree of cooperation and interdependence among these cities. Cooperation came in many forms. For one, the territorial expansion of Italian cities rarely took the form of outright war. If many scholars have noted how Italian cities grew through a combination of strategies including sovereign purchase, alliances, and peaceful acquisition, they have never explained *why* cities might choose one strategy over another. Furthermore, even when relations among cities and lords became vertical and tended toward domination, power remained an ongoing negotiation, not a centralized imposition. As Gamberini and Lazzarini have recently stressed in a volume on the Italian states, we have to talk about state formation as a process in which all political actors "that enjoyed even a fraction political agency" took an active, cooperative role. Furthermore, cities bound themselves into relations outside of war. Complex credit markets allowed cities to take out direct loans from neighbors and to foster the cooperation of allies through inter-city sureties – the holding of money in the event of default. Finally, legal arbitration – the act of a fellow Italian commune offering legal help – allowed cities to pursue avenues of retribution within the courtroom rather than upon the battlefield. Interdependence then can show us how the political transformation of Central Italy was not an atomized political process among rivals, but the interaction of a diverse network of allies.

The third puzzle we have to ask is the relative integration or separation of Central Italian political life from the rest of pre-modern Europe. An often-cited axiom holds that the Italian states grew and expanded chiefly in a political vacuum. In that brief window between the medieval retreat of the central authorities of the Holy Roman Emperor and Pope and the descent of Charles VIII's invasion in 1494, the Italian cities burst out of their walls, conquered new territories, built a stable diplomatic network, and started the long process of modern state formation. The question is not just pertinent for Italy, but is inherently comparative. If the South German cities have often been seen as being held back from achieving significant territories due to the influence of the Emperor, the decline of Imperial power in Italy have been seen as having the opposite effect.

Yet, the cities of Central Italy were not cut off from the rest of Europe. The Alps, as it were, were less a wall and more a porous boundary. Towns continued to strive for the legitimation of their power by the Holy Roman Emperor and the Pope. These universal powers themselves often became involved in the internal affairs of the region. And an influx of mercenaries due to a number of European conflicts (the Hundred Years war, the Angevin Civil Wars, the Papal Schism) flooded the region. As Isaacs says:

"the decisive factor was not the Empire or the presence of the Holy See in and of themselves, but rather the relationship of other Italian states to them, what other states did with the power and the space they themselves controlled…Italian cities limited, molded, and profited from the existence of power structures claiming universal authority. Their merchants and bankers financed the Pope and his cardinals and controlled papal taxes, their relatives and associates enjoyed bishoprics and other benefices. They were careful to have their privileges confirmed by Emperor; their communal councils or lords became imperial dukes or papal vicars. Emperors and Popes legitimated a variety of governments, recent and less recent, and only rarely forced those governments to make changes in their institutions."[6]

Finally, we have to ask if the process of political change toward a dominant Florentine regional state happened unilinearly or through a series of contingencies. Many studies have begun with Tuscany as the "natural border" of Florence, a region largely coterminous with the borders of what would become the Duchy of Tuscany in the sixteenth century. Florence's regional success over other centers such as Lucca, Siena, and Pisa, in their view, was largely one of inevitability. Yet alternative comparative constellations existed. Through the ideological vehicle of the pro-papal ideology of Guelfism, Florence sought to unify a larger macro-region spanning Bologna, Perugia, the Tiber Valley, and the petty lords of the Romagna. Only later did the city drop such grand plans and crystalize a territorial state within the boundaries of modern Tuscany. At the same time, the political survival of key Tuscan cities, Siena (until 1555) and Lucca (until 1805), suggest a less than perfect narrative of a triumphal Florence. If we wish to understand the political transformation of a region, we must consider the agency of all its political actors. The question of linearity moreover goes beyond Italy and into the issue of the long-run survival of the European city-states.[7] Tom Scott recently has suggested that city-states across Europe adopted a number of strategies to survive into the seventeenth century and beyond. Central Italian cities and lords likewise did not need to necessarily adopt one single trajectory to survive, but could remain independent and pseudo-independent political entities long after the assumed downfall of the Italian system in 1494. More theoretically, this suggests that states often do not grow efficiently as some social scientists have suggested, but through a number of diverse trajectories.

To summarize, Central Italy's political development from 1300-1500 raises four puzzles: formation, interdependence, integration, and linearity. I will suggest next why the current literature both in the historical social sciences and political history might usefully answer some of these puzzles, but ultimately misses some key facts about Central Italian political change.

II: The Problem with Sovereignty, the Puzzle of War

A: Historical Social Science Approaches to Italian Politics

Social science approaches to the question of political change in late medieval and early modern Central Italy follow three main approaches: a) accounts that find in Italy the precocious adoption of a system of sovereign, territorial states; b) explanations based on competitive geopolitics that observe a weakened, capital-intensive version of the modern state in Italy; and c) institutional accounts focusing on the effects of economics and credibility on the underdevelopment of Italian territorial states. Rather than begin with the explanations and causes for the particular political

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[6] Isaacs, 294.
[7] See Matoccio, "Bringing the City-State Back In," Journal of Interdisciplinary History, Fall, 2014

outcomes, this literature review interrogates the very ontological categories – state, war, institution – by which all these theories operate. I thus order this review from those approaches furthest from the theoretical and empirical findings of this project to those approaches that provide useful first steps. I further draw no distinction between approaches from international relations, comparative politics, and historical sociology; as we shall see, all make a number of assumptions Central Italian politics. I further include only how these theories that confront the emergence in the fourteenth century of new patterns of rule; I reserve a critique of theories on the supposed decline or failure of the Italian polities in the sixteenth century for Chapter 7. In spite of an increasing sophistication in how the historically-oriented social sciences approach Central Italian political development, theories continue to set the modern states as the object of analysis in opposition to how contemporaries thought of political life as a network of contracts.

A popular misconception in the social science literature on pre-modern Italian politics focuses on the development of a system of sovereign states before 1494. In its strongest form, this argument echoes Jacob Burckhardt's thesis identifying in the Italian cities the beginnings of modern sovereignty and diplomacy. Through the use of regression analysis, David Sobek has argued that the Italian system of states broadly resembled the same mechanisms of the modern state system: atomized, utility-maximizing state actors, material concerns, and internationals anarchy. On the opposite side of the theoretical spectrum, Daniel Philpott's study of changes in ideologies of international system calls the Italian polities "a small system of sovereign states, sealed from Europe by alpine partitions, survived for a century."[8] Following from a similar constructivist or normative theory of international relations, Christian Reus-Smit notes that "a society of sovereign states in Italy reached its apex in the fifteenth century, evolving a distinctive constitutional structure and framework of institutional cooperation."[9] He goes on to explore how political patronage and the pursuit of civic glory spurred the growth of an international system akin to modern sovereign states.[10] Finally, through the study of political networks, Daniel Nexon notes that "the recognition of something like sovereignty occurred in Italy."[11]

Though each of these scholars invokes broadly different logics for the emergence of these polities, and provides diverse mechanisms and ontological claims differ ranging from static, atemporal, materialist-structuralist accounts to cultural, interpretive ones, the object of examination remains much the same: to account for the development of a system of sovereign states formed on one side of the Alps. However, at every level these city-states never achieved an isolated, sovereign system: trans-alpine and Mediterranean politics dramatically influenced political events, and claims of complete sovereignty proved difficult. Ultimately, such arguments project backward the idea of sovereignty unto the Italian cities, and fail to explain the vast majority of this dissertation's findings.

Another more useful approach examines the Italian polities less as precursors of the modern state, but as following a uniquely weakened trajectory to political modernity. Central to this argument was the uneven role warfare and the accumulation of capital played in political change across Europe. In his seminal book *Coercion and Capital*, Charles Tilly argues that all of early modern Europe witnessed a rise in warfare following the Military Revolution of the sixteenth century - an exogenous change in the technology of firearms, fortifications, and artillery – that concomitantly necessitated the building of more capable states through a mixture of coercion and capital.

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[8] Philpoott, 80. Garrett Mattingly, 56-57.
[9] Reus-Smit, 64.
[10] Reus-Smit, 73.
[11] Nexon, dissertation 147.

Unfortunately for the Italian polities, the perseverance of a great deal of urban wealth spoiled the possibility for the creation of large, national states.[12] While war sharpened bureaucratic apparatuses in other parts of Europe, the mercantile elite of Italy saw no advantage to investing in bureaucratic structures, a decision that produced, in turn, a particularly urban, capital-intensive, and, ultimately, unsuccessful state. Such political forms, incapable of competing in the increasingly bellicose international environment of early modern Europe, were smashed and absorbed by more efficient polities.[13]

Tilly's basic argument has received a great deal of scholarly attention. Further refinement of the causal mechanisms (the cost of military technology or the type of competition) and alternative non-Europeans cases have not so much falsified Tilly's thesis as brought him back to his original context: Western Europe, c. 1500.[14] On the other hand, others have modified his basic contention through examining the role of medieval constitutionalism (Downing), the different timings of the onset of war and the persistence of Roman rule (Ertman), the role of elites (Wheeling), and the importance of regime variation (Bouycannis).[15] None, however, have directly confronted his immediate argument on the role of warfare itself in the Italian context.

Did a change in military pressure in fourteenth- and fifteenth-century Central Italy shape Italian politics through a similar process as on the rest of the continent a century later? Undoubtedly, the influx of mercenary free companies in the 1330s, loose coalitions of cisalpine soldiers, dramatically increased the costs of warfare in the Italian city-states – what I call in this dissertation the Mercenary Revolution.[16] The average cost of a *lancia*, a knight and accompanying auxiliaries, doubled from the 1260s to the 1390s and spiked in the 1430s to ten times the rate two centuries earlier.[17] The sellers' market for force manifests in frequent individual privileges to successful captains; John Hawkwood, the most successful mercenary of his day, received a 7,200 florins personal allowance from Florence in 1392, many hundreds of times larger than the salary of Florentine worker or common soldier.[18] When not hired, mercenaries could exact an equal cost on

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[12] Richard Bonney, *The Rise of the Fiscal State in Europe, C. 1200-1815* (Oxford ; New York: Oxford University Press, 1999); M. J Braddick, *The Nerves of State: Taxation and the Financing of the English State, 1558-1714* (Manchester: Manchester University Press); item, *State Formation in Early Modern England, C. 1550-1700* (Cambridge ; New York: Cambridge University Press, 2000); John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (New York: Knopf, 1989); Geoffrey Parker, *The Military Revolution: Military Innovation and the Rise of the West, 1500-1800*, 2nd ed. (Cambridge ; New York: Cambridge University Press, 1996); Clifford J Rogers, ed., *The Military Revolution Debate: Readings On The Military Transformation Of Early Modern Europe* (Westview Press, 1995).

[13] Tilly

[14] Nicola Gennaioli and Hans-Joachim Voth, "State Capacity and Miltiary Conflict," 2011; Philip Hoffman, "Why Was It That Europeans Conquered the World?," April 26, 2009; Miguel Angel Centeno, *Blood and Debt: War and the Nation-State in Latin America* (University Park: Pennsylvania State University Press, 2002); Peter Allan Lorge, *The Asian Military Revolution : from Gunpowder to the Bomb* (Cambridge; New York: Cambridge University Press, 2008); Jeffrey Ira Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, N.J: Princeton University Press, 2000).

[15] Brian M Downing, *The Military Revolution and Political Change: Origins of Democracy and Autocracy in Early Modern Europe* (Princeton, N.J: Princeton University Press, 1992); Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge, UK ; New York: Cambridge University Press, 1997); Margaret Levi, *Of Rule and Revenue* (Berkeley: University of California Press, 1988).

[16] Michael Edward Mallett, *Mercenaries and Their Masters: Warfare in Renaissance Italy* (Bodley Head, 1974).

[17] Molho calculates the following costs: 1260 – 6 florins/month; 1390s – 12-14 florins/month; 1420s – 12-16 florins/month; 1430s – 60 florins/month. Molho, "The State and Public Finance: A Hypothesis Based on the History of Late Medieval Florence," 15–16.

[18] Archivio di Stato di Firenze (ASF), Capitoli registri (CAP) 3.

states through raiding and ransom. Siena, for instance, found it difficult to compete with the rising costs of extortion.[19]

Furthermore, common measurements used in scholarship on the Military Revolution can be observed during the earlier Mercenary Revolution in the city of Florence, the only Central Italian polity for which we have consistent data. Levy observed that between 1500 and 1700, a Great Power war was fought in 95% of all years.[20] For the 16th and 17th century, Tilly measured the average duration of wars to be at 1.6 years and 1.7 years, respectively.[21] Examining the number of major battles, Gennaiolo and Voth showed that from the 15th to the 18th century, the annual number of European-wide battles increased 240%.[22]

While Florence did not experience sustained conflict of the same scale, the frequency of conflict increased dramatically in relative terms. From an average of 30% of years witnessing sustained conflict from 1330-1360, the average climbed to 40% from 1370-1400, and 70% from 1410-1440.[23] While no sufficient data at present exists for the number of battles, qualitative observations show a clear increase in engagements per conflict. Wars in the thirteenth century, more feudal processions than organized conflict, were quick affairs lasting, at most, months.[24] The disastrous war with Lucca and Siena, conversely, raged from 1429-1433 and expanded to encompass additional peninsular actors.[25] Army size also increased. While a long historiographical tradition has pilloried the Florentine use of short-term mercenary contracts (*condotta*) over a more permanent force, recent scholarship has corrected such a negative view.[26] William Caferro has argued that the Florentine army constituted a stable army of mercenary troops numbering approximately 1,200 men in the fourteenth and fifteenth centuries, with spikes of anywhere from 12,000 to 16,000 in times of war.[27] At first glance, the numbers do not look remarkable; Florence fielded an equal number of troops at the major battles before the Mercenary Revolution - Monteperti [1260], Campaldino

[19] William Caferro, *Mercenary Companies and the Decline of Siena* (Baltimore: Johns Hopkins University Press, 1998).

[20] Jack S Levy, *War in the Modern Great Power System, 1495-1975* (Lexington, Ky: University Press of Kentucky, 1983).

[21] Tilly, *Coercion, Capital, and European States, A.D. 990-1990*, 72.

[22] Nicola Gennaioli and Hans-Joachim Voth, "State Capacity and Miltiary Conflict", (Working Paper, 2011.) These numbers are, in turn, built from Tony Jaques, *Dictionary of Battles and Sieges [3 Volumes]: A Guide to 8,500 Battles from Antiquity Through the Twenty-first Century* (Greenwood, 2006).

[23] I use David Sobek's definition of war borrowed from the Correlates of War (COW) project: "a major-major war (occurred) when the official state forces (militia, hired *condottieri*, and/or navy) of at least one major power engages, or attempts to engage, the official state forces of at least one major other power in at least two sustained battles over a 1-year period." David Sobek, "Regime Type, Preferences, and War in Renaissance Italy," *Journal of Conflict Resolution* 47, no. 2 (April 1, 2003): 220. I add two actors Sobek ignores: Lucca, the most important opponent in the 1330s and 1340s, and the Ubaldini clan, with whom Florence fought a conflict in the 1350s and 1370s. See M. E. Bratchel, *Medieval Lucca and the Evolution of the Renaissance State* (Oxford University Press, 2008), 82–120; and David Friedman, *Florentine New Towns: Urban Design in the Late Middle Ages* (The MIT Press, 1989), respectively.

[24] For instance, the host left Florence to campaign against Arezzo in 1289 only to triumphantly return less than two months later. On the general conduct of wars in this earlier period see: Daniel Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century," in *Florentine Studies: Politics and Society in Renaissance*, ed. Nicoli Rubinstein (London: Faber, 1968).

[25] C. C Bayley, *War and Society in Renaissance Florence; the De Militia of Leonardo Bruni* (Toronto: University of Toronto Press, 1961), 95–110.

[26] Bayley, *War and Society in Renaissance Florence,* 41; Maria Nadia Covini, "Political and Military Bonds in the Italian State System, Thirteen to Sixteenth Century," in *War and Competition Between Stats*, by Philippe Contamine (Oxford: Oxford University Press, 2000), 14; J. R Hale, *War and Society in Renaissance Europe, 1450-1620* (New York: St. Martin's Press, 1985), 64–66; and William H. McNeill, *The Pursuit of Power: Technology, Armed Force, and Society Since A.D. 1000* (Chicago: University of Chicago Press, 1982), 74.

[27] Caferro, "Continuity, Long-Term Service, and Permanent Forces," 245–246.

[1289], and Altopascio [1315].[28] However, when one considers the dramatic collapse of population after the Black Death, the relative size of the wartime force increased two to three-fold. By 1427, the Florentine army amounted to 0.4% of the total population, well above the .06% of total population of the first "permanent" force, Charles VII's army of France in 1445.[29] Therefore, by the beginning of the ruinous wars with Milan in the 1390s, Florence seemed poised to create a territorial state. Andrea Zorzi noted that "the Florentine example appears as a positive combination of 'concentration of capital, concentration of the means of coercion,' the two necessary instruments for the formation of the 'state' under its many historical guises."[30] That Florence (or, for that matter, Central Italy) failed to follow this trajectory suggests a more complex process than Tilly and his peers provide.

More recently, Hendrik Spruyt and a number of other scholars have explored in greater depths the Italian approach to political development. Rather than warfare, Spruyt places economic institutions at the core of his argument. Within early modern Europe, he argues that a number of different political forms operated contemporaneously. Following from the path-breaking work of Douglas North, Spruyt contends that these polities' success or failure depended on their ability to credibly commit to economic agreements. Rulers who could make agreements with their mercantile elites which those elites believed would not be violated had better success than those rulers who failed to commit. In this sense, the relative power of war was less important than the relative trustworthiness of particular political actors and the types of goods traded. Due to the high volume of goods and long distances of trade, the cities of Italy were strong enough to assert some form of sovereign authority, but failed to integrate their territories. Thus, the Italian states produced a "fragmented" form of territorial power. In the end, the sovereign state (in Spruyt's case France) out-competed their fragmented competitors. Spruyt, however, fails to address the political trajectory of Italy. For one, he focuses almost exclusively on an analysis of the internal political structures of the peninsula, and ignores the impact of forces outside the peninsula. Furthermore, he discounts the possibility for city-leagues to form on the peninsula and ignores the persistence of rural lords. In the end, Spruyt still relies on the sovereign state as his primary unit of analysis, finding in Italy a partial half-state rather than analyzing the peninsula's political forms in their own right.

Central Italy from 1300-1500 undoubtedly differed radically from both the modern international environment and from that of continental Europe two centuries later. Many historians have shown flaws in the core empirical findings of Tilly, Spruyt, and other researchers. The theories of political science and comparative sociology further fail to recognize the possibility for greater variation in the modalities of state formation, preferring to place a model of a sovereign territorial state through coercion over other potential forms of central authority through networks and cooperation. Moreover, these studies have largely ignored how the Central Italian states interacted with other European powers; Italy, to them, was a closed international system.

If the social sciences fail to help us answer questions of state formation and political integration, Tilly and Spruyt can still be useful to understand the other two puzzles at the heart of this project: interdependence and linearity. Spruyt's argument for a theory based on credible commitment and multiple historical trajectories is useful for understanding how cooperation might

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[28] Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century."

[29] Caferro, "Continuity, Long-Term Service, and Permanent Forces," 246. For the measurement of Charles VII's army see: Philippe Contamine, *War in the Middle Ages* (New York, NY, USA: B. Blackwell, 1984).

[30] Andrea Zorzi, "The 'Material Constitution' of the Florentine Dominion," in *Florentine Tuscany: Structures and Practices of Power*, ed. Andrea Zorzi and William Connell (Cambridge, U.K. ; New York: Cambridge University Press, 2000), 15.

influence political development. Rather than rely on power as the main resource of politics, he contends that credibility was the key to understanding the political development of Europe. Furthermore, Spruyt and Tilly both suggest that to understand the transformation of domestic institutions we need to examine international systems. As we shall see in Chapter 3, historians have wrongly favored narratives drawn from internal political debates within cities to explain the international dimensions of Central Italian political change. Also, both scholars imply that the complex dynamics of political change in early modern Europe did not follow a unidirectional process, but consisted of multiple trajectories operating simultaneously. In much the same way, this dissertation examines three competing processes of contracting occurring at approximately the same time and place. Finally, rather than ignoring the process of political change in Italy or dividing it from the rest of Europe, Tilly and Spruyt suggest that studying Italian politics can reveal a great deal about the broader process of political change in early modern Europe.

B: What's In a Name? The Composite, Conglomerate, or Contractual State?

As opposed to the social sciences, the discourse on the pre-modern European state has moved dramatically away from the idea of a sovereign territorial (not to mention absolutist) state. Long gone are the days when historians hold up a modern yardstick to measure power in pre-modern Europe. Instead of Max Weber's ravenous state devouring local communities and privileges, contemporary scholars have found the early modern Leviathan a tame beast, a political creature more in common with its medieval predecessor than modern variant.[31] In the Middle Ages, monarchs and autonomous cities, lacking material resources and ideological authority, cobbled together collections of diverse communities rather than created proto nation-states. Hegemony poorly-fit the medieval political ecosystem: medieval rights and privileges granted earlier by feudal lords had splintered over many centuries into innumerable centers of political authority. Local actors ruled not in contention with, but parallel to the center, "mutually reinforcing" collective power.[32]

The transition to the early modern period has commonly been seen as the linkage of independent political units into new, amalgamated entities. Following a path breaking essay by John Eliott on the Spanish monarchy, historians have collectively called these polities "composite monarchs," "composite states," or "conglomerated states."[33] In opposition to Weberian, centralized, sovereign, territorial or even national states, these composite states maintained only partial vertical power over their societies. All *ancien regime* polities diffused power "across corporate bodies, ranging from estates to regulated companies, towns, guilds, religious confraternities, and others."[34] Nor could these polities extend their power longitudinally, across vast new swaths of territory. When polities acquired through conquest, purchase, or dynastic accident new territories, these lands maintained their own identity and distinct institutions, and often codified the terms of their surrender with their new lord.[35] These agreements often allowed local peoples to "enjoy some significant autonomy over local rule making and enforcement."[36] Power flowed not directly from the

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[32] Anthony Molho, "The State and Public Finance: A Hypothesis Based on the History of Late Medieval Florence," in *The Origins of the State in Italy, 1300-1600*, 101.

[33] The term itself has its origins in "19th century basis in Robinson (1894); Smith (1895) and even Pufendorf (see in Schroeder 1999). Muldoon (1999) states that the modern use of the term comes from H.G. Koenigsberger They believe that the term "state" is assocaiated too closely with the Weberian centralized, bureaucratized, sovereign, territorial and national states.

[34] Grafe, 119.

[35] Nexon, book, 68.

[36] Nexon, 71.

center, but through triangulated negotiations among center, local elite intermediaries, and common peoples.[37] Nor were such rules unified, but each territory maintained its own distinctive relation to the ruler.

If historians have greatly advanced our knowledge of how early modern politics fundamentally involved the "linking of nodes into larger political communities," they have omitted a number of critical issues.[38][39] For one, the broadening of the composite state itself has threatened to make the idea obsolete. The original contention that these polities either were based fundamentally on the parliamentary process, as Koenigsberger argues, or through a 'personal union' of two or more principalities in the person of a common ruler, as Eliott originally suggested, has indeed broadened to a much larger concept of power.[40] The composite state today has been "used to define apparently very distant systems, like the Republic of Venice and the great European monarchies."[41] Attempts to typologize every institutional outcome in Europe from Free Peasant Communities in East Friesland to leagues of towns (Hanse, Swabian League) to vast empires can leave us with an over-abundance of institutional forms with little sense of coherence. The composite state today has truly gone "global," with studies from the Ottoman Empire, Qing China, and the colonies of Revolutionary America all claiming part or all of this theory.[42]

Furthermore, the composite state's place within the larger process of European state building remains one of a transitional political form, a half-way house between feudal anarchy and sovereign order, what Gustaffson calls a "missing link."[43] This raises a critical question: was the composite state the result of military and technological limitations or a broad cultural/ideological aversion to centralization? Central authorities certainly risked revolt both at home and abroad if they chose to assert central prerogatives or violate the terms of their agreements with local councils and parliaments. Geoffrey Parker, referring to Valois and Bourbon France, Stuart Britain and the Spanish Monarchy, observed that the "failure to observe the terms of incorporation almost always led – often very swiftly – to disaffection and even to revolt, led by a local elite."[44] Regina Grafe speaks of "an ideology of contractual rule" among the crown, urban "republics," and the historic territories of seventeenth and eighteenth century Spain.[45] Through the exploration of Catholic,

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[37] Te Brake

[38] Daniel H Nexon, *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires, and International Change*, Princeton Studies in International History and Politics (Princeton: Princeton University Press, 2009), 71.

[39] For a recent claim against the term composite state, see Worth putting in a footnote that the only person I have ever seen say a state was NOT a composite state was the Neapolitan in IRS.

[40] Sharma, Dissertation, 89.

[41] Guarini, 1995, 64.

[42] For Europe, see Keonigsberger, Corteguera, Gustafsson, Carocci claims the Papal States are composite. For the Ottomans see Goffman, Barkey, 276. On China, Peter Perdue, 555-58. On Revolutionary America see: Burshnell, Amy Turner. "Gates Patterns and Peripheries: the Field of Frontier Latin America" 15-28; Jack Greene William and Mary Quarterly 2001; David Armitage, The Ideological Origins of the British Empire; Daniels and Kennedy, eds. Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820; David Hendrickson, Peace Pact; Douglas Bradburn, The Citizenship Revolution; Thompson and Onuf, eds., State and Citizen: British American and the Ealry United States (UVa 2013) essays, by Onuf, Hendrickson, Bradburn, and Brooke; Peter Onuf – (with Nicholas G. Onuf), Federal Union, Modern World: The Law of Nations in an Age of Revolution, 1776-1814. Madison House, 1993. (with Cathy D. Matson), A Union of Interests: Politics and Economics in Revolutionary America, University Press of Kansas, 1990.; Statehood and Union: A History of the Northwest Ordinance. Indiana University Press, 1987; Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787. University of Pennsylvania Press, 1983.

[43] Gustafson, 193.

[44] Parker, 1998 ? , 113.

[45] Grafe 119 and 243

Jewish, and Islamic traditions, Giovanni Levi has argued for a more pervasive, Mediterranean-wide conception of distributive justice and reciprocal legitimacy within the basin's corporate hierarchical societies; an ideology of reciprocal power that fundamentally prevented centralized political consolidation.[46]

Moreover, scholars have generally placed the composite quality of these states above the actual tools and mechanisms used to keep these diverse polities together: political contracts. In summarizing the building of strong centralized polities, Gamberini and Lazzarini in the introduction to a large volume of comparative cases of Italian states, note that "the dynamic of state-building and governmental growth in late medieval Italy was more pactist than authoritarian, more reciprocal than vertical."[47] Trevor Dean speaks of the "contractual nature" of the relationship between Niccolò d'Este of Modena and the surrounding noble families, noting that in these agreements, "the bargaining position of the nobles" differed significantly.[48] Giorgio Chittolini has showed how negotiation rather than coercion played a critical role in their signature.[49] The objective of these contracts was to "fix the reciprocal obligations of new lords and their subjects" through numerous individual clauses.[50] Andrea Zorzi has noted the contractual nature of the Florentine state. "However homogeneous it may have appeared on the institutional level," Zorzi says of the Florentine territories, "the single territorial components (cities, towns and rural communes) belongd to it only in consequence of the individual agreements (*capitolizioni*) through which they agreed to submit to Florence." He suggestively makes a direct link between these forms and the numerous security leagues that populated early modern Europe, stating that "the agreements would best be characterized as a coherent grouping of bilateral accords between Florence and a large number of single entities. Hence, the dominion had a character that was something like a 'league' or federation of communtiies which found in Florence their only common reference point.[51] De La Ronciere has repeated Zorzi's general conclusions, saying that the regional polity of Florence "resulted in a mosaic of small compromises."[52] The importance of contracts furthermore has been observed in other early modern states outside of Italy.[53] At the level of political science theory, Daniel Nexon has gone a step further, suggesting that the many political groupings of early modern Europe can be broken into two contractual patterns: federations built from similar types of agreements (Swiss Federation, United Provinces, select Italian states) and empires forged through different types of contracts for each constituted territory (Hapsburgs Austria and Valois France). Innumerable diversity existed in between.[54]

Although historians generally recognize that the composite state was in fact the creation of a number of discrete bilateral and multilateral vertical and horizontal contracts among many different parties, the actual bond itself at the center of the composite state remains under-examined.

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[46] Levi, Reciprocidad mediterrenaea," 126 frm Grafe 121.

[47] IRS, 4.

[48] Dean, IRS, 130-131.

[49] Giorgio Chittolini, "Ricerche Sull'ordinamento Territoriale Del Dominio Fiorentino Agli Inzi Del Secolo XV," in *La Formazione Dello Stato Regionale e Le Istituzioni Del Contado, Secoli XIV-XV*, ed. Giorgio Chittolini (Turin: Einaudi, 1979), 292–351.

[50] Chittolini, 52.

[51] Zorzi, 23-24, citing Manori, il Sovrano Tutore, 23ff.

[52] DLR, 24.

[53] Wurgler 32: "the political system was based on a voluntary horizontal oath (or coniuratio) that linked autonomous political units together as equal members and not, as was common in monarchic Europe, on a feudal oath that created a hierarchical relationship between subjects and rulers."

[54] Nexon, 72.

Furthermore, historians have generally avoided providing a causal model for the creation of these states, preferring to either fall back on military/technological limitations or ideological constraints. We thus need to refine the questions asked by the composite state literature to include a closer examination of contracts, negotiations, and institutions. What was a political contract and how does a contractual conception of power? What were the legal underpinnings of these agreements? How did people at the time think about bargaining and negotiation? Why did agreements work between some actors and not between others? The next section will attempt to answer these questions by looking at normative and legal literature on contracts as well as the records of these contracts in Central Italian archives.

III: Political Contracting in Theory and Practice

A: Legal and Humanist Conceptions of Contractual Power

Hundreds of documents from the thirteenth and fourteenth centuries begin with the phrase "cum pactis, articulis et capitulis…exinde confecto rogato et publicato manu" ("with pacts, articles, and capitulations (this document) is concluded by public instruments and by hand"). This section contends that late medieval Italian jurists and humanists developed a powerful discourse of contractual rights, a political language that evolved its own semantic norms and that stood in direct contrast to the competing discourses of empire and sovereignty. Central Italians possessed only a limited language to articulate centralized power, and did so only at the risk of breaking the traditional standing of these cities vis-à-vis powers claiming universal authority – the Papacy and the Empire.

The emergence of contractual forms of political association had their origins in the significant expansion of the written word beginning in the eleventh century. Scholars such as Adam Kosto, Gabrielle Spiegel, and Avner Greif have documented from 1100-1300 the replacement of verbal oaths with written, codified accords to manage feudal authority, construct aristocratic memory, and coordinate economic action.[55] More generally, historians have identified the late middle ages as a pivotal moment for the codification and empowerment of the written word.[56] The emergence of new written forms, however, can be a difficult phenomenon to detect; historians have a poor knowledge of concomitant oral transitions. Yet, as Adam Kosto has suggested in the study of 11th and 12th century Aragonese *convenientia*, the transition from oral to written culture did in fact represent a significant change in mentality. "The written nature of the *convenientia* is essential," Kosto says, "I do not assume that the relationships described in *convenientiae* existed in all cases, that the agreements, in other words, were always kept. But whether or not the relationships existed in fact, agreements articulated norms – norms that could be violated and still remain norms."[57]

By the fourteenth century, Italians had set to work writing contracts in order to bring order to the world around them. For economics, written, codified agreements let loose a torrent of credit-driven economic growth. For civic religion, contracts bound religious confraternities. And for military pursuits, contracts gave their name to the military entrepreneurs of the day, the *condottiere* – quite literally "contracted men."

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[55] Avner Greif, *Institutions and the Path to the Modern Economy: Lessons from Meieval Trade* (Cambridge ; New York: Cambridge University Press, 2006); Adam J. Kosto, *Making Agreements in Medieval Catalonia Power, Order, and the Written Word, 1000-1200* (Cambridge ; New York: Cambridge University Press, 2001); Gabrielle Spiegel, *Romancing the Past: The Rise of Vernacular Prose Historiography in Thirteenth-Century France* (Berkeley: University of California Press, 1993).
[56] Clanchy
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The articulation of new legal notions of public documentation and credibility went hand in hand with the expansion of legal contracts at all social levels. According to the well-known Bolognese notary and teacher, Rolandino dei Passeggeri (1215/17-97), public instruments contained two core elements: a negotiation of contents (*negocii tenor*) and the publication (*publicationes*) of these acts. Laurie Nussdorfer has noted how Rolandino saw the publication of these acts as "public and authentic instruments worthy of trust."[58] Public instruments contained six or seven additional items: year, indication, day, place, witnesses, name of the notary, and, the papal or imperial year for those people subject to the Pope and the Emperor.[59] In addition to drafting agreements, notaries were critical in maintaining the public trustworthiness and credibility of the agreements (*publica fides*) they drafted.[60] Notaries and documents were imbued with special powers of faith and legality. "The notary is called the judge's eye," noted one thirteenth-century jurist.[61]

The expansion of common law (*ius commune*) and changes in the use of trial evidence in the thirteenth century further lent contracts a critical role in all manners of public and private life. The decline and outlawing after 1215 of trial by ordeal placed increasing weight on contractual evidence as proof. As contracts became more critical to life, both jurists and regular people hotly debated questions of the quality of evidence in a trial. Jurists were often "concerned that the truth of documents was conditional. Even a public instrument had credibility (*fides*) only until it was disproved and in that regard was no different from scriptura private."[62] The jurist Baldus de Ulbaldis explained further that although "writing implied an obligation, if such was clearly stated, but did not in itself constitute the obligation," a real contract was "the agreement between the parties; the instrument was merely the notary's record of that agreement."[63] The physical act of a contract then was as important as its documentary preservation. Witnesses played a critical role in the signature of an agreement. This may explain why the signature of a political contract was so often a deeply social and ritual event: the power of this document lay as much in its preservation as in the witnesses present to its signature.

The violation of agreements over time became a hotly debated matter. In particular, the notion of scandal (*scandalo, scandalum*) often was invoked when contracts were broken. The word scandal then as now meant the violation of what was morally acceptable. In particular, the Latin word *scandalum* came from St. Jerome's translation of the Greek *skandalon*, literally "stumbling block." More practically, a scandal was "the tripping point articulated by the theologians" that demarcated what was "morally acceptable and morally unacceptable" or "the point at which inappropriate behavior is recognized and challenged."[64]

Finally, the adoption of contractual relations at all levels of society not only changed how pre-modern Central Italians understood credibility, evidence, and appropriate behavior, it also changed how people conceptualized their relationship with uncertainty, doubt, and time itself. Contracts often told a story not of the present, but of the hope for the future: of a marriage to be arranged, of a supply of grain to be delivered, of a fort to be won. Codified agreements then can provide scholars not only with the snapshot of how actors understood relationships at the moment

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[58] Nussdorfer, 12, Citing Rolandino
[59] Nussdorfer, 12.
[60] Nussdorfer, 11.
[61] Nussdorfer, 21.
[62] Nussforder, page.
[63] Nussdorfer, 15.
[64] Neubinger, 74.

of these documents creation, but also how the signatories to an agreement articulated their future hopes. Paraphrasing what Michael Clanchy calls the transition from memory to written record, Kosto suggests that in fact the shift in the late middle ages was "from memory to imagination, from the use of writing to reconstruct the past to the use of writing to construct the future."[65]

B: The Language of the Contract as the Language of Politics

In the political arena, Central Italians built upon this general contractual framework, developing a sort of standard vocabulary to political contracts. The documents in the registers of all Italian cities contain a certain semantic typology; *pactum* (pacts), *amicitia* (friendship), and *concordia* (concord) appear throughout.[66] Despite these linguistic similarities, political contracts produced a number of relatively stable categories of political actors and political actions. The contractual nature of ruler and ruled within the various communes and lordships of Central Italy transformed how these entities ordered the larger world around them, and how they saw their Italian counterparts. Contracts ordered the political actors within Central Italy. As mentioned above, this project examines three of these types of relations: *capitoli* (the submission agreements of cities), *accomandigia*, (agreements between cities and feudal lords), and *taglie* (leagues among allied cities and, more rarely, lords).

These categories were not neutral; propagandists and political actors of all shapes made claims on different relationships. Emerging regional powers often elevated new subject towns to the place of *civitas* – a specific legal demarcated normally reserved for only those cities with an episcopal seat.[67] Although rare, cities could also claim the rights of lords, as Città di Castello declared in the middle of the fifteenth century, and submission agreements and leagues also could intersect, as Lucca did when captured by Pisa in the 1340s. Subtle linguistic shifts also could suggest the validity or baselessness of a contractual claim. So, for instance, when Machiavelli in his *Florentine Histories* called Francesco Sforza the "Duke of Lombardy," he in fact was not praising the duke, but rather leaving out Sforza's extensive claims to other lands.[68]

The occasional slippage among political categories owed itself as much to political objectives as to archival realities: almost universally in the middle of the fourteenth century, the people of Central Italy set about grouping their codified political agreements into unified archival collections. The consolidation of submission agreements, feudal contracts, and leagues suggests that Central Italians believed of these agreements maintained a degree of parity; while we today might make a distinction between purely domestic agreements between subject and master or international alliances among equal communes, Central Italian archives show little distinction. All these contracts shared the same archival space, and thus should be considered part of the same political process.

We can easily observe the consolidation of archival documents if we look at the explosive growth of one type of document, the *accomandigia*, within just one archival collection of the region - the city of Florence. Within the commune's archive of political contracts, Florence held 120 agreements between the city and feudal lords, ranging over the course of 130 years (Graph 1). Yet only counting the number of contracts does not tell the entire story. These agreements did not only increase in volume, but also in complexity. Graph 2 shows the physical length of each of these 120

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[65] Kosto, 294.
[66] Kosto, 39.
[67] Chittolini, in Blocmans, 55. On the particular urban and cultural characteristics of these centers see Elena Svalduz, *L'ambizione di essere città. Piccoli, grandi centri nell'Italia rinascimentale* (Venice, 2004). (Add a note on "terre".)
[68]

agreements by counting the number of individual clauses in each agreement. The difference suggests that contracts became dramatically more complex over time. While a contract from 1340, for instance, might have contained 5 clauses discussing a lord's castle or legal standing of his fief, by the 1400s these agreements contained upwards of 50 different clauses on everything from the practical (fiscal rights, justice) to the extravagant and symbolic. The point, in short, is that these bonds not only increased over time, they also became deeper and more involved. We would find a similar pattern of both increasing quantity as well as quality of contractual agreements over the course of the fourteenth and early fifteenth century within the other agreements as well as archival collections examined in this study.

Graph 1: Florentine Feudal Agreements
Contracts per decade, 1340-1470
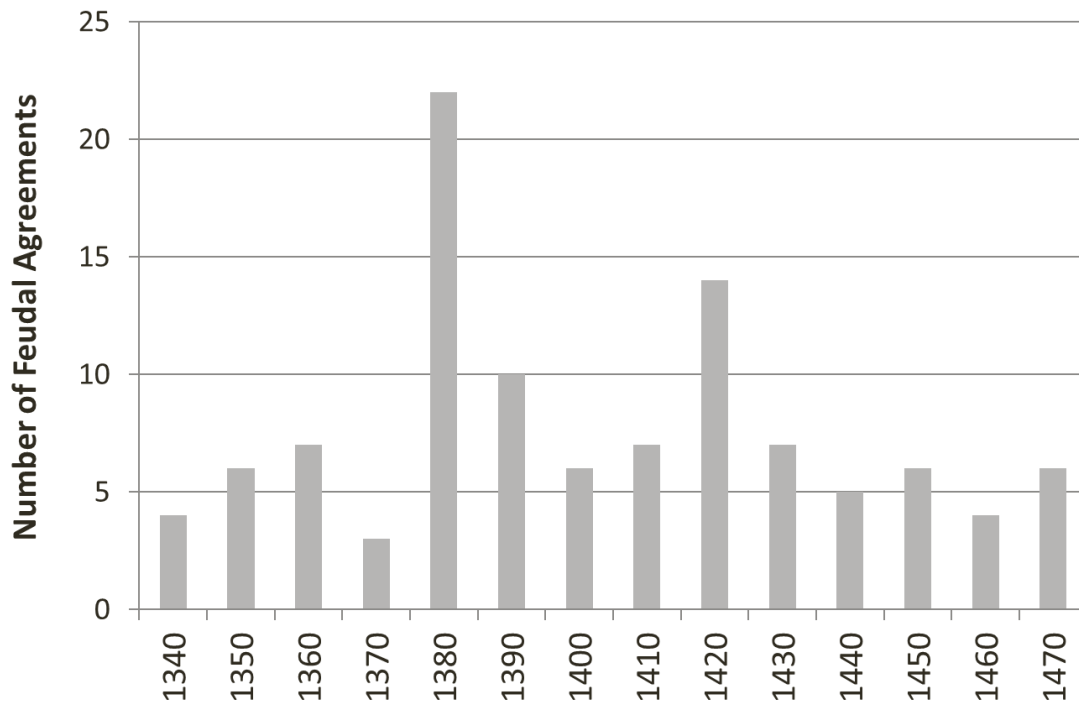
Graph 2: Florentine Feudal Agreements,
Average size of size of contracts, per decade, 1340-1470
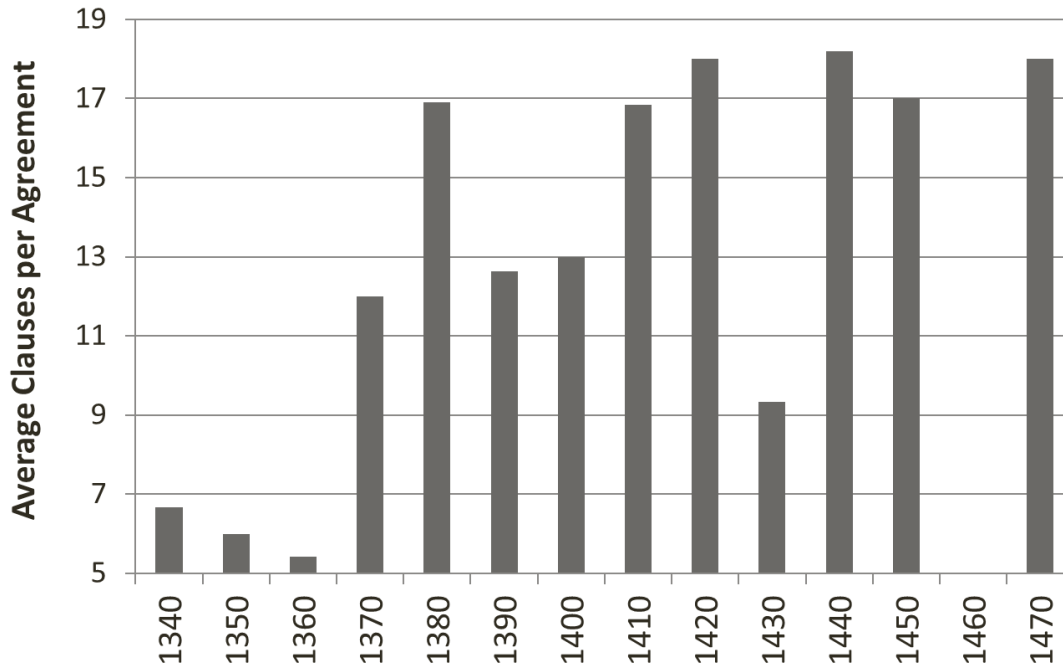
Although contracts appear throughout the archives of Central Italy, the question remains: were there semantic alternatives to such conceptions of authority, and, if so, can we discern an emergent discourse of sovereignty? Some scholars have misappropriated the Italian word "*stato*" to have a similar connotation as sovereign, territorial state. "During the fifteenth century, the Italian League (1455-1495) had as its fundamental clause "the defense of the states," notes Dan Nexon.[69] However, the idea of *stato* more correctly corresponds in medieval and early modern Italian with the concept of a state of peace or the "state of peace or tranquility." Documents commonly refer to the "*stato populare Guelfo,*" (the popular Guelf state) as the goal of Central Italian politics. As Nicholas Baker notes, "the word *stato*, used by Renaissance Florentines and usually translated into English as "state," had multiple if interrelated meanings in the sixteenth century," including the constitutional form of republican government, the regime in power, and the offices of government. "Only very rarely, however, did it occur in Florentine writings in the sense that predominates today: referring to a territory coterminous with as well as the apparatus of, the monopoly of violence and rule of law exercised by a sovereign government."[70]

Instead, Central Italians turned to the language of the Holy Roman Emperor in those moments when they attempted to expand their dominion or legitimate their order, invoking the concept of political *imperium.* Jurists, humanists, and the rhetorical conventions of local peoples all conversed through a common discourse of a restrained, limited sovereign power. On the issue of legal authority, the question of whether or not a subject town could assert its juridical prerogatives remained a critical question debated by jurists like Bartolus, Raynerius de Forlivio, and Paulus de

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[69] Nexon, citation 147 Fubini, 1995, S187-188.
[70] Baker, 6-7 citing someone else.

Castro.[71] In his famous *Laudio Florentinae Urbs*, Leonardo Bruni, the chancellor of Florence and famous rhetorician, restrained his grandiloquence on the notion of a Florentine dominion (*dominium*, *dominio*) rather than *imperium*.[72] Locals across Italy finally used the language not of empire, but of contract to articulate their disagreements with their lords. When the citizens of Pavia sought recompense from their lords in Milan, they argued that "the exceptional merits of their *capitoli*, which benefited the public at large as well as individual citizens" should not be transgressed.[73]

In effect and in practice, Central Italians remained subject to the authority of their universal overlords. When, for instance, the Florentines wrote to the Emperor Rupert of Bavaria, they noted "we paid the money which he ordered (*precepit*) as a census…Not only this, but whatever he should order (*iusserit*) it is our duty to obey, since he is our natural lord."[74] In a more practical sense, Central Italians used imperial notaries to prepare mandates and other legal documents.[75] When on those rare occasions the Central Italians invoked the word *imperium* in the early fifteenth century, it stood more to describe their position within the Holy Roman Empire or as religious invocation. In the Florentine statutes of 1415, for instance, "[*imperium*] was either to attribute Florence's growth in riches and possession to "God as a ruler of his empire" (*Deo auctore, eius gubernante Imperium*), or to refer to the lands of the German empeor, from whom anyone in the city, county or district of Florence who presumes to buy or lay claim in any way to any possessions or rights of the Empire or which belong to the Empire in Tuscany or in any part of Tuscany will lose his head and all his possession will be laid waste."[76] Rather than sovereignty or *imperium*, Italians embraced the rhetorical and legal position of multiple, overlapping domains, and political categories. The Florentine statutes of 1415 asserted a division among "the *imperium, territorium, dominion, and urbs*" of the city.[77]

It is beyond the scope of this project to map in greater depth the intellectual development of a contractual idea of power. Certainly, agreements had a powerful semantic and normative undercurrent. While semantics might explain why Central Italy failed to produce consolidated states and why interdependent relationships formed among the Central Italian cities and lords, it cannot tell us about the particular shape of this process toward a dominant Florence, the relationship of European powers to Italian political change, or the linearity of political change. My point then in studying the semantic and legal underpinnings of contracts is to suggest that the very language people used in the fourteenth and fifteenth century can provide us with a much more useful starting point for creating a theory of early modern political change than the language of states and sovereignty. Indeed, in the social sciences, a large body of literature has looked at contracts as functioning fundamentally within larger institutions and has produced a number of useful first steps. To these studies I now turn.

III: Institutions, Contracts, and Trust: A New Model for the Formation of the Italian State

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[71] Brown,

[72] Brown, 32 see n.3 for later edits.

[73] Cited in Black, 23 origianlly from ASMi, Sforzesco 856, 29 December 1476): Però prima tendeno ad conservation del stato al quale tuto questo populo è affectionate quanto may fosse subdito verso il suo signore et però dicti capituli tendeno ad bonifficacione in generale de tuti ly soy subditi et in singular de molte persone che per quelli se confideno haver molte comoditate."

[74] Brown, 40.

[75] Brown, 40. On the transition to sovereignty see A. Brown Bartolomeo Scala 168-78; ibid Medieci in Florence 324-5 and R. Black "The Political Thought of Florentine Chancellors *The Historical Journal*, 29 (1986) 1002-3.

[76] Brown, 35.

[77] Brown 34-35 GREAT!

A: Why Institutions Matter

Institutional analysis can provide helpful tools to for us to think about how contracts functioned in the formation, interdependence, integration, and linearity of the Central Italian states. The emergence of formal social institutions is a hotly contested issue within the social sciences. Although earlier studies saw institutions as fairly static and unchanging structures, new institutionalism in economics, political science, and sociology has shown how institutions are dynamic patterns of social interaction that "contextualize political action and endow it with meaning."[78] As Douglas North contends, institutions are "the rules of the game in a society, or, more formally…the humanly devised contraints that shape human interaction."[79] In particular, new institutionalism has stressed the importance of historical developments and path dependent outcomes. While disagreements exist over the particular function and transformation of institutions over time, social scientists have reached a consensus that institution "(1) consist of formal or informal rules, (2) offer a guide to behavior, and (3) are consciously or unconsciously known by individuals in a given population."[80]

Many scholars in particular have noted how the development of institutions can be rooted in cooperative interactions and arrangements. Institutions help solve collective action problems and help individuals, organizations, or states realize mutual gains. Institutions overcome what Mancur Olson calls the freerider problem – the assumption that "unless the number of individuals is quite small, or unless there is coercion or some other special device to make individuals act in their common interest, rational, self-interested individual will not act to achieve their common or group interests."[81] Institutions then constrain the greed and avarice of individuals, organizations, and states in order to generate cooperation.[82] Such institutions as the enforcement of mercantile agreements and international security agreements furthermore "reduce uncertainty by providing the basic ground rules underlying the specific or secondary institutional arrangements, which are the particular laws, rules and customs of a society."[83] In sum, institutions, whether economic, social, or political, group, order and constrain people to overcome basic problems of uncertainty and cooperation.

If institutions are a set of formal or informal "rules of the game," how are those rules subsequently enforced? The existence of legal or normative rules does not mean they will be necessarily followed. Two views exist on the enforcement of institutions. Looking in particular at the emergence of markets, Douglass North contended that institutions must be enforced through some sort of third party actor, in North's case the sovereign territorial state. For the formation of political contracts, North's implication is that some form of third party had to enforce these agreements. A similar view may be found in international relations where a hegemonic power often is invoked to uphold the international political economy. Yet such an authority could rarely be found in medieval and early modern Europe; neither in the market nor in the political realm did a third party appear to validate agreements. If anything, those powers claiming universal authority with the power to

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[79] North, page number.
[80] Mahoney, 15.
[81] Olson, 1965, page?
[82] Mahoney 15-17 generally refutes this view of institutions as coordinating devices, stressing instead their distributional function. I will suggest below a number of ways in which contracts as institutions might have benefitted certain actors over others.
[83] North, 7.

enforce institutions - the Holy Roman Emperor and the Papacy - had largely faded by the period of this study. Instead, the political contracts emerged in a system lacking a third party.

Through the examination of Genoese and Maghribi traders, Avner Greif has suggested that in a tight-knit group of individual merchants, individuals may design their own reputational and peer-based solutions to enforce agreements. Because merchants established their own law courts and built into the contracts themselves the means to enforce them, the market institutions of the pre-modern Mediterranean were able to flourish sans a third party state actor. In the absence of a third party, states may be expected to do much the same: reputation and negotiation will lead to the regulation of conflict, the maintenance of agreements, and the creation of a stable political order through.

Institutional analysis finally points us to why actors may benefit unevenly from institutions. In the case of Central Italian political change, each city or lord did not enter the period of this dissertation as a blank slate, but with vastly different endowments of material, legal, and symbolic power. As Mahoney notes, "institutions invariably shape distributional outcomes because human behavior cannot be regulated in ways that affect all equally. Individuals and groups inevitably enter into social interactions with different endowments of resources, and these differences ensure that any given set of rules for patterning their action will have unequal implications for subsequent resource allocations, no matter how justly the institutions are designed."[84] Such uneven distribution need not be efficient, but could take a number of twisting pathways. Institutions, in short, might be cooperative, but they need not be fair or linear.

To summarize, new institutionalism can prove helpful in answering the four puzzles of Central Italian political development because they: 1) direct our attention toward cooperative dilemmas that the cities and lords of the region wished to achieve through the mutual signature of new contracts, 2) stress how contract enforcement and monitoring through reputations and institutional design might have tied together a web of network of increasingly interdependent cities, and 3) why some actors better responded to and kept these agreements than others, 4) why this process might be uneven and non-linear.

B: The Market for Protection and Enforcing Contracts in Central Italy

The dawn of the fourteenth century witnessed a number of events that profoundly destabilized the economic and mental lives of Central Italians. Rather than a region ripe for Florentine's picking then, Central Italy existed within a larger peninsular and indeed transalpine political world. The Black Death scythed the population of its cities, bank failures crippled its economy, and, most importantly for this study, streams of mercenaries gushed into the Peninsula. These men marched from throughout Europe into Central Italy for a number of reasons. The periodic demobilization of English and French soldiers from the Hundred Years War sent a stream of mercenaries into the Peninsula. Larger dynastic politics further made Central Italians susceptible to the unpredictability of European politics. From 1385-1435, the House of Anjou, monarchs of Naples, Durazzo, Hungary, and Provence, tore itself apart over two generations of dynastic conflict between senior and cadet lines of the family for the crown of Naples. On numerous occasions, family members travelled with bands of men down from their lands to the north to fight in Naples only to plunder Central Italy on their journey. At the same time, the centuries-old power structures of the Papacy and the Holy Roman Empire experienced significant changes. In the thirteenth

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[84] Mahoney, 15.

century, these two nodes of authority had provided for Central Italians common sites both for cooperation through city leagues and for the articulation of conflict through the Guelf-Ghibelline factional structures. The movement of the Papacy to Avignon in 1309 drained Central Italy of this important figure of authority; the Western Schism (1378-1418) further disrupted Central Italian life with periodic waves of papal troops slicing the Papal States apart. The changing role of the Emperor, from stable member of the Italian political community to more intermittent visits, also created an uncertain political environment. On the rare occasions when an emperor did grace Central Italy with an imperial expedition (e.g. Louis the Bavarian [1328-9], Charles IV [1354; 1368-9]) internal disputes shredded Central Italian cities. Geography did not help: poised on the main road from Rome and Naples to the Alps, the cities and lords of Central Italy were soft targets. Collectively then these events left a society scarred and scared.

This Mercenary Revolution - the explosion of politically-unattached troops into the peninsula - had a dramatic impact on the security environment of Central Italian cities and lords. Mercenaries dramatically increased the uncertainty of the political environment. Mercenary bands were, at least initially, political 'free radicals" – loose troops of a few hundred to a few thousand men who arrived intermittently with little warning, often jumping across the Alps for brief periods before scuttling back when fighting flared again in France or elsewhere. In such an uncertain political environment, Central Italian cities and lords often sought protection from their neighbors. For example, in the summer of 1385, the Florentines received a rushed message from a local lord, the count Lazzaro of Monte Aguto Barbolano. The count needed the city's assistance against mercenary companies periodically travelling across his lands, and he was willing to trade his rights and castles for some sense of order. It was not the first time; the lord had asked the Florentines frequently for their assistance to no avail. The practice was not uncommon. In fact, Florence rebuffed a few years earlier the offers of submission from the towns of Todi and Corneto far to the south of the city.[85] A Florentine diplomat criticized that "considering how many times the ambassador of the noblemen Lazzaro of Monte Aguto Barbolano had asked for the lord, his male heirs, and his castle, fort, and men of Monteaguto to be received by Florence as a dependent," the Florentines should reluctantly accept the lord into their fold.[86] The onset of the Mercenary Revolution created a vibrant market for protection in which lords and cities often negotiating with multiple parties at once.

If mercenaries caused a great deal of uncertainty, they further lowered the coercive capacity of cities to pursue long campaigns and expand militarily. Mercenaries became by the middle of the fourteenth century the dominant weapons platform of Central Italian cities, easily besting communal troops on the battlefield. Mercenary companies, however, were unanimously unstable, often following the money and not their master. Gennaolo and Voth have suggested that in political environments where the cost of military technology is low and the agential problems between state and military are high, states will pursue less intensive forms of state growth. Put another way, because states had only tenuous control over their mercenaries, the coercive capacity of the Italian states was low. While the use of legal contracts (or *condotta*) to better repair such principal-agents problems deserves more reflection, we cannot deny that mercenary bands lowered the coercive horizon of the Italian states. Mercenaries, in short, made Italian states less able to reliably assert their

[85] Brucker, Civic World 113.
[86] CAP 15, 21-22. "considerando come più volte sinao stati richiesti dal procuratore del nobile uomo Lazari q. Niccolai de nobilibus de Monte Aguto Barbolanorum che, attesa la devozione di lui verso il C., venga ricevuto con I suoi discendenti per linea mascolina in perpetuo, e col castello e fortezza di Montaguto, e con gli uomini del medesimo ec., in accomandigia del C. di Firenze."

authority over subject populations; cooperative solutions needed to be found if cities wished to expand.

The makers of political institutions faced an international environment of intense uncertainty in which winning a successful war would demand they overcome numerous coordination problems with these mercenaries. The Mercenary Revolution created a political environment in which *for most of the political actors of Central Italy, most of the time, political institutions needed to solve problems of uncertainty and cooperation, not coercion.* Perhaps this explains why Tilly's well-known axiom always rings false in pre-modern Central Italy: cooperation, not capital, is the converse of coercion.

In response to these threats, Central Italian cities and lords increasingly bound themselves through new agreements and ties, building "networks of networks."[87] These ties came in the form of "established contractual relations that implicitly or explicitly specified varying rights and obligations between center and periphery."[88] The signature of a political pact was a complex process involving long negotiations and many parties. Typically, the negotiation of a contract began with the exchange of multiple embassies. Lawyers from each party to the contract drew up their party's particular responsibilities and rights. Such bargains could last many months and even upwards of a year. For instance, when the city of Pisa conquered its neighbor Lucca, the residences took three months to negotiate a relatively fiscal issue. Considering the proximity of these two cities, the length of other negotiations could be even longer.[89] For instance, when the Florentines negotiated with the Tarlati family of Arezzo in 1337, the two parties exchanged ambassadorships four times within the manner of a few months before reaching a conclusion. Poor road conditions and frequent banditry pushed up the already explosive costs of travelling ambassadorships.[90] But these elongated negotiations served an important purpose: they allowed for the exchange of information and preferences among the signees. In this way, the contracts helped Central Italians better understand the political objectives of their neighbors and adjust accordingly.

The content of a contract varied widely depending on the nature of the agreement. Contracts of town submissions – or *capitoli* – primarily discussed the juridical and fiscal rights of a new subject community within the larger district of another city; *accomandigia* – contracts between feudal lords and cities – added the particular rights of these families in exchange for some military and diplomatic responsibilities; and leagues, or *taglie*, often discussed the military tasks of multiple equal partner cities. While some elements became, over time, chiefly regularized (the inclusion of an offering to the saint of a dominant city or the creation of a new banner for every league), other topics were hotly debated and involved a great deal of nuance. For example, the legal status of any urban subject community of Florence included these communities' rights to have jurisdiction over civil law, criminal law, or corporal punishment, the election procedures of numerous judges, the payment of legal officials, and a litany of other detailed legal procedures and offices. Contracts by their very nature partitioned power into a number of separate sites. Contracts also expose the particular points of contention between subjects and masters as well as allies. And contracts allowed for an immense variation in the relationship among political actors.

If contracts were negotiated between a discrete set of parties in a private set of negotiations, their maintenance and monitoring were anything but private. Rather, keeping contracts was a deeply

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[87] Nexon

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[89] Meek, 76: see Regesto: 387, 393, 395, 397, 399, 401, 403-406, 408-409, 1004.

[90] On the importance of distance and the enforcement of contracts, see Stasavage, 2010.

social and public event that brought together multiple Central Italian political actors. Central Italians often delegated part of their responsibilities and rights in an agreement to a neutral third party in order to prevent the breakdown in cooperation. For instance, anti-mercenary leagues nearly always delegated the management of responsibilities in war to a neutral captain. In addition to delegating their authority, Central Italians also often linked the credibility of an agreement to other political actors through oaths and sureties. When, for instance, the city of Florence felt that the lords of Arezzo, the Tarlati family, would not reliably keep an agreement between the two parties in the 1360s, the city asked that the Holy Roman Emperor vogue for the lords. The responsibility for the honor of this agreement, then, fell on the Emperor's shoulders. When Central Italian cities were particularly suspicious of the credibility of an opponent or ally, they could also ask that the signee of a contract pay a surety upfront. Such sureties were held by numerous cities. At any one time, a city in Italy might be asked to hold on to a significant amount of their neighbors' money to ensure that wider stability of the region. For instance, in 1288 seven different Italian cities held a surety of 50,000 Pisan lire on behalf to two warring parties, Pisa and Genoa, to ensure the two did not go back to war. Cities in essence, were foisting their own accountability onto the larger credibility of the international system.

When third parties were not needed or could not be found, the agreements themselves could contain clauses to help each party stay the course. A popular means to ensure that both parties maintained an agreement was to set a payment of specie or a levy of troops within a matter of weeks or months after the accord. In this way, both parties could be more certain the agreement would stick. Agreements also were often for a limited number of years, allowing both parties to meet again, renegotiate, and determine the basis of their relationship. Although the city of Volterra became a nominal subject of the Florentines in the 1360s, it continued every ten to fifteen years for the next century and a half to renegotiate its accord. Such renegotiations were not blithe rubberstamps, but taken very seriously. After their submission to Rome in 1506, the city of Bologna for the next two centuries travelled to Rome after every Papal election with their contract of submission in hand, ready to renegotiate. Contracts then were not complete agreements, but the foundation of a relationship iterated over time. In short, Central Italians cared a great deal that their agreements were kept and spend a high degree of diplomatic and material capital to keep them so.

Once an agreement was negotiated and a means to keep this agreement designed, a contract became a public document through a highly ritualized ceremony. All the members of a community approved the procedure, ambassadors often exchanged signs of affection, public notaries approved the document, and each party left with a copy to place within their public archives. Even when these agreements were signed between two parties, these ritual moments often included members of the wider community of Italian cities and lords. The travelling diplomats from neighboring cities and lords often stood in for these ceremonies. For instance, when the D'Appiano family of Piombino signed an agreement with the Florentines in the early fifteenth century, they did so under the watchful eye of the Pope. On another occasion, the city of Perugia paraded all its subjects and allies before the signature of a pact with its rival, the Tarlati of Arezzo. Contracts were deeply social institutions. If many scholars have noted a penchant over time for the Italian states to sign secret agreements and make hidden deals, they have ignored the critical social purpose of agreements. As public documents, contracts signaled the entire community of Central Italy the intention and reputation of not just the signees, but all parties financially and ritually linked to the agreement.

While I have already suggested a number of reasons why legal and normative pressures encouraged Central Italians to keep their contracts, Central Italians certainly broke agreements. For

one, cities and lords signed many interlocking obligations at any one time. These actions were intentional and should be seen not as the result of a social pathology or intentional deception. The Italian cities existed within a dense interdependent web of private and public treaties and agreements; some overlap was bound to occur. "For a treaty then – as now – often existed in a field of treaties, of mutual obligations; it might come at the end of a series or somewhere within a series, or it might be connected in parallel, so to speak…Having definite ends in mind, [the Florentines] treated with documents in hand and with a precise knowledge of their commitments all around," notes Martines.[91] Interlocking agreements in fact were common outside of the international level. Andrea Zorzi, for instance, has noted the multiple avenues by which Italians pursued juridical cases. If contract breaking appears to be endemic in this society, it owed less to an overall lack of cooperation and more to the hundreds upon hundreds of submission accords, feudal agreements, and leagues on the books at any one time.

Nevertheless, when agreements did break, the Italian cities had recourse to inter-city arbitration - the act of a fellow Italian commune offering legal help with the pacts and agreements of their neighbors. The process of arbitration among cities typically had four stages. First, the aggrieved parties would elect special commissions, a small group of men tasked with reporting the legal issues at hand to the larger body of citizens. Such commissions often reflected the social character of these cities. Siena in 1385-6 elected a cross-section of the city - an aristocrat and knight, Orlando Malavolti, a jurist, Ser Giovanni Gucci, and a merchant, Jacobo Arrighetti. The second stage in arbitration was the mutual selection of a neutral city to arbitrate on each party's behalf. The choice of the city to arbitrate can tell us a great deal about the structures of international life at the turn of the fourteenth century. In earlier decades, episcopal powers often had played a critical role in arbitration. As the office of the bishop faded, the communes of Central Italy looked to their own to manage conflict. A balanced, unbiased voice was the objective. Cities even could call upon more than one neighbor to help, occasionally calling on upwards of three communes to manage the dispute. Arbitration then rested on the legal qualifications and impartiality of neighbors.

Once a neutral party was agreed upon, the third stage of the arbitration could get under way: the collection of evidence. Here the archives at the center of this dissertation played a critical role. Cities often culled through their immense city archives in order to show legal precedents for juridical claims. In 1424, for instance, the *Signoria* of Florence dispatched ambassadors to Ferrara to negotiate a peace with Filippo Maria Visconti. These ambassadors brought with them a number of previous contracts in order to reinforce their claims for peace: a copy of the peace treaty between Florence and Genoa from 1413, another between Florence and Filippo Maria Visconti, the instrument of the Florentine purchase of Pisa and Livorno, etc. The archives of these cities then were a critical part in inter-city arbitration: they acted as a legal repository to distinguish particular cities' rights from that of their neighbors and avoid legal confusion. By beginning to preserve their past, these cities were attempting to make their future more stable. Such detailed legal knowledge finally led to a judgment - the fourth and final stage of arbitration. Judgments rarely sought to punish one party or the other. Rather, arbitration ultimately led to the repair of a city's reputation, the admission of mutual guilt, and the signature of a new formal agreement.[92] Thus, even when broke, contracts were typically resigned and given new life.

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[91] Martines, 1968, 323.

[92] A similar situation can be found in Switzerland. Wurgler mentions that "the conflict management function of the Swiss Diets represented another aspect of the nation's flexibility. The confederates often applied arbitration and mediation procedures in similar and simultaneous ways, often switching dynamically from one to the other when

To summarize, the bargaining and negotiation, monitoring and enforcement, and repair and arbitration of political contracts achieved a number of objectives: they increased *information exchanges* among their signees, closing the often long distances between Central Italian cities and lords, partitioned *power* into numerous fiscal, juridical, military, and symbolic sites of negotiation, *delegated and linked* the responsibility of monitoring onto other parties, *iterated these agreements over time*, and sent *social signals* to the entire regional community of cities and lords.

C: Contracts, Trust, and Florentine Hegemony

Contracts had a dynamic impact on the political lives of Central Italians. They shaped the formation of networks of agreements and built robust ties of interdependence among cities and lords in the face of an uncertain political environment. But, for their power to foster cooperation, contracts also can help explain why one power – Florence – rose above the rest. Institutions, no matter how collaborative, of course privilege certain actors over others. "Individuals and groups inevitably enter into social interactions with different endowments of resources," notes Jim Mahoney, "the uneven distributional consequences of institutions are undeniable."[93] If keeping an agreement was a critical part of growing a pre-modern Italian state, why might Florence (or, more generally, regional states) have had particular advantages over its neighbors?

The city of Florence entered into this period with a number of advantages for making contracts with its neighbors. The city was the richest in the region: its merchants and bankers built extensive international networks and the city's sovereign credit market, or *monte*, was the envy of its neighbors. Many scholars have noted how Florence's extensive wealth allowed it to pursue a policy of violent military expansion, yet capital also played a role in fostering cooperation. Supplies of money helped Florence bolster the credibility of new subjects. When, for instance, the Florentines acquired the town of Arezzo in 1337, they advanced the bankrupt town 18,000 florins to meet the arrears Arezzo owed mercenaries in the city's service. When Florence acquired Arezzo again in 1385, it again paid off the city's debt.[94] Access to capital might also have allowed Florence to be tied into a thicker web of contractual relations through the use of sureties. As mentioned above, the signees of political pacts often asked for their neighbors to provide money in exchange for the credit of the community. Florence's deep coffers then allowed it to be the backer of legitimacy of a larger region. Finally, when all else failed, the city's wealth simply allowed it to outbid its rivals and purchase the rights of communities and castles outright. The city spent over 555,000 florins from 1341-1411 to acquire the rights of communities as large as Pisa and as small as individual castles, an amount that easily dwarfing the purchases of its neighbors.[95]

Furthermore, Florence managed its internal stability better than most of its neighbors. Internal discord and family disasters such as the death of a patriarch often precipitated the breaking of contracts. In the early part of the fourteenth century, Florence experienced such a reversal. When in the 1340s a series of financial setbacks destroyed the Florentine public order and brought in a despot - Walter of Brienne, Duke of Athens – he immediately set about breaking the city's agreements with its new subject, Arezzo. The Aretines saw this act as a direct affront to their earlier accord and, justly, on 11 September 1343 issued a declaration against the Florentines for breaking

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necessary. The Swiss preferred political bargaining to arbitrary jurisdiction and expecially to the court suits following the Roman law because bargaining was faster, cheaper, and socially more productive." 34-35

[93] 16.

[94] See Ch. 3.

[95] See Martoccio, Buying Power.

their agreement and declared their independence.[96] And while the city undoubtedly experienced a number of revolts after 1343 (notably in 1378-80), the government of Florence remained remarkably stable. While Florence's faction-riddled neighbors (e.g. Siena, Pisa, Lucca) increasingly violated contracts before the ink was dry, other cities and lords believed Florence's stable government and extensive diplomatic network made it the most reliable partner in the region. Internal stability also helps to explain why urban republics might have had an advantage more generally over dynastic rule. Contracts generally did not outlive the people who signed them. This explains why many of Florence's most feared enemies - Castruccio Castrocani, Gian Galeazzo Visconti, Ladislaus of Naples – rapidly advanced, but ultimately failed to consolidate long-lasting states.

Finally, the city's broad diplomatic network and innovations institutions were significant advantages. Florentines simply outspent their rivals in diplomacy, sending endless embassies to negotiate and renegotiate agreements. Furthermore, the city instituted in 1385 a new council, the Dieci di Balia, designed only to confront matters of foreign policy. A consistency of action allowed the city to present a unified face to those who wished to sign agreements with it. In the end, Florence's victory, and the victory of a regional state more generally, owed itself less to the might of its military, and more the credibility of its agreements.

An attention to cooperation and contracts does have a number of disadvantages. I readily admit that the documents at the core of this project – the *capitoli*, *accomandigia*, and *taglie* – tell us little about the role of religious and symbolic power (the required dedication of subject communities to the patron saint of their master notwithstanding). In placing institutions and states at the forefront of the analysis, this study furthermore overlooks individual political elites as well as local peoples' dynamic impact on the political process. I have made every effort in the chapters that follow to include the actual people – the politicians, diplomats, jurists, lords, guildsmen, and farmers – who both shaped and were shaped by these institutions, and to trace how these people understood the contracts they wrote. Finally, political scientists might find this analysis provides little by way of solutions to contemporary state formation and international relations. The objective of this dissertation is not to create a causal analysis or a falsifiable model, but to analyze closely an historical phenomenon and a series of often-overlooked historical problems. As I suggest below and in the conclusion, if Central Italian statemaking can enlighten our modern world all the better, but this is not the core objective of this project.

Two other issues deserve further reflection: the persistence of war and the causes of cooperation. This dissertation claims that cooperation in the form of political contracts shaped the development of Central Italian politics. Yet, as mentioned above, inter-city war undoubtedly remained an endemic part of Central Italian life. What I have suggested is not a peaceful society, but one in which the threats from without (mercenaries, Angevins, etc.) far exceeded those from within. Furthermore, war was not the sole means by which Italian states interacted; credit networks bisected the region, legal norms upheld the peace and solved disputes, and leagues tied together diverse communities and interests. Nor did inter-city war have a direct correlation to the accumulation of territory or the consolidation of states. "[Territorial] expansion was not the inevitable by-product of victory; it was as much the cause as the result of war. In fact, territorial transfers preceded conflicts, but means of purchases, diplomatic maneuvers, peaceful exploitation of regional rivalries, surreptitious foment of internal discord, or any combination of these tactics" notes William Caferro.[97] War was just one of many means to resolve conflicts. As legal scholars have noted about

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[96] See CH 3.
[97] Caferro, 175-176.

the simultaneous persistence of vendetta with a robust system of legal avenues for conflict resolution within the walls of the city, war was just one of a number of ways to manage inter-city relations. War was not pathological nor the inevitable outcome of a fundamentally conflictual world, but shaped by legal, reputational, and cultural understandings of contracts and cooperation.

The origins of cooperation also demand more study. Do people, organizations, and states cooperate because of mutuality of interests or out of genuine trust and amity? Put another way, did the Central Italian states *need* to trust each other or did they genuinely *want* to? Social scientists have examined this problem extensively. Toward the end of his life, Charles Tilly began a project on the role of trust on the emergence of states, claiming that genuine trust could only truly emerge when "at least one party places a valued enterprise at risk to the malfeasance, mistakes or failure of another party."[98] Closer to the context of pre-modern Central Italy, Robert Putnam has suggested a number of ways in which trust and social capital formed within the communes of Italy through non-state organizations such as confraternities, guilds and other civic institutions.

Although Putnam is wrong to link the emergence of civic pride with modern Italian democracy, his suggestion that trust played a critical role in the development of the Italian states cannot be easily dismissed.[99] Indeed, the differences between affective or genuine trust and utilitarian trust mattered a great deal to the people of Central Italy. Dale Kent has noted a society-wide concern with questions of genuine affective friendship among patrons and clients in diaries, letters, and public performances. For instance, in his well-known diary, the Florentine merchant and politican Giovanni Morelli wrote to his son that "test your friend a hundred times…before you trust him, and do not trust him to such an extent that he can be the cause of your undoing. Do not extend your trust easily or lightly; and all the more, he who demonstrates with his words that he is wise and faithful, trust him all the less, and he who offers to help you, do not trust him at all about anything."[100] Cosimo de Medici opined that "the treasure of merchants is trust (*fede*), and the greater the trust of the merchant the richer he is"[101] Genuine friendship was so important it even became a something of a cause célèbre; in 1441 the city of Florence called there was a competition h in which humanists such as Leon Battista Alberti debated the possibility of genuine friendship and trust. Concerns of trust went beyond patronage relations and into the formation of political and economic institutions. Mark Judjevic notes how distrust played a critical role in the internal institutional structure of Italian cities, in particular the use of random voting for the electoral system.[102] And Francesca Trivellato has studied the expansion of affective trust among groups of merchants, even among strangers.

Such friendship often took the form of contractual relations among friends. For instance, in the well-known Pratese merchant Francesco di Marco Datini sealed a new friendship with a client, Lapo Mazzei, through the signing of a formal contract.[103] Many of the political contracts in this study adopt the language of trust and friend, speaking of the great affection and friendship among their signees. For instance, in 1460 the Sienese and the Florentines signed an agreed which "on account of the great affect that bound them, swore on the gospels to aid and defend one another, to consider as a friend or an enemy whoever was so to the other, to love completely and delight in

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[98] Tilly, 271.
[99] Ed, etc.
[100] Jurdjevic, 612.
[101] Kent, 10.
[102] Jurdjevic, 603.
[103] Kent, 65

everything of one another's as if they had actually been two brothers." With the agreement signed the two parties "having joined their right hands and exchanged a kiss, put their signatures to this pact."[104]

If this political contract then followed much the same ritual and symbolic literature of friendship and trust, could affection among the cities of Central Italy have been real? This remains an open, but critical question. For Putnam, legal contracts and recourse to legal avenues of conflict resolution were a manifestation of social distrust; informal networks, conversely, suggest a greater pool of social capital.[105] On the other hand, Thomas Keuhn has suggested that legal institutions can in fact give way to real trust. "In Putnam's estimation, the involvement of legal institutions in social life, especially in interpersonal disputes, is a negative index of social capital and community cohesion," notes Keuhn, "but can we not also take it in a positive light? Law can furnish conditions for trust and collective action. The failures of the legal system to affect order and justice will always be roundly criticized, but it is for the realization of those ideals that it exists."[106] Perhaps the exchange of information, partitioning of responsibility, delegation/linking, social signaling, and continual negotiation of contracts achieved much the same on the international level.

IV: Conclusion: Bringing Cooperation Back In

This chapter has argued that the processes we often associate with the political transformation of pre-modern Central Italy – state formation, the interdependence of cities and lords, the integration of Italy with European politics, and the linearity of these processes - were the result of underlying institutions within the society, institutions that made the building of networks of contracts, not sovereign territorial states, a core political objective. If earlier studies have largely used the language of states and war, this chapter has suggested instead that networks and cooperation might be a more useful starting point. We would do better to adopt our theoretical models to the language and ideas of the time because, simply put, no language of sovereignty existed in pre-modern Central Italy. Central Italian state formation was not the creation of a Weberian state or sovereign-territorial entities, but fundamentally a bundling of networks. These networks were, in turn, composed of contracts that exhibited a high level of cooperation and interdependence among the cities and lords of Italy and that were intimately affected by non-Italian powers. If these contracts shaped the expectations, goals, and survival of political actors, they did so unevenly and non-linearly. While Florence possessed a number of advantages in such a political environment, its course to domination was anything but determined. Rather, its adoption of new institutions, capital markets, and surprising internal stability fostered the cooperation and, perhaps, trust of its neighbors. This is not to say that war was absent, but that the causes of war lay not in power politics, but in the creation, keeping, and breaking of agreements.

In borrowing from the social sciences, it is not the objective of this dissertation to flatten history, but to suggest that social science literature can provide a useful set of stepping stones, ontological categories, and causal postulation from which we can better understand historical phenomenon. The model of the contractual politics could provide a number of useful first steps for political scientists interested in historical political development. Contracts have a long history in political science. Political science theories of treaty compliance have long grappled with issues of treaty enforcement. An earlier body of scholarship saw treaty compliance as common and well-

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[104] Kent, 73, citing "Un contratto di fratellanza," Miscellanea storica senese 4 (1896): 78-80.
[105] Terpstra 3.
[106]

maintained. Others, however, have raised the possibility that actors signed agreements only when they believed they could keep in the future.[107] The mechanisms of contractual enforcement analyzed above suggest that actors can use such mechanisms to mitigate the potential for the breakdown in these agreements under conditions of an uncertain future. At another level, scholars have studied the formation of complete and incomplete political contracts around certain military assets, stressing the importance of resource distribution for the creation of new political bonds. My model suggests that rather than material assets, one should pay attention to how particular political institutions might show to actors the credibility of an agreement. Others have looked at the relative bargaining leverage of particular actors and the use of renegotiation to shape agreements.[108] Finally, scholars of contemporary political science have conducted extensive theoretical work on the function of credible commitment in conditions of international anarchy. This chapter has suggested that they should look for similar types of models under the conditions of relative hierarchy in the early modern world.

To conclude, this chapter has described the conditions by which Central Italians developed a new mode of political life – namely, the formation of political contracts. Faced with growing international uncertainty and limited by the normative language of the day, Central Italians were forced to find new means to build political relationships. The varying types of these bonds – *capitoli*, *accomandigia*, and *taglie* – will be the concern of the next three chapters.

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Chapter 5:
Taglie: Collective Security in Fourteenth-Century Italy

On 19 September 1366, Pope Urban V was pleased with himself. He had corralled numerous cities and lords across Northern and Central Italy to form a 5 year general league of protection against "all and singular malignant and detestable people, who are commonly called societies or (mercenary) companies."[109] Its members – Naples, Florence, Pisa, Perugia, Siena, Arezzo, Todi and Cortona - would field a sizable force of 3000 horses, 3000 infantry, and 1500 crossbowmen, with each participant promising to provide a certain cut of the total troops, or *taglia* in Italian. Forming this league had been a tortuous, twisting political project. Urban had floated a number of schemes to remove the companies from the peninsula, wrangling with just the city of Florence for eight years![110] When diplomacy failed, Urban resorted to unsheathing his spiritual sword: excommunication. The Papal Bull *Clamat ad nos* of 1365 tossed out of the Church all the mercenary bands of Europe and, notably, their princely and urban employers. "The miserable multitude of orphans and others robbed and despoiled call out," wrote Urban, "as the violated and burnt churches and ruined monasteries, as well as the nobles and the plebs, the rich and the poor."[111] He even dreamt up a quixotic project with the tacit help of the Holy Roman Emperor, Charles IV, to ship these foreign mercenaries across the Mediterranean to fight the Turks![112] The signing of the 1366 league then was the culmination of dozens of ambassadorial exchanges and thousands of man hours. Yet, for all his troubles and triumphs, Urban's diplomatic *chef-d'oeuvre* died a quick death; the document lay tattered and irrelevant within less than a year. Why?

This chapter explains Urban's seemingly Sisyphean labors; that is to say, the paradoxical ubiquity and concomitant failure of leagues of protection in late medieval and early modern Italy. On the one hand, city-leagues tied together the political actors of the peninsula to resolve the common security dilemmas of what I term the Mercenary Revolution – a period of around fifty years (~1340-1390) when the peninsula suffered from sustained French, British, Hungarian, and German mercenary raids. By the middle of the fourteenth century, most Italian powers, most of the time, bound themselves into mutual agreements of collective security and cooperation. Florence joined leagues in 1347, 1349, 1350-51, 1353-54, 1357, 1359, 1361, 1366, 1371, 1374, 1379, 1380-1381, 1385, 1389. The republic was not alone. Speaking of Siena during the rule of the Nine (1287-1355), William Bowsky noted that "there were few years in which Siena was not a member of a league, large or small, of greater or lesser duration, but nonetheless a league."[113] These numerous leagues left an indelible paper trail. Countless city council meetings and diplomatic missions record the tortuously process of making these pacts, keeping them intact, and trying to repair shattered trust when they were broken. On the other hand, for all their efforts, few leagues remained in force. Distrust crippled some, ineffective leadership others. Diplomats expressed military and financial reservations. "It is dangerous to make a league for two reasons," grumbled a member of the

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[109] Giuseppe Canestrini, "Documenti Per Servire Alla Storia Della Milizia Italiana," *Archivio Storico Italiano* 15 (1851): 90 (Doc 19).

[110] G.A Brucker, *Florentine Politics & Society, 1343-78* (Princeton, 1962), 226–7.

[111] Augustin Theiner, ed., *Codex Diplomaticus, Dominii Tempralis S. Sedi.*, vol. 2 (Rome, 1862), 430.Codex Diplomaticus, 430.

[112] Although never a feasible plan, this scheme appears to have had some traction, with the Florentine ambassador, famed satirist Giovanni Boccaccio, even offering five ships and five hundred knights and accompaniment for the crusade. See Norman Housley, "The Mercenary Companies, The Papacy, and The Crusades, 1356-1378," *Traditio* 38 (1982): 253–280.

[113] William M Bowsky, *A Medieval Italian Commune: Siena Under the Nine, 1287-1355* (Berkeley: University of California Press, 1981), 168.

Florentine ruling government body, or *Signoria*, "first, on account of the agreements with the companies which are in effect; secondly, the expenses which the common would incur."[114]

Table 1: Central Italian Anti-Mercenary Leagues, 1347-1390

Year	Members	Enemy
1347	Arezzo, Florence, Perugia, Siena	n/a
1349	Bologna, Florence, Perugia, Siena	Great Company
1350-51	Florence, Mastino della Scala (Lord of Padova), The Papacy, Perugia, Pistoia, Siena, Volterra	Visconti?
1353-1355	Florence, Perugia, Siena	Fra Moriale
1357	Florence, Pisa, Pistoia, Perugia, San Miniato, Volterra	Great Company/Count Landau
1361	Arezzo, Cortona, Florence, Siena	n/a
1366	Arezzo, Cortona, Florence, Naples, The Papacy, Perugia, Siena, Todi	5 Companies
1371	Arezzo, Cortona, Florence, Lucca, Montepulciano, Siena, Volterra	n/a
1374-5	Florence, Siena, Volterra	n/a
1379	Bologna, Florence, Perugia, Siena	Company of the Star
1380-81	Florence, Lucca, Siena	John Hawkwood/Company of St. George
1385	Bologna, Florence, Lucca, Perugia, Pisa, Siena	5 Companies
1388-9	Communes: Ascoli, Bologna, Florence, Mantova, Milan, The Papacy; Lords: Camerino, Malatesta (Rimini), Manfredi (Faenza), Ordelaffi (Forli), Orsini	n/a

       I have argued in the preceding chapters that the political development of late medieval/early modern Central Italy must be explained through the interaction between rising insecurity on the hand and the institutional constraints/mechanisms of the reciprocal contracts on the other. For example, the subjugation accords, or *capitoli*, of the Central Italian communities examined in Chapter 3 were the product of these communities' need for protection from internal rivals coupled with the institutional problems of incorporating other pseudo-independent urban communes into the dominion of another (only semi-legitimate) neighboring city-state (e.g. Florence). Florence and these communities produced a relationship in which the supremacy of Florentine justice did not interfere largely with independent fiscal and territorial structures. In the realm of external defense, the reciprocal contract, the *taglie*, worked out quite differently. Rather than seek a new institutional solution, the cities of Central Italy labored to evolve an older type of collective security agreement to meet the demands of the changing external threats of the mercenary company. These leagues were in many ways successful: they managed security through collective armies, resolved disputes among their members, occasionally fostered trade and economic cooperation, and bound members through a range of contractual mechanisms. Although individual leagues were gathered for short periods (typically 3-5 years) and never attained the permanence of Northern leagues, the underlying institutions rarely changed.

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[114] Brucker, *Florentine Politics & Society, 1343-78*, 224.

This chapter will further show how the development of collective security dispels any notion that Florentine hegemony was destiny. Since collective cooperation occurred simultaneously with the Florentine territorial expansion, one cannot argue that domination and coercion were the only tools available to Central Italy cities. All these cities were exposed to the same rising insecurities of the 14ᵗʰ century – plague, raiding companies, and Northern monarchs – but responded differently to external threats than internal disorder. Leagues were then "an alternative institutional solution to the sovereign state."[115] The trans-regional nature of these agreements – bringing in particularly Umbrian cities – also confirms this dissertation's thesis that the regional scope of Florence was not solely Tuscan but the larger Central Italian chessboard. Finally, this chapter challenges the political science literature on the nature of international security institutions. Institutional persistence and evolution did not necessitate the building of formal, modern institutions, but the making/negotiation, keeping/monitoring, and breaking/repairing of reciprocal pacts and ties. The monitoring and enforcement of such agreements did not produce delegation to third party enforcers; rather the agreements themselves evolved new tools to bind and reinforce actors.[116]

The central goal of this chapter then is to examine *taglie* not as individual agreements, but as contractual institutions like those found in Chapters 3 and 4 of this dissertation: to identify their origins in the twelfth and thirteenth century, explain their transformation in a time of immense stress during the Mercenary Revolution (c. 1345-1390), and uncover the causes for their decline after the 1390s. Following a review of current literature on leagues, the first third of the chapter charts the emergence in the twelfth century of city-leagues in Northern and Central Italy. The chapter then identifies how the Mercenary Revolution created a number of what institutionalist social scientists call free-rider problems (incentives for political actors to shirk their duties of collective action) and the means by which Italians attempted to resolve such issues. Over the course of fifty years (1347-1390), leagues evolved new forms of league membership and decision making, changed recruitment and leadership patterns, altered collective juridical and economic institutions, and adopted new means of reconciling broken accords. The final third of the chapter concludes with a study of the collapse of these organizations. I argue recruitment changes among the mercenaries themselves, specifically the emergence of home-grown, Italian mercenaries, dramatically lowered the incentives for league members to cooperation. Although *taglie* disappeared, the league as an institutional structure remained a critical part of Italian politics into the latter half of the fifteenth century.

I rely on three sources for this chapter. The contracts of the leagues themselves and diplomatic correspondences from the two chief foreign policy magistracies of the Florentine government – the Dieci di Balia and the Signoria - pair well: the first demonstrates the legal norms and institutional mechanisms of the leagues, while the second shines a light on the actual functioning of these ideas and mechanisms on the ground. A third source, the muster rolls and payments of the leagues, adds additional information about league organization and recruitment.

I The City-League in History and Political Science

Leagues of protection (*taglie*) in early modern Italy have been rarely examined; only a few disparate studies exist. An earlier scholarly tradition believed Florence endorsed leagues for ideological reasons, to bulwark Tuscan republicanism against the encroaching tyranny of seigniorial

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[115] Hendrik Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change*, 1st pbk. ed, Princeton Studies in International History and Politics (Princeton, N.J: Princeton University Press, 1994), 109.

[116] For a similar argument for economic cooperation see: Avner Greif, *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (Cambridge ; New York: Cambridge University Press, 2006).

regimes (e.g. Visconti Milan). The city assumed *de facto* ideological and military command of these Guelf leagues.[117] By the years of primary concern for this chapter, some have argued that leagues had mutated into mere arms of the larger Florentine territorial project, with the city "dictating foreign policy and disposing of military forces if they were their own."[118] Such a view mistakenly assumes that leagues emerged during times of increasing Florentine relative power. Yet the appearance of leagues of protection corresponded also to periods of declining Florentine clout. In addition, an ideological interpretation of league formation more accurately echoes the republican clarion calls of Florentine propagandists than the daily military, diplomatic, juridical, and ideological functions of the leagues. A small batch of more contemporary research denies any mutual cooperation in the leagues, ideological or otherwise. Leagues simply mobilized individual city-state's material-military objectives. "Leagues for mutual defense against the marauders became cynical devices through which states attempted to ingratiate themselves with others," said William Caferro.[119] In reference to the Lombard Leagues of the 12th century, Tom Scott adds that "the phase in which the League may be said to have represented a mutuality of interests on the part of the Lombard cities was in truth relatively brief."[120]

In concentrating on Tuscan communes' selfish quest for power and material objectives, one hears echoes in the historical literature of the Realist school of International Relations. Realist scholars all share in common the assumption that the distribution of power determines the behavior of all international politics across time. The behavior of states at the international level can, therefore, be understood in terms of the configurations of relative power. Any form of cooperation, including multilateral security cooperation, emerges from individual states' wishes to balance against incipit rivals.[121] Thus, when one historian noted that collective security failed because "rarely did two communes, whether they were Tuscan neighbors or more distant allies, have similar political objectives," we must take this to assume a shared Realist logic.[122]

Competing visions of international politics - in particular those scholars interested in international institutions - have also ignored the Italian leagues. The emergence of city leagues does appear in this literature, however, in the German speaking lands, most notably in the work of Hendrik Spruyt.[123] However, cisalpine organizations like the 13th-17th century Hanseatic League or other collective security alliances like the Swabian or Schmalkaldic Leagues of the Reformation provide poor parallels. *Taglie* never formed "an umbrella body capable of acting in the name of all or

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[117] Nicoli Rubinstein, "Florence and the Despots: Some Aspects of Florentine Diplomacy in the Fourteenth Century," *Transactions of the Royal Historical Society* 2, no. Fifth Series (1952): 21–45. For a more recent interpretation see: Serena Ferrente, "Guelphs! Factions, Liberty and Sovereignty: Inquiries about the Quattrocento," *History of Political Thought* 28, no. 4 (2007): 571–598.

[118] Bowsky, *A Medieval Italian Commune*, 162.

[119] William Caferro, *Mercenary Companies and the Decline of Siena* (Baltimore: Johns Hopkins University Press, 1998), 173.

[120] Tom Scott, *The City-State in Europe, 1000-1600: Hinterland, Territory, Region* (Oxford: Oxford University Press, 2012), 38.

[121] Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1983); Paul Kennedy, *The Rise and Fall of the Great Powers* (New York, NY: Vintage Books, 1989); Kenneth Neal Waltz, *Theory of International Politics* (Ann Arbor, MI: University of Michigan Press, 1979).

[122] Caferro, *Mercenary Companies and the Decline of Siena*, 100.

[123] Spruyt, *The Sovereign State and Its Competitors*, 109–129.
 See also: Wim Blockmans, "Citizens and Their Rulers," in *Empowering Interactions: Political Culture and the Emergence of the State in Europe, 1300-1900*, ed. Wim Blockmans, Andre Holenstein, and Jon Mathieu (Surrey, U.K.; Burlington, VT: Ashgate, 2009), 281–292; Daniel H Nexon, *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires, and International Change*, Princeton Studies in International History and Politics (Princeton: Princeton University Press, 2009), 75, 89.

limiting the authority of the federated cities," lacked common law codes, and never emerged as formalized actors with independent international recognition like the German Hansa.[124] Neither were these organizations temporary multilateral alliances among atomized actors like todays' contemporary security agreements (e.g. NATO). Instead, we will see that leagues of mutual protection were a series of cooperative, codified agreements that followed the well-worn institutional traditions of the contract. Further, we should be wary to attach to the decline of such leagues the increasing power of the sovereign state. Jurgen Bauer makes the link clear: "insufficient commonality of objectives – and ulterior motives – conspired so that the leagues became objects of intrigue and collapsed easily" adding that with their fall "the era of the consolidation among the city-states had begun."[125] The timing of the leagues emergence and decline, however, do not align. Leagues of protection emerged in the 1340s at a moment of extreme international instability in Italy and endured for over fifty years. In addition to answering why leagues failed, then, we need to also understand why they emerged and endured in the first place.[126]

II Collective Security before the Mercenary Revolution, 1190-1347

Collective security among the communes of Italy originated in the twelfth and thirteenth century revolt against the Holy Roman Emperors in the Lombard League (1167) and its later southern twin, the Tuscan/Guelf League (1197). The varying successes, failures, and intrigues of these leagues have been extensively analyzed elsewhere; the underlying institutions and their legacy upon future cooperation remains little understood.[127] At their core, the Lombard and Tuscan Leagues organized militarily and legitimated the legal standing of a clutch of cities against imperial power in Italy. As permanent military and juridical bodies, these leagues evaporated quickly. At worst the Lombard League splintered within less than a decade; at best, it simply became obsolete after the death of the Emperor Fredrick II in 1250.[128] However, the fundamental framework by which communes managed decision-making, recruitment and command, intra- and (more rarely) inter-communal disputes and economic interactions, and potential enforcement problems among their members endured.[129]

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[124] Scott, *The City-State in Europe, 1000-1600: Hinterland, Territory, Region*, 38. In addition they differed from German leagues were not: 1) organized against surrounding nobility, 2) did not seek to reduce tolls or regulate weights, measures and coinage, 3) had far fewer numbers (with over 18 towns in the Saxon league), 4) "if a town's patriciate were outsted by radicla elements, members form other towns were obliged to aid the deposed council" 5) the Swabian-Rhenisch League of 1385 consisted of about eighty-nine towns and could field an army of 10,000

[125] Jurgen Brauer, *Castles, Battles, and Bombs: How Economics Explains Military History* (Chicago: University of Chicago Press, 2009), 109.

[126] For a normative-constructivist discussion of mercenary warfare see: Sarah Percy, *Mercenaries: The History of a Norm in International Relations* (Oxford University Press, Oxford, 2007).

[127] Ferrente, "Guelphs! Factions, Liberty and Sovereignty: Inquiries About the Quattrocento"; Liliana Naldini, "La 'Tallia Militum Societatis Tallie Tuscie' Nella Seconda Metà," *Archivio Storico Italiano* 78 (1920): 75–113; Gianluca Raccagni, *The Lombard League, 1167-1225* (Oxford University Press, USA, 2011); Scott, *The City-State in Europe, 1000-1600: Hinterland, Territory, Region*, 36–38; Daniel Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century," in *Florentine Studies: Politics and Society in Renaissance*, ed. Nicoli Rubinstein (London: Faber, 1968).

[128] See in particular the differing opinions of Raccagni and Scott on the success of the leagues. Raccagni, *The Lombard League, 1167-1225*; Scott, *The City-State in Europe, 1000-1600: Hinterland, Territory, Region*, 36–39.

[129] The origins, geographic scope, and membership of these leagues deserve some specification. Collectivities of cities had earlier origins in more limited multilateral and semi-regional blocs: Milan, Cremona, Lodi, Piacenza (1093); Milan, Brescia, and Piacenza (1159); Venice, Vicenza, Padua, Verona or the *Lega Veronese* (1164). Names aside, regions blurred. Although most of the members of the Lombard League habituated the Po Valley, cities from Romagna, Emilia, and the Veneto also joined. Finally, it would be a mistake to place the leagues into an older historiographical communal-seigniorial dichotomy. Raccagni rightly lists a number of individual lords (Obizzo Malaspina, Ezzelino da Romano,

As codified following the parliament of Lodi (1167), the Lombard League was a multilateral framework of seventeen cities cross cut with bilateral agreements and side bargains.[130] The League never maintained a permanent headquarters. Instead, representatives of each member met every six months at various convenient locations to decide military objectives, admit new members, and adjudicate among members. Staggered meeting resulted from the nature of the Imperial conflict. The Emperors crossed the Alps with armies in tow every few years necessitating league members periodically reaffirm their commitment to the League. Meetings allowed for member coordination on military strategy, but policies changed periodically, not suddenly. The League mustered a common military force of approximately 3000 citizen-knights with attached auxiliaries and infantry from either the communes themselves or surrounding communities. Communes divided military contributions unevenly into separate cuts of troops (*tallium*). When a League army attempted (unsuccessfully) to lift an Imperial siege of the castle of San Cassiano near Bologna, the army included 500 knights from Cremona, 400 from Parma, 300 each from Milan, Brescia, Piacenza, and Verona, 200 from Reggio Emilia and Padua, 100 from Bergamo and Modena, 60 from the Countess Da Camino and a clutch of Ferrerese knights.[131] Unlike successor anti-mercenary leagues, members also pooled their resources to man members' defenses, including Piacenza and Lodi in 1167-68, Asti in 1174 and Alessandria in 1175. Members delegated command in the field to two captains drawn from members' citizens. Command devolution in war did not translate to peace making; rather, every member, at least ostensibly, had a voice. While three elected representatives of the league negotiated with the emperor in 1175, larger commissions representing each individual city bargained in later years (1177 and 1183). Conventions demanded that members collectively declare war, did not exchange prisoners with the Emperor without collective permission, and pooled resources to compensate for damages in war.

External defense was half the League's prerogative; internal protection and adjudication, economic coordination, and dispute resolution the other. At a juridical level, the Lombard League had three goals. First, as discussed in Chapter 3, forging stable communal life in late medieval and early modern Italy produced a seemingly endless scoria of rural bandits and urban exiles. The League helped mitigate such internal threats through collective jurisdiction. If a Lombard city wished to receive the League's aid, this community had to issue public denunciations of all other league members' traitors and criminals, and subsequently exile these men within fifteen days. Second, a common court allowed distressed private citizens of member towns to confront citizens of neighboring communes. The League in this sense took on a super-communal jurisdiction. Finally, when internal discord flared within a member city, the League could also adjudicate. League rectors (*rectores*) carrying the seal of the league attempted to act as a court of appeals. The right of appeals, however, always remained on shaky legal scaffolding - the Emperor generally maintained this privilege. Blockading trade emulated blocking appeals: the results were mixed at best. While the League did have some success in fostering economic integration (notably opening up Po River trade and attempting to repeal all new customs dues) and stifling enemy transport (even Emperor Fredrick

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Aldruda of Bertinoro, and perhaps Obizo de Este) permitted to join the league, a pattern also observed in the 13th later Guelf/Tuscan Leagues and, on rare occasions, the 14th century Tuscan leagues of protection (see Table 1 below: 1350-1351, 1361, 1366, 1388-9).

[130] Membership did not invalidate earlier bilateral agreements as long as they did not contradiction the terms of the league. Individual communities received special treatment, particularly those under imminent Imperial threat (e.g. Alessandria). See Raccagni, *The Lombard League, 1167-1225*.,Chapter 3.

[131] Ibid.

on one occasion), the sum total of such activities on market structures and freedom of movement remains unexamined.[132]

When such efforts at collective action strained and disputes erupted among member communes, the league needed to enforce its rules and statutes. Some common problems erupted. Members frequently arrived at the mustering site for battles short of men or material or refused to abide by the courts of the league. How members enforced and maintained the fidelity of the League, however, remains poorly understood. On the one hand the League appears to have developed a robust mechanism to handle enforcement of the league statutes, calling in elected arbitrators from member communes to adjudicate.[133] Critically, the league did at least on one occasion field a pseudo-police force to keep its members in line. Yet, the league lacked a form of punishment for members who defected on their codified agreements. In a recent study on the League, Gianlucca Raccagni notes this paradox, stating that "the League had no autonomous means and apparatus for implementing its policies," while later stating that the organization did maintain "some collective pressures" that "ensured the compliance of individual members." He adds that "if any member violated the peace it was the duty of the League and of the imperial party to ban those who did not comply."[134] Rather than a contradiction, I would suggest that we see the enforcement of the League not through formal military measures, but through the reciprocal pacts that bound each member to the league. Frequent public ceremonies demanded that members continually reinforce their membership while meetings, diplomatic correspondence, and collective actions made members comply.[135]

The less well-documented Tuscan variant shared these basic institutional structures: decision-making, recruitment and command, internal justice/economics, and enforcement. Lombard language reverberated southwards, with the first Tuscan/Guelf League announcing itself "opposed to the Germans of the House of Swabia."[136] The transformation in the mid thirteenth century of the Tuscan/Guelf League from a pseudo-permanent barricade against Imperial encroachment into an intermittent Angevin-Papal vehicle did not alter these mechanisms. Actors commonly signed short-term collective defense agreements. Tuscans signed a ten year league in 1295, a five year *taglia* in 1310, and another ten year agreement in 1335, none of which remained in force for their full term.[137] Siena agreed to provide troop cut to leagues in 1287, 1293, 1295, 1304, 1306, 1310, 1315, 1324, and 1335.[138] Like earlier organizations, members met periodically to decide new membership and discuss strategy. Also mirroring the Lombard League was the average size of the Tuscan army; leagues normally raised a few thousand cavalry and attached infantry. Notably, even in this early period, Florence provided around a third of all troops. The city retained 500 cavalry of a total of 1500 in 1285.[139] The army fielded in 1324 against Castruccio Castrocani, the Ghibelline lord of Lucca, numbered 1,000 cavalry with Florence providing 314 and Siena another 200.[140] Exceptions certainly occurred during extreme pressure from the Empire. The Tuscans for instance, mustered a larger

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[132] Ibid.
[133] Ibid.
[134] Ibid.
[135] For a detailed examination of these parts of the Lombard League see, ibid, Chapters 3 and 4.
[136] Canestrini, "Documenti Per Servire Alla Storia Della Milizia Italiana," XLVII.
[137] Bowsky, *A Medieval Italian Commune*, 168.
[138] Ibid.
[139] Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century," 81.
[140] Bowsky, *A Medieval Italian Commune*, 168.

force fourteen years earlier of 2,000 cavalry and 8,000 infantry in an (ultimately unsuccessful) effort to repel the 1310 imperial invasion of Henry VII.[141]

This army also contained a recent addition to the collective military force: 800 mercenaries.[142]. The practice of hiring mercenary troops emerged less from financial or military needs and more from the political pressure of the Angevins, a dynasty allied to the Popes and intermittently in possession of the crowns of Provence, Hungry, and Naples. Florence was required to hire Guelf mercenaries in order to fill its 1268 league quota, and each member of the league in 1281 was required to hire troops who would be "French or foreign by language or race."[143] Three additional issues separate the thirteenth-century practice of mercenary recruitment and the later strains examined below that independent mercenary companies placed on collective cooperation after 1340. First, the primary threats remained either local *signori* (such as the Lord of Lucca, Castruccio Castrocani) or northern potentates (the Emperor). As Waley notes, mercenaries were "not yet the semi-independent political entities that they were to become around the mid-century"[144] Second, recruiting remained mostly local. Following the successful Guelf campaign against the Ghibellines of Arezzo, numerous Florentine citizens issued claims of reimbursement for injured or killed horses.[145]Florence raised infantry locally as well; rather than buy mercenaries, Florence drained its *contado* of 12,000 troops in 1312 to face the continued threat of Henry VII.[146] Finally, at the head of these mercenaries armies stood Italians, not foreigners. While Angevin vicars on occasion led League armies, experiments with hiring foreign captains failed. The leadership of the French captain Mesr Omalreo de Narbonne in June of 1289 was the exception, not the rule.[147] Instead, local Tuscan-Romangol feudatories lead the Tuscan leagues.[148]

Beyond external protection, the Tuscan league also managed justice and commerce. The specter of factionalism haunted thirteenth–century Tuscany and motivated League membership. League defeat meant both limiting communal autonomy and igniting internal discord. Florentines feared in 1312 that Henry VII "would introduce into Tuscany exactly those measures already enforced in Lombardy, that party rule would be ended, exiles restored, and communal autonomy restricted."[149] Tuscan leagues also managed discord among its members. In 1308 Florence, Lucca, and Siena collectively arbitrated a border dispute (including, not surprisingly, exiles) between league towns Volterra and San Gimignano.[150] Some potential economic cooperation also appeared in these leagues. These typically came in the form of bans on acts of economic reprisal – the act by a commune of capturing foreign merchants' goods. But a higher level of cooperation was also

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[141] Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century," 102.

[142] Ibid. Also see: William M Bowsky, "Florence and Henry of Luxemburg, King of the Romans: The Rebirth of Guelfism," *Speculum* 33, no. 4 (1958): 184.

[143] Ibid, 81.

[144] Ibid, 106.

[145] Archivio di Stato di Firenze (ASF), Provisione Registri (PR), Reg. 2, fol. 72 (1290, February 8).

[146] Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century," 104.

[147] ASF, PR, reg. 2, fol. 10r-10v.

[148] Specifically, Nello della Pietra (1285), Ranuccio Farnese (1287), Aghinolfo da Romena (1286), Alessandro da Romena (1288), Gentile Orsini (1292), Bertoldo de' Malpigli of S. Miniato (1292), Count Inghiramo of Biserno (1297), Count Taddep of Montorgiali (1298), Ugolino 'de Corrigià (1300), Barone de' Mangiadoria of S. Miniato (1300-01), Musciatto de' Franzesi (1302), Maltestino Malatesta (1302), Franceschino Malaspina (1304), notwithstanding a few Angevin captains (Jean d'Eppe 1288 and Amauri of Narbonne in 1289). Waley, "The Army of the Florentine Republic from the Twelfth to the Fourteenth Century," 82–83.6. These men were, in essence, the processors of the *raccomandati*, the subject of Chapter 4, with the martial reputation of some families like the Malaspina originating at this time.

[149] Bowsky, "Florence and Henry of Luxemburg, King of the Romans: The Rebirth of Guelfism," 192.

[150] Idem, *A Medieval Italian Commune*, 173.

possible. As Bowsky notes of a Pisan-Sienese accord, "negotiations with Pisa in 1316 aimed at more than the cancellation of past reprisals and the suspension of all reprisals for ten years. They guaranteed Sienese citizens and *contadini* the right to trade and travel freely in the Pisan state; Pisans of course could do the same in Sienese lands. Another clause promised that if either city cancelled or lowered its gabelles for Florentines, those privileges would apply to the contracting partner."[151] Unfortunately, no study has explored the question of enforcement in the Guelf Leagues, but their longevity, political importance for the Papal-Angevin-Imperial struggles of the thirteenth century, and remarkable similarities with the Lombard League all suggest that these organizations also deployed similar reciprocal forms of contractual obligation, enforcement, and reputation management.

To summarize, by the cusp of the Mercenary Revolution, fourteenth-century Italians had designed a robust institutional framework to manage collective security. f Although the more permanent structures of the twelfth century had given way to short-term agreements, decision making continued to take place through reciprocal pacts continually refreshed at ritualized, floating meetings. Individual cuts of troops, divided unequally among league members, distributed recruitment, collective leadership in the position of the captain reinforced solidarity, and juridical and economic cooperation stuttered forward. Yet the enemy the Italian communes mobilized against in the 1320s and 1330s still resembled much the same as those faced by the Lombard League a century and a half before: highly consolidated and organized Imperial armies, infrequently marching from North of the Alps to assert Imperial rights and privileges. The enemy they were to face in the coming half-century differed radically. In sum, "the city communes did not create the League to curb their own autonomy, but to defend it from the policy of Emperor Fredrick, and more generally to collaborate more effectively."[152]

III The Rise of Mercenary Companies and the Problem of Freeriding

The descent of large numbers of well-organized mercenary bands beginning in the 1340s strained the institution of the league at two levels. On one level, unemployed ultramontane soldiers - grouped into well-organized bands with grandiose names such as the Great Company, the White Company, and the Company of St George – predated upon all political actors in Italy – communes, *signori*, and the authorities claiming universal authority in the peninsula (Papacy, the Empire). Their impact was constant and punishing. Although leadership never remained stable, bombastic captains led most companies. One band, bestowing upon itself the moniker the Company of the Rose, merged together the companies of five commanders to form a massive raiding party of 3,000 horses and 1,000 infantry.[153] While the Emperors had sought title and privilege, mercenary's primary weapon was extortion. Werner of Urslingen, one of the first commanders to cross the Alps, moved like a locust across Central Italy, collecting ransoms in 1342 from Cesena, Perugia, Arezzo, Siena and a number of Lombard communes. The enemy leagues were to fight, then, had changed. Yet, on another level, these mercenaries presented a new challenge to league recruitment and command. These bands were, without a doubt, the most successful military forces in the peninsula. Numerous contemporaries and modern scholars have noted the clear martial advantage of mercenaries over communal militia by the mid-fourteenth century. At an institutional level, mercenaries presented a major contractual problem. Hired through short-term contracts (3-6 months), mercenaries

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[151] Ibid, 217.
[152] Raccagni, n.36.
[153] William Caferro, *John Hawkwood: An English Mercenary in Fourteenth-Century Italy* (Baltimore: The Johns Hopkins University Press, 2006), 254.

companies were liable to a range of contractual breakdowns, from enforcement to command and control problems.[154] These forces then presented Central Italians with a new, albeit highly problematic, military platform. Siena suffered thirty-seven mercenary raids between 1342 and 1399!

Institutional dynamics can help to explain why the Italian communes faced a number of hurdles mobilizing collective security against such a threat. The first emerged from the distinct financial aims of the companies. While earlier leagues had sought to preserve communal rights in the face of *de jure* Imperial authority, mercenaries sought primarily specie. Rather than choose a permanent Imperial army within its gates or the costs of forming a league, communes now faced the prospect of paying the high cost of a ransom only intermittently. The costs of not cooperating, in short, had decreased, or, to borrow the words of Mancur Olson, the stationary bandit had given way to the roving bandit.[155] In Florence, the matter was one of open debate. When the Count Landau, a mercenary commander, threated the city, "some citizens favored the purchase of immunity from Landau; others advocated the resort to arms."[156] "The course of action that seems most effective to us is to send them away with money," lashed an enraged Florentine partisan before the 1366 league.[157] However, such ransoms could be ruinously costly. As William Caferro and Christine Meek have shown, the companies bankrupted Siena and put Lucca in a financial vice.[158] Even if actors wanted to join leagues, they faced another sticky problem: previous agreements with *condottiere*. While individual communes may have seen an advantage to collectively opposing mercenary companies, these same companies often were employed by erstwhile allies. Turning on a pseudo-employee posed the problem of ruining a commune's reputation. Piero Aldobrandini, a member of the Florentine ruling council, opposed a league in 1366 "on account of the agreements with the companies which are in effect."[159] He evidently won. Although Florence and many others signed the league, it was only effective against "new companies" - those mercenaries already hired were exempt.[160] The problem became worse with time. In 1375 year, Florence signed an agreement with John Hawkwood that kept him on retainer for 1200 gold florins a year. Hawkwood's retirement fifteen years later made the Republic grant a pension to his replacement, Corrado de Alchimbergh.[161] The price was the same. The practice spread.

Fighting mercenaries was half the difficulty; recruiting mercenary soldiers to fight their counterparts presented two additional issues. Fielding mercenary troops for collective protection presented a basic problem: who should house such potentially disruptive foreigners? Keeping such troops within the city walls was not an option. When, as part of the 1366 League, Siena opened its pocketbook to pay a gang of soldiers for hire under the command of John Hawkwood, the city also foolishly opened its gates. A riot ensued during which, depending on whom one reads, either the soldiers took a number of Sienese hostage or else the Sienese attempted to grift the foreigners.[162]

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[154] Brauer, *Castles, Battles, and Bombs: How Economics Explains Military History*.

[155] Mancur Olson, *Power And Prosperity: Outgrowing Communist And Capitalist Dictatorships* (Oxford: Oxford University Press, 2000).

[156] Brucker, *Florentine Politics & Society, 1343-78*, 177.

[157] Caferro, *John Hawkwood: An English Mercenary in Fourteenth-Century Italy*, 121.

[158] Caferro, *Mercenary Companies and the Decline of Siena*; Christine Meek, *Lucca, 1369-1400: Politics and Society in an Early Renaissance City-state*, (Oxford ; New York: Oxford University Press, 1978).

[159] Brucker, *Florentine Politics & Society, 1343-78*, 224.

[160] Need the direct quote from the Canestrini Contract.

[161] ASF, Capitoli Registri (CAP), reg. I, fols. 160v-162r; 174r-175r.

[162] According to the Sienese account, Hawkwood's soldiers misbehaved, taking hostages, including the ambassadors who arranged the accord although the Bolognese ambassador blamed the Sienese for underpaying the troops. See: Caferro, *John Hawkwood: An English Mercenary in Fourteenth-Century Italy*, 127.

Keeping such troops outside the city walls could be just as unappealing. Unlike earlier leagues, members never sent reinforcements to man their ally's ramparts. Although Florence was not opposed to the Pisans joining the league of 1351, they had reservations about letting their troops move through Florentine territory. "We would be happy if the Pisans came into the league," an ambassador reassured his cautious compatriots, "although the question of who would know about our lands does not honestly worry them and, therefore, we should never give this information (about our lands) to anyone!"[163] Even if the communes could overcome these barriers and agree to pool their resources against companies, they still faced the prospect that league members might evade their collective responsibilities and defect from their agreements. When a mercenary raid by the Count Landau threatened the north-east Florentine-Papal border in 1358-9, the papacy urged a league. Florence only reluctantly accepted, committing one-third of the cavalry. With the league troops mustering for combat, the Cardinal Albornoz, the papal legate in Bologna, made a *volte-face*, coming to terms with the Count "whereby the church would pay 40,000 florins and the Bolognese double that amount in exchange for Landau's promise to stay out of Tuscany and Romagna for four years"[164] "Let notice be taken," spat a Florentine on the day the Cardinal and the Count signed the accord, "that the incongruous actions recently made by the legate to the detriment of the Florentine commune!"[165] Albornoz's scuttled another league in 1366 when he tried to tear away a *condotierre* from the employment of another league-member, Perugia. The Perugians preferred the captain's head on a pike rather than see him in the service of the Pope![166]

Could Italians find alternative means to confront problems of collective security? Bilateral agreements to manage security between two parties avoided many of the problems faced in larger, multilateral leagues. These agreements remained robust for many years. A pact signed in 1335 between Florence and Siena, which managed collectively the problem of raiding bandits and exiles along their border, remained in force for at least fifteen years.[167] Both powers agreed to share men-at-arms and to maintain a collective army. Although no documentation exists on the recruitment of these troops, the treaty itself suggests that the two actors had little reason to stray - no complex mechanisms existed to monitor troop recruitment, fielding, or command. The agreement also forbad economic reprisals among the two parties' citizens. Florence's neighbors signed similar pacts. Lucca and Pisa signed a bilateral accord on 30 November 1384 that pursued debtors of both communes, provided for reciprocal aid and defense against companies, and banned both parties from entering any league without the other's knowledge.[168]

These few exceptions aside, Central Italians rarely sought bilateral protection - neither formal legal documents nor chronicle accounts speak of such solutions. Two elements of the security environment inclined Central Italians to seek broad-based leagues. First, as will be discussed below, communes could best achieve security through dense, overlapping webs of alliances; neutrality or limited-member agreements had little value against mercenaries. Lucca's abstention from the 1390-92 war between Florence and Milan, for instance, opened the commune's territory not to one raiding party, but both parties' mercenaries. Rather than risk such despoliation, small material commitments lashed minor communes onto leagues. In 1347, 1360-1, and 1366 Arezzo

[163] ASF, Signoria Missive I Cancelleria (SMC), reg. 10, fol. 113r: "noi saremmo contenti che i pisano venissono nella lega benche la domanda che sanno di nostre terre non occupana onesta et pertanto non consentiremo mai di darne niuna."
[164] Brucker, *Florentine Politics & Society, 1343-78*, 177–8.
[165] Ibid, 179.
[166] Caferro, *Mercenary Companies and the Decline of Siena*, 100–101.
[167] ASF, CAP, reg. 13, fols. 1r-2r.
[168] Meek, *Lucca, 1369-1400*, 165.

provided only a handful of soldiers. Its southern neighbors, Cortona and Todi, also made minor commitments.[169] Leagues commonly remained upon to new members, however minor. The agreement in 1380 allowed for both "Arezzo and Città di Castello to enter the league if they would be able."[170] Second, bilateral agreements intensified the potential damage of an ally's defection. Rather than create a general league, Florence and the Papacy raised in 1369 six thousand troops to be used in the common defense against the Milanese.[171] However, as Gene Brucker notes, "Papal interest in the conflict was tepid, since the curia was then making plans to return to Avignon…By July statements began to appear in the (Florentine central committee) protocols to the effect that Florence's allies were shirking their responsibilities in the common effort."[172]

In the face of such difficulties, many suggested that Italians turn to their centuries-old leagues to provide collective protection. The Florentines in 1349 ordered their ambassador to beseech the "Perugian, Sienese and Bolognese ambassadors to make a general league (against) every ultramontane lord."[173] Many trumpeted common defense over the selfish needs of individual communes. In the smolder following Florence's war with Pisa in 1362-64, Pope Urban V stressed the need to put common defense against the armed companies above individual disputes. Speaking in front of the governing body of Florence, Piero degli Albizzi, a high ranking citizen, echoed the pope, stressing the practical necessity for this alliance while citing the bands of unemployed soldiers flooding over the Alps.[174] The rhetoric of common protection went beyond regional blocs. The preamble to the 1381 league called on "all Italians and people of Latin blood" to fight against the "diabolical foreign scourge" of mercenary companies who plagued the Italians."[175] In short, institutional legacy, the nature of the security threat, and the political rhetoric of the time highlight how leagues remained the critical avenue for managing the Mercenary Revolution. The next section will trace the evolution of decision-making bargains and membership structures, league recruitment and command, and juridical and economic coordination before concluding with a discussion of late medieval ideas about contract enforcement, monitoring, and treaty violation.

IV The Struggle to Preserve Collective Security, 1347-1390

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[169] Arezzo contributed 5% of the 3000 soldiers to the 1347 league, a further 5% in 1360-1, and only 1% less than 30 knights, to the 1366 agreement; Cortona contributed 3% to the league of 1361. Both it and Todi contributed less than 1% of the men in 1366. See 1347, Bowsky, *A Medieval Italian Commune*, 174; Canestrini, "Documenti Per Servire Alla Storia Della Milizia Italiana," 95–96; and Ubaldo Pasqui, *Documenti Per La Storia Della Città Di Arezzo Nel Medio Evo. Raccolti Per Cura Di U. Pasqui.*, 1899, 156.

[170] Canestrini, "Documenti Per Servire Alla Storia Della Milizia Italiana," LVI.

[171] Brucker, *Florentine Politics & Society, 1343-78*, 239.

[172] Ibid, 240.

[173] ASF, SMC, Reg. 10, fols. 4v-4r: "Noi vi scriviemo pui di sono passati e pui volte che se poteste induceste gli amba(basadori) perugini sanesi e bologna a far lega generale ogni signore oltramontano e ancora generale."

[174] Brucker, *Florentine Politics & Society, 1343-78*, 224.

[175] Caferro, *John Hawkwood: An English Mercenary in Fourteenth-Century Italy*, 337.

Map 1: North Italian City Membership in *Taglie,*

1347-1390
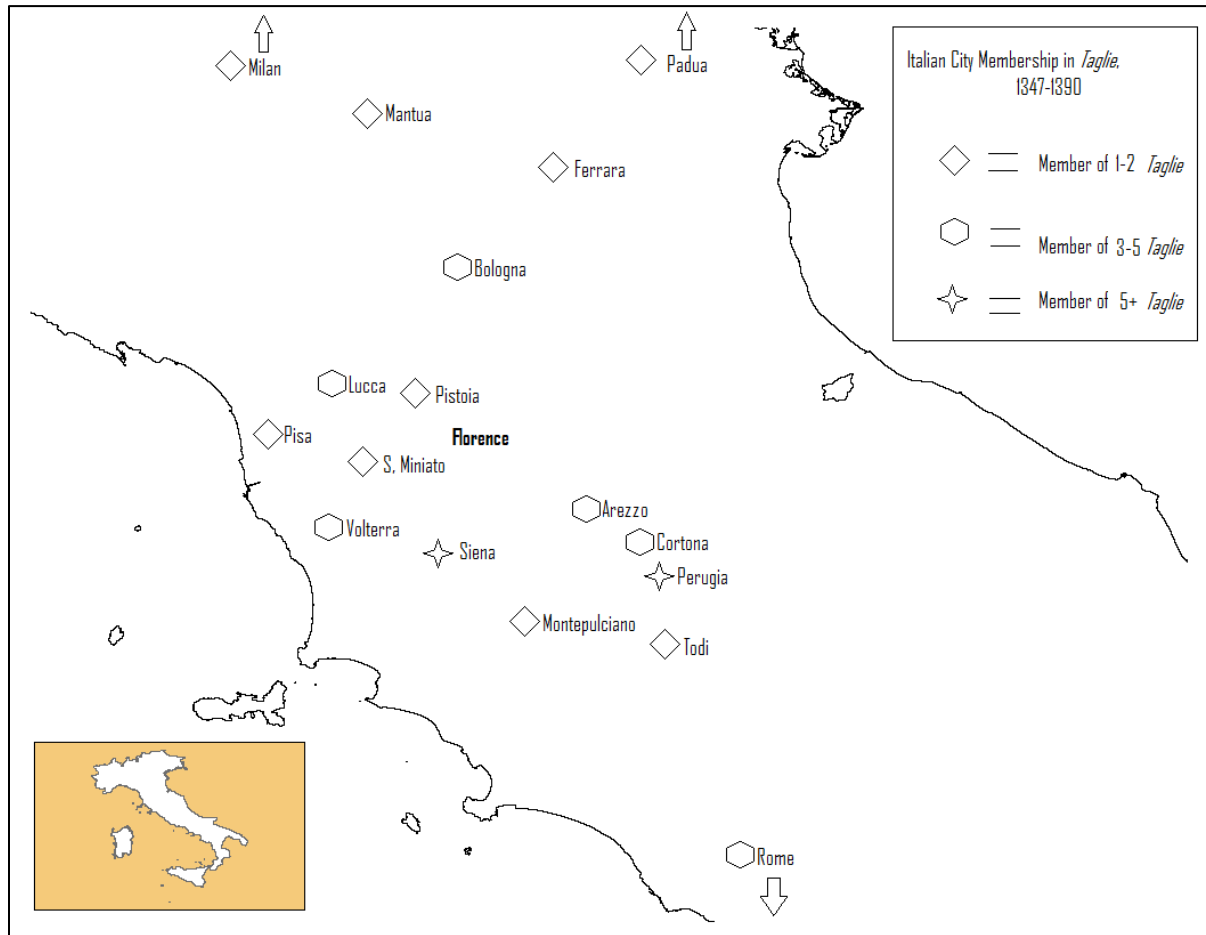
Bargaining, Decision Making, and Membership

All anti-mercenary leagues began with the negotiation of the league's core statutes, followed by an exchange of diplomatic embassies. The first barter point typically was the site for the actual negotiations. Equality in the proceedings was paramount; the Tuscan communes typically chose for these negotiations neutral sites or minor towns within the jurisdiction of a member.[176] The nature of the Mercenary Revolution, however, threatened to derail these negotiations. For one, dissenting members of the often-fractious elite of Tuscan towns could block leagues or, in dire scenarios, ruin long-debated accords. Although a thin elite in each commune set policy and an even smaller cadre of diplomats negotiated the league itself, the signature of the actual document was a deeply public, communal act. Large general councils in each city signed the act. On May 14, 1351, the city council of Siena voted 131 to 60 in favor of a league with Florence and Perugia. The accord received greater

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[176] The meeting of the League of 1349 took place in Monte S. Savino or Castel della Pieve, 1351 in Arezzo (at the time not a member of the league), 1357 in Montevarchi, 1361 in S. Maria di Staggia, and 1367 in Viterbo.

support later in the summer, passing with a vote of 252 to 6.[177] Although a systematic study of domestic league voting patterns remains out of this project's reach, in comparison with other votes for major communal actions, the Sienese league received outstanding popular support.[178] Beyond domestic concerns, the timing of mercenary raids could also disrupt negotiations. Unlike the trundling Imperial baggage trains of the 12th and 13th centuries, svelte mercenary companies of a few thousand soldiers could sprint across the Tuscan countryside from their bases in Umbria and Romagna with little warning. Negotiations, therefore, had to be quick both to avoid large public debates and to save the countryside of city-states from despoliation.

To overcome these issues, the leagues developed a novel institutional solution. Rather than allow specific issues or disagreements among members to hold up general agreements, leagues over time allowed for negotiations to continue six months to a year after the official public signature of the accord. For instance, when arranging the separate cuts of troops in 1347, the members of the league agreed that they would raise immediately 2000 men-at-arms, but leave the last 1000 soldiers of the league for a later date.[179]

Disagreements over the membership of leagues at times threatened to hamper negotiations. The problem with adding new members at first seems to hint that leagues followed the general pattern of contemporary multilateral security agreements. The more members in an organization, some claim, the more potential for members to shirk their duties and free ride off the collective protection of others.[180] Some Central Italians certainly complained that leagues should shed unreliable members or not add new allies. When the Sienese and the Perugians suggested opening the league of 1354 to others, the Florentines ordered their ambassador to confront them. "If they intend to increase this league it seems that they should strengthen the present league with more men at arms, which should include the clarification of (those men already) in the league…and grow (the league) with close friends of [Siena and Perugia]."[181]

If such protesting voices appeared from time to time, however, they were generally drowned out. It is one of the remarkable qualities of the anti-mercenary leagues that they defy the logic of membership free-rider problems. Instead, their membership remained consistent. One only needs to look at the membership of leagues (Table 1) to see that, outside of a few exceptional pan-Italian leagues, the same communes joined the leagues of the 1380s as those of the 1280s![182] The Tuscan-Umbrian-Romagnol triangle, the core of Central Italy, endured both the collapse of Imperial and, after 1307, Papal authority. To handle new members, leagues developed formal rules and statutes that allowed for new entrees. As long as every new member provided some troop contribution and

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[177] Bowsky, *A Medieval Italian Commune*, 148.

[178] In Florence, for instance, the purchase of the city of Arezzo only passed by a razor thin margin. Such voting rolls, found in the ASF, Libri Fabarum and similar documents in neighboring communities, remain an untapped resource for the study of public approval for such foreign policy decisions.

[179] ASF, CAP 12, 40r-44r.

[180][180] Mancur Olson argued that the greater the number of actors in a multilateral agreement increases the severity of the enforcement problem, or a situation when individuals have little incentive to contribute to a collective goal. Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, Mass: Harvard University Press, 1965). On multilateral agreements in particular see: Barbara Koremenos, Charles Lipson, and Duncan Snidal, "The Rational Design of International Institutions," *International Organization* 55, no. 4 (2001): 783–784; Stephen M. Walt, "Alliances in a Unipolar World," *World Politics* 61, no. 01 (2009): 89–90.

[181] ASF, SMC, Register 11, fols. 109v-110r: "s'intenda amplicifcare questa legha ci pare cosi cioe di fare forte la legha al presente del numero della gente d'arme che contiene nella disambitione dessa legha e commettarla e acrescien la colli vinci amici."

[182] The exceptions to these were larger regional alliances in1350, 1366, 1389. See Table 1 for full membership.

signed onto the pact through a public document, these agreements generally remained open.[183] The documents themselves show such additions. Elided into the margins of the 1389 league (signed originally by Florence, Lucca, and Perugia in October of that year) can be found the entry of Bologna (February 1390) and Pisa (October, 1390) into the league. Siena and Città di Castello arrived even later at an unknown date.[184] Leagues further became less rigid in their membership requirements. Special privileges for individual communes begin to appear in the statutes of league agreements in the 1370s.[185] The members of the league of 1379 dangled a carrot out for the Bolognese: if the Romagnol commune joined the league, they would receive a lighter load of troops and not have to invalidate an earlier agreement to coordinate with the Este lords of Ferrara. If the Bolognese chose not to join, however, the stick still lay nearby: the Florentines and Perugians retained the right to bring troops into Bolognese territory in the name of the league."[186] More importantly, decision making and membership point to the continual evolution and transformation of leagues from static, long-term agreements to more transitory, although no less effective, organizations. The legacies of the past leagues were adopted and adapted to meet the new challenges of the fourteenth century.

Recruitment and Command

The recruitment and command of mutual defense leagues also owed more to institutional legacies than self-interest or foolish expediency. League armies were not just ink on a page; rather, over the half-century from 1347-1390, thousands of German, English, Cornish, French, and, indeed, Italian mercenaries remained under arms in the name of the mutual defense of Italian communes. When the Florentines dispatched an ambassador to fill their league quota in 1351, they asked for "one hundred paid ultramontane knights and one hundred infantry of which half should be crossbowmen," adding to their commander that they "wish, with your guidance, you would lead 200 or 400 foreign *barbute* (a military unit) if you could."[187] As William Caferro notes, "Florence's contributions alone averaged 1,186 mounted men (just under 400 lances) in the years from 1347 to 1390."[188] To manage such questionable recruits, leagues developed during the middle decades of the fourteenth century numerous innovations in the enlistment and mustering of mercenary troops as well as the election and command decisions of league captains.

As mentioned above, the hiring of the mercenaries to fight their own brethren could potentially undermine the combat effectiveness of leagues. Having the inmates metaphorically run the prison, however, emerged from a pragmatic ranking of threats, not expediency. Enemies inside the communal walls typically trumped those threats found outside the gates. Internal discord quaked communal regimes in Central Italy (see above and in Chapter 3), and exiled members of large lineage

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[183] The 1385 agreements states that "tutti i signori, città e comuni d'Italia possano essere aggiunti alla presente lega" as long as "con quella taglia di gente e con quei patti che sembrassero congrui ai collegai medesimi." ASF, CAP 12, fols. 104r-114r. Similar statutes exist in 1347, 1354, 1379, and 1389.

[184] ASF, CAP 12, fols. 259r-268v.

[185] Lucca is particularly notable for receiving numerous benefits for joining the leagues of 1371, 1380, 1385.

[186] ASF, CAP 12, 247r-255r: "Che, quando il C. di Bologna, venuto che sia nella lega, nel tempo che…dovesse mandar gente ai collegati, dovesse per la lega che ha con i magnifici Nicolao e Alberto marchionibus Estensibus, mandar le sue genti a richeista di quei signori, debba per la presente lega contribuire alla metà della sua taglia, e per l'altra metà, in tutto o in parte, faccia come verrà deliberato dalla Signoria di Firenze "

[187] ASF, SMC, Reg. 10, fols. 94v: "Et che elli meni infino in Cento Cavalierei al soldo oltramontino e cento fanti la meta balestriti…io voorrei collo vostro consiglio conducere 200 0 400 barbute oltramentone se io potessi."

[188] William Caferro, "Continuity, Long-Term Service, and Permanent Forces: A Reassessment of the Florentine Army in the Fourteenth Century," *The Journal of Modern History* 80, no. 2 (June 1, 2008): 244.

groups constantly threatened to retake their lost *patria*.[189] A league army under the command of a rebel could provide such a vehicle. Numerous league statutes attest to the preference for mercenary troops over locally-raised armies. Leagues forbad their members from recruiting among subjects and *raccomandati*, and no military stipends could be levied with anyone within fifty miles of any member commune.[190] Similar restrictions on semi-feudal military allies, or *raccomandati*, stung (see Chapter 4). When the city of Città di Castello joined the 1389 league, members of the Pietramala clan, in spite of their standing as "subjects, tax-payers, and *raccomandati* of said commune," did not fall under the protective umbrella of the league.[191] Any citizen who did join a mercenary band would, as the league of 1379 declared, would "face banishment and condemnation from his commune's officials." All league members agreed moreover to collectively manage each other's exile communities, with the same statute stating that "such bandits and condemned people, also in absentia, will be understood to be the same in all the cities, lands and places of the league."[192] Beyond restricting citizens from joining league armies, communes also used leagues to manage and observe their ever-growing exile communities. After Florence readmitted a clutch of exiles in 1382, the city shuttled them away under threat of future banishment to a recently-drafted league with Siena and Lucca against the Great Company. Better to have them under the watchful eye of the Florentine captain, John Hawkwood, than join the company![193] The use of foreign-born soldiers then was less an imprudent salve, but, similar to the recruitment of foreign *podestà* to manage communal justice (Chapter 3), was an outgrowth of the internal tangle of communal faction and feud.

If internal discord explains *who* leagues recruited, institutional tradition explains *how many* of these mercenaries each league fielded. League members' cut of troops only obliquely reflected their relative power or position in the league; rather, they manifest from centuries-old recruitment patterns. Table 2 shows both the total number of troops requested and the distribution of each member's respective *taglia* in leagues against local adversaries and roving companies from a selection of leagues, 1285-1389. Two observations are worth noting. The total league armies remained remarkably consistent over two centuries, hovering around 3,000 knights and 3,000 infantry, in spite of fluctuations in population, the cost of war, and changes in tactics and army size. Constant too was the percentage each member guaranteed to the league. An ascendant Florence in the 1380s continued to staff approximately one-third of Tuscan leagues just as a century before. Conversely, a declining, mercenary-ravaged Siena provided between 15-20% of each new league. Only Perugia, see-sawing between Popes and roguish mercenaries throughout this period, saw its cut decline significantly during this period, from ~25% in the 1340s-50s to ~ 15% in later decades.

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[189] Randolph Starn, *Contrary Commonwealth: The Theme of Exile in Medieval and Renaissance Italy* (Berkeley: University of California Press, 1982). For an International Relations prospective on the practice of Italian exile see Darshan Vigneswaran, "The Territorial Strategy of the Italian City-State," *International Relations* 21, no. 4 (December 1, 2007): 427–444.

[190] ASF, CAP 12, fols. 104r-114r; 247r-255r.

[191] ASF, CAP, CAP 12, 259r-268v: "sudditi, censuari e raccomandati di quel C."

[192] ASF, CAP 12, 247r-255r,: "Che ove qualche cittadino…si mettesse o venisse con qualche compagnia o gente d'arme nemica nei territori della lega, il suo C. lo faccia bandire e condannare dai suoi rettori e ufficiali" … "E tali banditi e condannati, anche in contumacia, s'intendano esser tali per tutte le città, terre e luoghi della lega."

[193] Caferro, *John Hawkwood: An English Mercenary in Fourteenth-Century Italy*, 228–9.

Table 2: Partial Comparisons out of 100 % of Each Members League Cuts

Tuscan-Guelf Leagues and Anti-Mercenary *Taglie*, 1285-1389

League Year	TUSCANY						Romagna/Umbria				Other		
	Florence	Pisa	Siena	Lucca	Arezzo	Cortona	Bologna	Perugia	Citta di Castello	Todi	Naples	Papacy	Other
1285	0.33												
1324	0.31		0.2										
1347	0.41		0.21		0.05			0.24					0.1
1354	0.52		0.19					0.29					
1360(1)	0.65		0.3		0.05	0.3*							
1366	0.13	0.12	0.08		0.01	<.01		0.09		0.01	0.21	0.33	
1371	0.33												
1379	0.33	0.125	0.13	0.015			0.22	0.14					
1385	0.47	0.17		0.03				0.16	0.03				
1389a	0.37	0.12	0.14	0.025			0.22	0.12					

Sources: Canestrini, Caferro, Pasquali, Missive, Capitoli

The codification of league *taglia*, like all other parts of any early modern pacts, was as much the end of a complex negotiation as the beginning of another long bargaining process over the newly-created document. The question must be raised: did each member actually contribute in coin the troops they claimed on paper? Communes undeniably adapted recruitment practices to particular military or political circumstances. *Taglia* numbers on occasion lied; other league members covered their allies' costs. Although a Florentine ambassador bemoaned in 1350 that "the church took a greater quantity than it is really able (to provide)" the Florentines covered the costs of the Church's provisions, and order that these men "will be handed to the church so in time they will make the payments."[194] League members did not only shirk their duties; some added additional troops beyond their required cut. With companies knocking at its gates, Florence rushed 2,000 extra horses to the join the allied front in both 1381 and 1382.[195] Junior partners could also pool their troops; Siena and Cortona saved on their commitments by jointly providing 900 cavalry to the league of 1360-1.[196]

On par, however, league treaties stuck, and recruitment numbers witnessed more long-run continuity than change. Ambassadorial letters confirm that members pressured each other to fulfill their earlier quotas. "In the (new) *taglia* use the old one" at the same price and quantity ordered the Florentines to their ambassador to Perugia in 1349.[197] The powerful pull to maintain tradition also relaxed the fiscal burden upon impecunious league members. The recruitment patterns of Lucca can illustrate this point. When the Lucchese entered negotiations to join the league of 1371, they made sure that their cut of troops remained the same as previous agreements at an amount "of armed men

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[194] ASF, SMC, Register 10, fols. 78r: "Et deliberata la quantita si faccia la distrubutione tra collegati a operando insieme coglialtri che la chiesa ne predna maggior quantita che si puote si veramente che aoperaiate che almeno la meta di tutta la taglia…Et perche ordinare gnete potrebbe poco se depagmaenti non si provedesse che gli avesse a tempo ragionate con quelli del papa perche modo si faremmo i pagamenti et donde a quella parte della gnete che tocchera a la chiesa siche a tempo si facciano le paghe avisaivi per lo modo che vedete"

[195] Caferro, "Continuity, Long-Term Service, and Permanent Forces," 244.

[196] Pasqui, *Documenti Per La Storia Della Città Di Arezzo Nel Medio Evo.* 156.

[197] ASF, SMC, Register 10, fols. 4r-4v: "se benecrecordiamo nelle taglie usate per antico."

and cavalry which they are able to (provide) in good faith."[198] Eight years later, with the Company of the Star threatening Tuscany, the Lucchese ambassadors brought with them a copy of the last league in order to point out their previous contributions and to ask that, rather than a fixed amount, they provide troops only at certain instances and even then only "according to their means."[199] Although it is unclear whether the ploy failed because the asking *taglia* (100 lances/20,000 florins annually) still remained too high for the indigent commune or simply due to the threat of the company receding, the following summer the Lucchese returned to their previous tactic of negotiating the *taglia* cut itself rather than asking to provide vague military assistance. Lucca accepted a fixed *taglia* of 25 cavalry in a league treaty signed in July 1380 to protect her against an army of mercenaries in the pay of warring Angevin factions on route to Naples. Such a minor contribution was lower than the "40 suggested at one stage in the negotiations" and "must be considered extremely moderate compared with the 200 each of Pisa or Siena, or the 220 of Perugia."[200] Like other league members, Lucca's contributions remained surprisingly stable at around 25-30 lances for the remainder of the decade (1384, 1385, 1389). The two-century-long mechanism to manage collective recruitment appears then to have endured.

Once the numbers were set, league members needed to register and muster their troops under common command. Again, members designed rules to combat the new problems of collective security during the Mercenary Revolution. Registering and mustering all troops and their horses had three objectives: to confirm and monitor that each member hired the required number of men, prevent any internal enemies or unsavory types from lurking within the league army's ranks, and mollify future insurance claims on lost equipment and horses. Mirroring other decisions, speed was critical in order to make sure each member kept their commitments. Fifteen days after signing the league agreement, the participants had to hire troops and have them at the ready; fifteen days later the "first and last names of the soldiers on stipend according to their distribution" had be written down "in a public document" shuttled by ambassadors to each participant.[201] Names also had to be cross-checked against lists of bandits and exiles. Further special clauses in the 1370s and 1380s also adapted to the new practice of members maintaining mercenaries on retainer.[202] Registered by their employers, the different units of a league army then coalesced at a mutual, protected location. "And with this (*condotta*) signed and dated, you should order (the soldiers) to a place where they can muster like a narrow pass, so that the horses would not be able to return to the muster more than once," stewed a jumpy Florentine chancellery member in 1389, "this or a bridge above a river of the mouth of a narrow valley…where you must make a barricade."[203] The diplomat pleaded that, when moving to their muster, "we pray to you absolutely do not offend the people of Città di Castello, Cortona, Montepulciano…nor the Perugians, our friends!"[204] Once registered, the communes kept a close eye on their army. The mercenaries had to stay "no further than thirty miles

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[198] Meek, *Lucca, 1369-1400*, 154.'illam quantitatem gentis armigere equestris et pedestris quam poterit bona fide."

[199] Ibid.

[200] Ibid, 156.

[201] ASF, CAP 12, 259r-268v : "nomi e cognomi degli stipendiati secondo la distribuzione per mezzo di pubblica scrittura."

[202] ASF, CAP 12, 104r-114: "e in quanto alle cinquanta miglia, s'intendano eccettuati quelli che, al tempo del presente contratto, si trovano condotti da qualche collegato, anche per la futura condotta; basta che non siano sudditi di quello Communità, comè detto, nè ribelli o banditi o condannati per malefizio."

[203] ASF, Dieci di Balia (DB), Legazione e Commisarie (LC), Register 1, 197: "E fatto questo scrivere e dati i fiuramenti ordinerete uno luogo dove sabbia a fare la mostra che sia tale che vi si passi stretto e che cavalli passati non possino ritornare a mostracvisi piu che una volta. E questo sia orponte sopra fiume o qualche foce di valli stretta. E se vi bisognasse fare qualche sbarra fatela fare.

[204] Ibid: "pregheretegli strettamente che non offendano Castello ne Cortona ne Montepulciano e ancora isularita? Perugini nostri fratelli."

from the city" who hired them.[205] Registration also helped communes monitor the attrition of men and material. The league mustered every three to four months, with each member sending "one person who consigns, numbers, and reviews the men of the other allies."[206] Finally, post-combat insurance claims brought a final use for registration. While both mercenaries in the pay of individual communes and earlier forms of league militia registered equipment to collect future insurance claims, anti-mercenary leagues confronted a unique problem. How would mercenaries, contracted by individual members yet under the management of a collective body, seek redress for lost military kit, especially if that collective body frequently collapsed before an insurance claim could be issued? Linking supply to command decisions solved this issue. Specifically, the 1389 league states that all supplies and insurance claims should fall upon the commune that requested a league-army's help, rather than the whole league.[207] Collective registration, then, allowed both member communes as well as their mercenary-employees to bind and monitor the new organization.

Leagues evolved similar tools to elect, monitor, and issue commands to the captains at the head of their armies, succeeding, at least temporarily, in reducing the potential coordination dilemmas of mercenary warfare. The election of captains proved initially the most difficult hurdle to overcome. In the 1340s and 1350s, anti-mercenary leagues followed thirteenth-century conventions: members met, discussed, and elected a new captain at set intervals. Yet disagreements appear already in the first anti-mercenary leagues. The members of the 1347 league abandoned the tradition of parity and instead weighted votes for the three primary contributors – Florence, Siena, and Perugia. Electoral disagreements of the captain's post also could slow down leagues when mercenaries threatened. A Florentine diplomat huffed that although his higher ups "urged (him) to have a good, sufficient, and esteemed" captain, the Perugians dismissed worthy candidates.[208] The Perugians and the Sienese, instead, "had their eyes set on a captain from Fogliano."[209] Other factors may have also contributed to such disagreements. Members did not always convince their first choice; that is to say, captains did not always accept the offer. "Sir Ghiberto would not accept the office of the captaincy" regretted one correspondent.[210] The shift from local to foreign captains also may have increased disagreements among members. While military competency certainly factored in the decision, a resurgent Papacy also starved the Tuscans of their most fecund recruiting grounds for captains – Romagna and Umbria.[211]

A single case can help clarify. An election dispute appears to have poisoned a league formed among Florence, Siena, and Perugia in February of 1354 to fight the mercenary company of Fra Moriale. "Florence and Siena had hoped to appoint Malatesta Malatesta as commander of league

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[205] ASF, CAP 12, 247r-255r: "ma non più lontano di trenta miglia dalla città."

[206] ASF, CAP 12, 104r-114r: "mandare uno che consegni, numeri e rivegga le genti degli altri collegati."

[207] ASF, CAP 12, 259r-268v.

[208] ASF, SMC, Register 10, fols. 96v-97r: "Del fatto del captinao ieri vi dicemo che per altra lettera che voi sollecitate d'avere uno buono sofficiente et considito uomo. Salvo che della parte di Perugia."

[209] Ibid: "Che perche i Sanesi et perugini pare che abbino di riza gli occhi a quelli da Fogliano vi diciemo che Meser Guiglielmano et al presente al rivescovo di Milano."

[210] ASF, SMC, Register 10, fols. 113r: "Messer Guido Riccio quando ci fu ci disse et acerto che Mesr Ghuiberto non accepterebbe l ufficio del a Capitanneria per che non ci pare di mandarvi l ambasciadore. Et come co sta si fa Rosso de Ricci che dovesa andare in Lombardia e stato occupato come eglino sanno."

[211] ASF, SMC, Register 11, fols. 108r: "Meser Malatesta per suo amb dimandare che piaccia volerci intergare a presso il summo pontifice et per lettere e per amb che degni volere soprasedere al precesso per San Chiesa fece contralui e contra I suoi. Et scrivere e mandare simile allo legato che gli piaccia sopra sobre a far novita contra liu suoe terre amici ci fratigli suoi della Marcha. Intendendo che concordia si tracti frala chiesa e lui per noi e per li comuni di Perugia edi Siena perche intende di volere essere alla devotione a gran della San Chiesa sugingendo questo che questo medesimo e altro abbia San.."

forces, but Perugia, which distrusted Malatesta, refused. As the devastations of Moriale began, each made separate agreements with him."[212] Matteo Villani - contemporary, chronicler, and Florentine apologist - inveighed after the league collapsed that "this is the faith that now and many other times Florence found in leagues with her neighbors, who finding their advantage, took it!"[213] The role of the captains' election in the failure of the league, however, seems to be overblown. The league was not stillborn. Six months after the members signed the pact, a Florentine diplomat urged the Pisans "to make a league, convention, company and confederation with the communes of Florence, Perugia and Siena to resist, defend, and attack the company (of Moriale) in case they wished to offend or harass our communes."[214] Nor was Malatesta an odd candidate: he had led a joint army of the same three communes only a few dozen months earlier![215] Even when the dispute erupted, Giovanni Landfredini, a Florentine diplomat, labored to keep the league together.[216] A raft of diplomatic exchanges between Florence and the papacy finally suggest that Papal objections to hiring a nominal subject as league captain might have contributed as well.[217]

Whether the election of Malatesta threw the 1354 league off course or not, the members of future leagues sought to solve such breakdowns. As early as 1349, we see that the league among Bologna, Florence, Siena, and Perugia split the captain's election: he would be chosen by lot in Tuscany, but automatically reverted to the command of the Pepoli, despots of Bologna, if a company appeared in Lombardy, Romagna, or the March of Ancona.[218] Other solutions were possible. When Arezzo, Cortona, Florence, and Siena signed an agreement eleven years later, they specified that the "the communes elect Sir Pandolfo Malatesta of Rimini the general captain of the league and society for a term of six months" with the Florentine and Sienese executive committees in charge of future elections.[219]

Removing or delaying the election of a captain, however, did not resolve a deeper problem with mercenary-staffed leagues. Put simply, each ally wanted immediate input on the selection of captains as well as more direct control over any league forces to make certain league armies did not run amok. As two Lucchese ambassadors expressed many years apart, the cause for concern was simple: "because every time men are sent to aid us, they make more damage than the enemy" and "for we know that our friends' men damage our land as much as our enemies!"[220] The solution in the 1370s and 1380s was novel: rather than a general captain maintained at all times, each member elected an individual, normally the *condottiere* himself, who stood as their representative. "The general captain of all the men of the league is the captain of the party under attack," declared the same clause in the leagues of 1379, 1385, and 1389, "and all the others will be obliged (to follow) him as

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[212] Caferro, *Mercenary Companies and the Decline of Siena*, 100.

[213] Villani, *Cronica,* 128.

[214] ASF, SMC, Register 11, fols. 95r: "in nome del comune di fare lega convinta et compagnai e confeeratione con comuni di Firenze, Perugia, Et Siena arestiere difendersi et offednere la detta comapgna in caso che volesse ooffendere o molestare i detti comuni."

[215] ASF, SMC, Register 10, fols. 94v,

[216] ASF, SMC, Register 11, fols. 95r, 106v-107r, 108r, 109v-110r.

[217] ASF, SMC, Register 11, fols. 108r.

[218] Canestrini, "Documenti Per Servire Alla Storia Della Milizia Italiana," XLVIII.

[219] Pasqui, *Documenti Per La Storia Della Città Di Arezzo Nel Medio Evo.* 156: "Comunia eligatur nobilis miles Pandolus domini Malateste de Rimino capitaneus generalis lige et sotietatis prefate pro tempore sex mensium"

[220] Meek, *Lucca, 1369-1400*, 171–172 n. 27; 156, n. 12: "perche ... la gente che si manda in aiuto, ogni volta cia fatto piu damno che la gente inimica" and "scitis enim quod tam a gentibus amicorum quam inimicorum territorium leditur."

advisors."[221] This new type of captain also saw his portfolio broaden. He took charge of not only tactics and command, but also judged his fellow *consigliere* and kept the peace among disparate troops. He applied, as he deemed fit, any punishment committed by a member's troops "under common law, to the ally according to the rate of their *taglia*."[222]

Other clauses confirm that by the 1380s leagues had changed from offering general, umbrella protection to only combatting immediate, recognizable threats. Such an evolution met new challenges. For instance, the 1385 agreement resolved the sticky problems that could occur when mercenaries launched a raid against multiple members. Who should receive protection? Whose *consigliore* should rise to the rank of captain? In the end, the statute of the league left the issue to whomever claimed the greatest need, adding that "who is in lesser needs send to the ally who is more oppressed those men that it can." Under such stresses, "the (minor party) is not held to its cut of troops."[223] The monitoring of captains also shows a similar pattern. Communes commonly sent watchful representatives to join the league army's long baggage train of retainers, bodyguards, jurists, and camp followers. "Two councilors from each of the three league towns, men expert at arms and true Guelfs," would have followed Malatesta Malatesta into battle had the 1354 league succeeded.[224] Such men commonly reflected the imbalance in leagues with two advisors granted to senior league members in 1349, but only one to Arezzo, a junior partner.[225] By the end of the fourteenth century, however, these monitors disappeared. General captains had been replaced with a more responsive system.

In sum, the recruitment and command patterns of leagues show the tension between tradition and evolution in the face of a new threat environment. The response was to shift decisions – recruitment and mustering; the captain's election and command – away from collective bodies and toward individual league members. This had the effect of lowering the potential breakdowns in the league. It also, as shall see below, brought new challenges to enforcing such agreements.

The Transformation of Collective Justice

The Mercenary Revolution also altered economic and juridical cooperation within leagues. Economic cooperation diminished sharply in the mid-fourteenth century. Although the first anti-mercenary leagues forbad communes from seizing the goods of other members' merchants, the practice ended after in the mid-1350s.[226] As Raccagni has argued, the tenuous economic ties within leagues in the 12th century had been an effort to cut off Imperial supply lines and throttle the Emperor's tax base. Mercenaries, however, demanded immediate pay, and such cooperation proved no longer necessary.

If economic cooperation collapsed, juridical support endured. The role of leagues in collective justice changed from a semi-standing appellate court where private citizens brought

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[221] ASF, CAP 12, 104r-114r; 247r-255r; 259r-268v: "in tal caso sia capitano generale di tutte le genti della lega il capitano del collegato offeso, e gli latri gli obbediscano come consiglieri."

[222] ASF, CAP 12, 247r-255r:" Che il capitano generale debba essere sindicato…da quelli che saranno deputati dalla lega, circa le baratterie, furti ec., e non osservanza di capitoli ec.; ed egli sia obbligato per sè e per la sua famiglia, e sia sottoposto a pena, giusta il diritto comune; applicando le pene ai collegati secondo la rata della taglia."

[223] ASF, CAP 12, 259r-268v: "chi è in minore necessità, amdi al colelgato che è più oppresso quella gente che può, e in tal caso non si tenuto alla taglia come dispone la presente lega."

[224] Bowsky, *A Medieval Italian Commune*, 170.

[225] Canestrini, XLVIII.

[226] ASF, CAP 12, fols. 40v-44v: 1347: "non si possano concedere rappresaglie contro uno de'Comuni o persone dei Comuni compresi nell lega." Also see, Bowsky, *A Medieval Italian Commune*, 170.

grievances against other member communes' citizens and (much less frequently) against their own commune to a mechanism for prosecuting communal enemies and monitoring member compliance within the league. Anti-mercenary leagues initially tried to replicate the Guelf leagues of the 13th century through a system of common citizenship. "The subjects, countrymen, and inhabitants of the communes of the league or their *contadi*, in civil and criminal manners…should be treated as the citizens and countrymen of all allied communes" stated the league of 1347.[227] Member communes of the 1354 league similarly agreed that their citizens or residents could be tried by the laws of any member city.[228] Such efforts appear to have been at least partially successful. When the Florentines dispatched their ambassador to Castel della Pieve to treat with the Perugians and Sienese in 1349 they asked that any new league would allow its members to pursue exiles in each other's territories "without seeking the others' official approval."[229] The Florentine ambassador further promised to "persuade the communes of San Gimignano and Colle, their subjects, to make a similar (agreement)."[230]

Such juridical initiatives, however, stalled in the 1360s and drop out of both the diplomatic correspondence and the league contracts themselves. By the next decade a far different form of common justice had taken their place. Rather than pursue enemies of the state directly, through juridical proceedings, members were required to hold bonds or sureties for the criminal outlaws of neighbors. The specific statutes can be revealing. In the 1379 league, the members agreed that any citizen or subject condemned for a raft of crimes - "arson, assassination, treachery, rebellion, agitation, sedition" – would be "considered a bandit and condemned person across all the lands of the league." But, "any of the condemned people or bandits could stay and inhabit (any of the member communities) provided that he gave a surety in front of a rector or official of that city (in which he lived)."[231] The agreement went on to list a range of monetary amounts the exiled individual was expected to front for each crime: a capital offense (500 gold florins), for committing homicide (300), for the punishment of losing a limb citizen (200), and for a monetary fine (200 florins added to the original sum).[232] The practice developed more complex rules and standards in the 1380s. If a bandit or a condemned person "would wish to live in one of the cities (of the league)," said the statutes of the league of 1385, he must "make means to send a letter or ambassadors to give a surety at the penalty of 3,000 gold florins" which stated he would not offend any citizen, subject or feudal ally (*raccomandati*) of both his home city and his new home. If he violated this agreement, it fell on the officials of the city in which he lived to "take his surety and imprison him until the fine was paid to his home city."[233]

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[227] ASF, CAP 12, 40r-44r : "che nelle future obbligazioni, i terrazzani o abitanti dei Comuni che sono in lega, o i contadini, nelle cause civili e criminali … sieno trattati come cittadini e terrazzani dei Comuni collegati".

[228] Bowsky, *A Medieval Italian Commune*, 173.

[229] ASF, SMC, Register 10, fols. 4r-4v: "comune di Firenze sanza fare alotro officiale sia licito far provedere e seguire i suoi sbandidit nel contado di Siena…e similemente sia licito al Comune di Siena i suoi far provedere nel contado di Firenze."

[230] Ibid: "noi induceremo i comuni di Sangimiano e Colle a nostro padere che facciano il simile."

[231] ASF, CAP 12, 247r-255r: "si cosnideri bandito e condannato da tutti i territori della lega", "e se alcuno dei detti condannati o banditi…possa starve ed abitarvi, purchè dia mallevadore dinanzi a un rettore e ufficiale di quella città"

[232] Ibid.

[233] ASF, CAP 12, 104r-114r. If a bandit or a condemned person "volesse abitare in una delle città" said the statutes of the league of 1385, he must "fatta per mezzo di lettere o d'ambascaitori… a dare idoneo mallevadoria, a pena di 3,000 fiorini d'oro" which promises that "di non offendere o non fare offendere realmente o realmente veruna persona della città o del terirtorio, nè verun raccomandato della città, non tentare niente contro lo stato dello città medesima, o di città, terre e castelli raccomandati" "l'ufficiale della città o del territorio in cui abita, faccia prendere lui e i suoi mallevadori, nè gli liberi dalla cerceri finchè la pena dovuta alla città offesa non sia stat integralmente pagata."

The turn to sureties is suggestive of two larger processes. First, the list of crimes echoes the general conclusions of Chapter 3: the expansion of Florentine bonds with subject cities and lords was primarily a juridical, not a fiscal, process. The request to include Colle and San Gimignano as well as expanding to *raccomandati* (see Chapter 4) the same privileges of cities shows that the league members' juridical nets were cast out further and further over the course of the fourteenth century. Fiscal crimes – tax dodging, breaking mercantile contracts etc. - are not included in those crimes that required a surety. Further, economic cooperation collapsed. Stymying internal political grievances and managing the problem of exiles remained the critical goal of territorial integration. Second, the move toward sureties changed how league members enforced compliance with the league. As discussed above, leagues gradually diminished permanent decision-making bodies in favor of devices that staggered enforcement of the agreement. Although no record exists of an uncollected surety shattering a league, such disagreements could be a sticking point in expanding leagues. When Pisa was added to the 1385 league, the notary crammed a clause into the bottom of the agreement that issued a 20 day ban on the surety requirements for an unknown crime for a certain Niccolò de Mantua, doctor of medicine and, apparently, a Pisan city official, "until he finishes his service for the Commune of Pisa."[234]

Enforcement and Reputation

This raises the far larger question of how members enforced league statutes, or, more critically, how the institution of the league served to constrain powerful actors from simply leaving the league or failing to comply when the situation suited them. The realist theories of International Relations and their echoes in histories of the leagues discussed above would suggest that shifts in relative power dictated compliance with the league. When one party saw itself in a superior position and no longer in need of the organization, they simply left, paid a mercenary, or gambled with another lord. While I have already suggested the high upfront cost of negotiating agreements and the susceptibility of minor parties to raiding without the help of common protection could preserve leagues, understanding how agreements remained enforced is critical to our understanding of early modern power and institutions. No court of common law existed to manage inter-league disputes; these were, remember, organizations originally designed not only to militarily combat, but also to legitimate a clutch of cities against the superior juridical rights of the Emperor. Cities strived to recognize no superior jurisdiction. Instead, enforcement paralleled the general development of the leagues: less permanent, but still robust, structures enforced compliance and, when necessary, arbitrated disputes among league members.

League statutes at first appear contradictory. On the one hand, these documents contained robust rules to punish those who broke the league. All disagreements among the members of the 1379 league were to be brought before "the communes of the allies, or their leaders – the Priors (of Florence), *Anziani* (of Pisa), and Defenders (of Siena) who would resolve the dispute.[235] Nor was dispute resolution merely a formal part of contracting leftover from earlier times: clauses and rules evolved in later leagues. Rather than vagaries, the 1384-5 league added a complex legal process to "conserve and maintain peace among the allies." If any member of the league felt another member offended them, "the other members were obliged to send to a common place orators who will end the dispute." If the accused party persisted in violating the league, the commune would be regarded

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[234] ASF, CAP 12, 259r-268v: "fino a che starà ai servigi del C. di Pisa, potendo liberamente rimanere in quella città e suo contado."

[235] ASF, CAP 12, 247r-255r : "che tutti i dubbi che nascessero fra i collegati vegano risoluti dai Comuni dei collegati, o dai loro presidenti, cioè Priori, Anziani, Difensori o da quelli in cui la lega si rimettesse concordemente."

as "committing a crime not against one member, but against all the members," who, in turn, would have "their notaries commit the act of dissension to a common document."[236] Four years later, the league excoriated dissenters further. "Those who do not wish to obey (the rules of the league)," said the league statutes, "would offend the allies as if by force of arms!" In such circumstances, league notaries were granted "full mandate" to pass judgment against any violators.[237] Stiff penalties for violations also appear in every league up to 20,000 gold florins – an amount equal to the very mercenary ransoms the leagues was intended to combat![238]

On the other hand, such stiff rules contradicted the day-to-day functions of recruiting for and managing the leagues. Rules were written to be broken. Members could violate certain rules without violating the entire agreement. For instance, members could fail to properly register their mercenaries during the muster. "The omission or neglect of any party will not incur a penalty nor will it be regarded as a violation of the league."[239] The codification of rule violations standing side by side with the very rules themselves parallels similar tensions in the agreements among towns and lords explored in Chapters 3 and 4 respectively. Contracts, divided into dozens of clauses left over from earlier agreements, had an additive rather than a degenerative effect. New institutional innovations could be attached while previous, even contradictory ones, remained.

How, then, did contemporaries understand a violation of such seemingly contradictory treaties? An example can help. In the winter of 1358-9 the Florentines and the Papacy had agreed to collectively combat the mercenary band of the Count of Landau. Each contributed an equal number to a *taglia* of 2000 horsemen in an effort to prevent the band from crossing into the Romagna or worse (as the Florentine's expressed to their ambassador Niccolò Giugni) scale the Apennines and raid Tuscany.[240] By mid-January, the *taglia* appeared to be moving along as planned: the Florentine's had purchased 2000 Hungarian mercenaries in expectation of a future payment from the Papal Legate, Cardinal Albornoz, and mustered the men on the other side of the Apennines at a cost of 8 florins a month. The Florentines even had registered the mercenary's horses for future insurance claims.[241] From the diplomatic exchanges going out to the Giugni, however, one gets a sense of tension creeping over both the mercenary camp and back in the Florentine ruling council. "It amazes us how the Holy Church is not able to maintain the 900 horsemen" expected from their cut, complained one letter. The same letter feared that the Legate might recruit inferior troops; "and from the head (of the government) we should tell you that this *taglia* will be of no use if the men are of mixed" quality.[242]

[236]ASF, CAP 12, fols. 104r-114r: "Che, per conservare e mantenere la pace tra I collegati, ove fra loro nascesse Discordia per qualunque cagione, a richiesta di chi credesse favorire la giustizia, gli altri collegati sian tenuti a mandare, in luogo commne ai due dissenzienti, oratori che termino la dissension di buon accord, e gli altri collegati facciano quanto per gli oratori verrà dichiarato...la quale daranno con quelle clausole o pene che a loro piacerà: giurando peraltor al notaro che vorrà rogare la sentenza."

[237] ASF, CAP 12, fols. 259r-268v: "E chi non volesse obbedire, la abbia come se per forza d'arme offendesse i collegati. E gli oratori mandati a richiesta di uno dei dissidenti s'intendano avere pieno mandato da ambe le parti, a pronunziare sulla contraversia, senza solennità veruna, solamente giurando dinanzi al notaro di sentenzaire coscienziosamente per il ben delle parti."

[238] Bowsky, *A Medieval Italian Commune*, 170.

[239] ASF, CAP 12, 104r-114r: "omissione e negligenza di questa parte non s'incorra pena, e non faccia riguardare come violata la lega.

[240] ASF, SMC, Register 12, 73v.

[241] Ibid, 71v-72r.

[242] Ibid, 71v: "Ci maravilgiamo come la San Chiesa non possa tenere al suo soldo il nostro di novecento cavalieri cavalcanti.; E da capo ti diciamo che non sarebbe utile che la taglai di questa lega si fornisse per gente damisca." The

The Florentines were right to worry. As they discovered in mid-February, the Legate had begun to negotiate a treaty with Landau in the hope of freeing his hand against a Milanese invasion of Bologna.[243] The Florentines fumed in private, yet fawned in public. "They must hold their contract with the mercenaries" ordered one letter from 12 February while at the same time commanding their ambassador to tread lightly with the Legate. Ask about Landau's company, a letter ordered, and "how if the league were to continue we would hope that the magnificent Legate would pay" his cut of troops."[244] As the situation deteriorated, the Florentine ruling council sent one of their luminaries, Andrea de Bardi, to reinforce Giungi in a formal embassy. The ambassadors were to raise two objections with the Legate: not only would the Florentines be left on the hook to pay the Hungarians, but also the men who were raiding in the Papal States would cross the Apennines. The instructions turned on the reputation of the Papacy: "And we want that you ask the Legate about the facts of the accord he is making with the company (of Landau) and pray to him and comfort him with greetings and harmonious words…that without our community do not make the accord."[245] The efforts appear to have failed to sway the Legate; in a letter three days after the embassy, the Florentines asked their favorite captain, the aforementioned Pandolfo Malatesta, to assist the city in the event Landau's men attacked.[246]

Another embassy a few days later offered another scheme, asking that the Legate come to terms with the Milanese, and together the three allies would destroy the company "with those men that our communes have available." The Florentines were careful to add, however, that to pay the original 2000 Hungarians "would be completely impossible."[247] When even this suggestion fell on deaf ears, the Florentines finally surrendered to despair. The angry letter sent to the ambassadors offered four objections to the Legate's betray: 1) that the Papacy never intended to defend the Florentines from Landau and always intended them to pay the full price for the league; 2) that the way in which the Legate went about the negotiations with Landau had been unsavory; 3) that, if the Papacy could pay a ransom to Landau, the Legate clearly had the money in hand to pay the Hungarians; and, finally in disgust, that 4) "it is better to just make war than to pay this sum of money!"[248] No complaints, however, could stop what at this point appeared an inevitability:

letter again raises the issue of inferior troops, saying that "il numero che scrivi che a al soldo de cavalieri de quali potra fornire la taglia ella mista."

[243] Brucker, *Florentine Politics & Society, 1343-78*, 177–178.

[244] ASF, SMC, Register 12, 74v: E anche t abbiamo scritto il modo che debbi tenere della condotta e gli sella se fa a di sentire se ll accordo colla compagna a luogo" "delle 400 buarbute che legato de dare sollecita che mal detto caso labbiamo come nella lega si contiene e oltre a que della lega che mesr lo legato e pagha magnificnenti come dal lui speriamo"

[245] Ibid, 75v-76r: Anche vogliamo che il sopradetto Mesr Lolegato domandiate quello che poi per liu fatto della accordo della comapagna e pregatelo e confortelo se convenevole e accordo si potesse avere per liu e per noi collea detta compagna supgli e quello che dicio sentite dopresente il signifcate pregandolo che sanza il nostro comune non pigli alcuno accordo.

[246] Ibid, 76v: "che eravamo acconei a intndere alla destriction della compagna insieme con mesr lolegato e col suo signore mesr B con quella gnete d arme che al nostro comune fosse possibile pero chella quantita delle 2000 barbute ci sarebbono al tutto impossibile."

[247] Ibid, 77r- 78r.

[248] Ibid: 1) "che mai non fu nostra intentione defenderlo la compagnaia a le nella chiesa non che a cosa disonesta portarne piu che per meta dicio chella chiesa e noi ne pagassimo e avendo sempre egli detto che farebbe per noi come per se e abbiendo compreso a cio esser chiavi per lo consentire che fece d pagare la meta della taglia della lega di 1800 barbute ragionata di fare; 2) "e oltre cio cie dispiacuto il modo tenuto per Lolegato che che ichiuso nel tracato primo che factori sentire i processi suoi et che questo tractato e al tutto contrario alle nove di san Chiesa e del suo stato pero che questo non e rilevarsi da comapgne ma a una triegua di poche tempo con allectare che altra paghino il datio e cosi si fara inbutaria la chiesa di tributiorio a rubatiri e che ci ricordiamo che per la detto cia si chon si chon si giliati di dare loro danari; 3) "e ora si dispongha ad accordo con tanto soenchia spesa ingogna essnedo la compagna in signrande poverta di

Albornoz signed a ransom of 40,000 florins over four years, and Landau's band swung toward Tuscany.[249]

This exchange can tell us a great deal about the late medieval ideas of contractual enforcement. First, Florence articulated its dissatisfaction largely with paying the Hungarian troops, not with the fear of a Milanese invasion or even Landau's company. The fear was that the Florentine's could not fulfill their agreement with the Hungarians, sullying their reputation with the soldiers. Ambassadorial correspondences are particularly good here: they generally express the opinions of the Florentines stripped of the rhetoric of more formal city-to-city exchanges. Second, that Florence objected to a particular violation of one clause rather than the whole treaty also adds to this dissertation's earlier argument that late medieval contracts possessed an "institutional divisibility." Breaking parts of agreements did not mean invalidating entire agreements. Third, the language of scandal and betrayal found in other pacts appears only once in the exchange. I previously have argued in Chapter 4 that such language of breaking agreements, honoring pacts, and avoiding scandal formed a critical part of enforcing the *accomandigia* with feudal lords. The omission of such language in the *taglie* suggests that actors did not anticipate that such agreements would last their full term. In fact, the 3-5 year length of most *taglie* harken back to earlier Guelf leagues.

Florence's strategy to combat Landau once he crossed the Apennines might also explain the softer rebuke: the city made a new league! On March 12 at almost the same time Albornoz was signing the agreement with Landau, Sandro Biliotti and Niccolo Tornaquinci were being sent to Siena to make a league, suggesting that their neighbors "clear your district, reinforce your fortresses with supplies and fortify yourself with men of arms!"[250] And, better yet, the Florentines already had some men in mind to help protect the communes: the 2000 Hungarian troops they had already hired! The new *talgia* was signed soon after. This raises a fourth, and often overlooked, point: although *taglie* could crumble, the typical response of the remaining members was not to abandon collective security altogether, but simply to form a new agreement.

The breakdown of one agreement did not mean the breakdown of the league as a force against mercenaries. We have already seen in Chapter 3 how subject towns' agreements with Florence influenced the agreements of their neighbors; a similar network effect occurred at the level of collective security. Cities maintained multiple diplomatic avenues.. That members commonly joined multiple leagues can also be seen in prohibitions against such actions. "None of the towns could enter into any other league or pact that could prejudice this one without the prior consent of the other members," declared the league of 1354.[251] League agreements were careful not to invalidate earlier agreements. Perhaps a Lucchese ambassador to the league of 1389 expressed this sentiment best when he rejected a pact out of hand, urging instead "that the existing leagues, which still had some time to run, were adequate."[252] Rather than manipulative devices of individual communes, leagues were sown into the fabric of political life and formed a critical tool for cities to manage both

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moneta come si dice;" 4) E in conclusione il leverete da fare accordo dove si fransomma si paghi in del la quale ovservare alla meta a noi toccasse facome pudiciale al suo stato e nostro moscandoli che meglio e con guerra preseguirgli che dar loro tanta somma di dinero e che ci paia essere e ti che debbiano riducersi a troppo piu honesta domanda che non e quella che anno fatta."

[249] Brucker, 1962, 177-178.

[250] ASF, SMC, Register 12, 84r-84v: "sgombrare illoro distretto e riducere fare la victuaglia alle forteze come etiandio a ristere fortificando di gnete d arme."

[251] Bowsky, *A Medieval Italian Commune*, 170.

[252] Meek, *Lucca, 1369-1400*, 172–173.

external threats and internal rivals. Leagues, in short, did not collapse because they were unenforceable or because their members could not work together.

V Italian Commanders and the Decline of *Taglie*

The importance of *taglie* in Central Italian political life makes their decline in the last decade of the 14th century a critical issue for our understanding of Italian political development. If, as this chapter has argued, the increasing insecurity and free-rider problems of the Mercenary Revolution combined with the larger institutional mechanisms of earlier security contracts to create the *taglie*, then it has to reason that the decline of these organizations cannot solely be attributed to shifts in power politics, but in changes in the makeup of the mercenary companies themselves. Some have argued that foreign mercenaries underwent a sort of domestication - incorporation into the emerging regional states of Italy. In this view, the decline in the number of city-states reduced the pool of available specie from which northern invaders drank, and "the bargaining power of mercenaries was reduced by the growing permanence of armies."[253] Non-Italian mercenaries undoubtedly bound themselves closer to individual cities, as already mentioned through the use of retainers. One thinks also of John Hawkwood's transformation from scoundrel to noble son of Florence – his ascension forever preserved in Paolo Uccello's painting in the civic-religious space of the city's Duomo.

Yet two problems emerge when conflating the decline of leagues and the rise of larger states. First, permanent armies predated the decline of the leagues in the 1390s. Even Florence, with perhaps the least stable army of the Italian cities, already had a nascent core of semi-permanent captains dating from the 1360s.[254] This raises the second issue: the timing of the leagues' decline and the increase in inter-city rivalry. The last leagues did not correspond with the end of the mercenary threat. As Caferro notes "it was not until the middle of the fifteenth century that marauding companies truly became a thing of the past."[255] Nor did 1389 mark the decline or extinction of Florence's typical Guelf league allies. Yes, by 1389 two traditional allies had exited the stage: the Florentines had bought the Aretines in 1385 (see Chapter 3) and enraged the Sienese, who fell under the growing Visconti aegis.[256] The same cannot be said of others however. The Bolognese commune experienced a brief period of recovery (1376-1400).[257] The city also joined a league with Florence, Padua, Ferrara and a bundle of Romagnol lords in 1392 to defend each other against demobilized mercenaries from the Florence-Milanese war.[258] Lucca joined the same league, and received significant assistance in negotiating with a number of mercenaries.[259] Cities' consolidation of military forces and increased inter-city rivalry appear to be separate processes from the collapse of the *taglie*.

If Hawkwood and tamed non-Italian men like him were the exception, the rule was one of his counterparts: the Perugian *condottiere* Biordo Michelotti.[260] After years in the service of Milan and Florence, Michelotti came to rule his home town and a collection of surrounding cities from 1393

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[253] Michael Mallett, *Mercenaries and Their Masters: Warfare in Renaissance Italy* (Bodley Head, 1974), 114.

[254] Caferro, "Continuity, Long-Term Service, and Permanent Forces."

[255] Caferro, *Mercenary Companies and the Decline of Siena*, 14.

[256] Ibid., 156–171.

[257] Gina Fasoli, "Bologna nell'età medievale (1115-1506)', in Antonio Ferri and Giancarlo Roversi (eds.) *Storia di Bologna* (Bologna, 1978), 180-1; Wray, *Communities and Crisis,* 96.

[258] ASF, CAP 12, 190r-194r.

[259] Meek, *Lucca, 1369-1400*, 300.

[260] In addition to Hawkwood, we should add Jacopo de Verme who led the Milanese in 1378, 1391 and 1401. Caferro, *Mercenary Companies and the Decline of Siena*, 13.

until his assassination five years later.[261] Partner notes about Michelotti that "he set the pattern for a new variety of [lord] in central Italy...tied closely with the conventions of mercenary warfare."[262] Such "new-style *condottieri*" were in fact a return to the mercenary recruitment patterns of the thirteenth and early fourteenth centuries – feudal lords with holdings in the Apennines, Umbria, and Romagna.[263] The list was extensive: Pandolfo and Carlo Malatesta, Facino Cane, Ottobuono Terzo, Ugolotto Biancardo, Cecchino Broglia, and Giovanni d'Azzo degli Ubladini.[264] Common infantry and cavalrymen also followed the patterns of their commanders. The mercenaries Florence mustered to fill the city's league quote in 1379 originated from both sides of the Alps. Although seven of the twelve cities from which the mercenaries originated were German- or French-speaking (Ulm, Strasbourg, Nuremberg, "France" [ambiguous], "Germany" [ambiguous], Salzburg, and Cologne), five were Italian-speaking (Parma, Verona, Faenza, Bologna, Milan).[265] Changes in recruiting patterns also reflect this shift. Freelance troops (*lanze spezzate* – or literally "broken lances") flooded the ranks of communal armies. Finally, as the demand for Italian captains ticked up so too did the supply of ultramontane men decline. The renewal of the conflict in France held back the waves of demobilized men that crashed against the Italian cities in the 1340s and 1360s.[266]

The emergence (or, more correctly, return) of Italian mercenaries changed the calculation of collective security. On the side of recruitment, Italian mercenaries did not violate their agreements with the same regularity as ultramontane employees, a change Canestrini noted in the employment contracts of these men. "The Italian *condottierei* were more privileged and, generally speaking, freer in their operations; they were treated as equals and looked upon as influential; they were included in all alliance or peace treaties, in all offensive or defensive treaties; in short, they had public rights as stipulated in the treaties."[267] Numerous measures which once had managed recruitment breakdowns disappeared from later agreements. On the side of the mercenaries themselves, deeper Italian roots reduced the payoffs of raiding, leading to "reputation effects, signaling of reliability, and an increase in contract certainty and stability."[268] The pendulum, it would seem, had swung again from the roving to stationary bandit!

Conclusions

This chapter focused on three matters. First, it examined the emergence of a system of collective security in Northern Italy to manage Imperial power. Second, it showed how a new type of threat, the roving mercenary company, presented a number of difficulties to the essential mechanisms at the heart of this collective security institution. And third, it showed how Central

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[261] Peter Partner, *The Lands of St. Peter; the Papal State in the Middle Ages and the Early Renaissance* (Berkeley: University of California Press, 1972), 377, 381–2. Specifically, he controlled Orvieto, Todi, Orte, Assisi, Nocera, Spello and "other strong points in the Umbrian Appenines." Also see: Cf. G. Franceschini, "Biordo Micheloitti e la dedizione di Perugia al duca di Milano', BSU, xlv (1948) pp. 92-103.

[262] Ibid., 381.

[263] Maria Nadia Covini, "Political and Military Bonds in the Italian State System, Thirteenth to Sixteenth Century," in *War and Competition Between Stats*, by Philippe Contamine (Oxford: ?, 2000), 24. Covini, however, still connects this with the emergence of the regional state.

[264] Caferro, *Mercenary Companies and the Decline of Siena*, 13–14.

[265] ASF, Miscellenea 120. In declining order, the origins were: Parma (15), Ulm (10), Verona (9), Strasbourg (9), Nuremberg (9), France (8), Faenza (6), German8 (6), Salzburg (5), Bologna (4), Cologne (4), Milan (4).

[266] David Parrott, *The Business of War: Military Enterprise and Military Revolution in Early Modern Europe* (Cambridge; New York: Cambridge University Press, 2012), 41.

[267] Brauer, *Castles, Battles, and Bombs: How Economics Explains Military History*, 104.

[268] Ibid, 107.

Italians created a series of innovations to adopt and adapt the Guelf-Tuscan leagues into anti-mercenary leagues.

For historians, this chapter has shown how we (however unknowingly) have echoed the realist school of International Relations when analyzing the leagues of protection. Italian states did not operate fundamentally in an anarchical international environment in which security was purely the result of power and material resources. Instead, Central Italians labored to evolve and reform their centuries-old leagues to combat mercenary companies. That these leagues eventually collapsed had more to do with the change in these mercenaries than in the city-states that hired them. For scholars of international relations, this chapter historicized such common place ideas as free-riding and contract enforcement. These concepts are not universal, but fundamentally embedded within the social and cultural environment of their time. Although Italians feared that leagues would collapse because of breakdowns in coordination, the league agreements, broken into many different parts, persevered.

If we return to the beginning, to Pope Urban and his broken accord, we see that his triumphs and travails were ultimately shaped not by the power politics of his day, but by the fundamental institution of the league contract. The interaction between the unique problems of the mercenary company and the long, drawn out negotiations, patterns of recruitment, internal structures, and enforcement created the league of 1366. And, following convention, when this league collapsed, the Pope did not despair. He did what any Italian power would: he sent an embassy to Viterbo, mustered his mercenaries, wrote down an agreement, and signed the next year a new anti-mercenary league.