In this paper I discuss the power of law experts (jurists and judges) in 13th century Bologna. First, I consider the importance of law experts in communal institutions according to normative sources (statutes and riformagioni). Then I describe how these institutions worked in order to show the possibilities and the limitations faced by law experts. Finally, I narrate a story about a conspiracy organized in 1287 by a group of law experts. In my opinion, in this story one sees clearly how law experts exerted influence in order to attain their aims.

From the middle of the 13th century, law professors were eligible to participate in the most important council of the city: the credentia, whose members were chosen from all the citizens of Bologna. In the last quarter of the century this council, as in the case of the more broadly based council of the comune, became of lesser significance. The most important councils of the city became the large council of the populus and the much smaller council of the anciani, whose members came from the guild and territorially-based companies (societates artiorum and armorum) that formed the populus. Law professors were not eligible to participate in these “popular” councils, but their participation in political life nevertheless became more intensive, because popular officials, especially the anciani, were seeking more and more frequently the opinions of law experts (consilìa sapientis) to help them make decisions.

An important way to gain the participation of the law expert was the formation of a balìa, or committee. Reading the sessions of the broadly based consilium populi, one often finds situations like the following. The captain of the populus, a foreign magistrate, as was the podestà, makes a proposal to the council. The council discusses the proposal. Someone is in favour, someone is opposed, someone proposes asking the opinion of a special balìa, or committee of sapientes. The council decides to transfer the proposal to this special committee, whose members are law experts (sapientes). But for the sapientes this was not the only entrance to the decision-making process. In her recent doctoral dissertation Sara Menzinger concludes that a large number of sapientes were present in almost all the recorded sessions of the anciani’s council. Moreover, during the 1280’s, the sapientes tended to become regularly present in that council. According to normative sources, this participation of sapientes does not seem to be official, but at the beginning of a register of 1282 Sara Menzinger found a list of 20 sapientes who were recognized as participants in the sessions of the anciani’s council. Two years later, in 1284, the number of sapientes who assisted the anciani was raised to 40.

In the regular councils of sapientes and in the occasional balìe we find famous doctores legum such as Albertus Odofredi, Lambertinus Ramponis, Basacomater de Basacomatribus, Pax de Pacibus, Franciscus de Artimixiis, Brandelixius Riccadonna, Iulianus Cambi, Ubaldinus Malavoltis, Sanzanome de Sanzanominibus, who were judges or great notaries. With them we also find members of aristocratic lineages of the city such as the Lambertini, Galluzzi, Guidozagni, Ghislieri, Bazaleri, Dotti, Romanzi, Caccianemici, de Priore, and men from banker and merchant families, such as the Gozzadini, Zovenzoni, Mezzovillani, Basacomari, and the Paci. Thus the large presence of sapientes was not just a way to help the anciani make decisions, but also a major

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1 I would like to thank Sarah Rubin Blanshei for supervising the English version of this paper.
2 Statuti di Bologna dall’anno 1245 all’anno 1267, ed. L. Frati, Bologna 1877, III, pp. 64: “Statuimus quod electio consilii credenciae et generalis hoc modo fiat: (…) et quod omnes domini legum sint ad consilium Credentie electi”.
4 For law-making practices and examples see Archivio di Stato di Bologna (from now onward: ASB), Riformagioni e provvigioni del comune di Bologna. Inventario, ed. B. Neppi, Roma 1961, pp. VII-XXVII.
5 S. Menzinger di Preusshenthal, La funzione politica del giudice nei governi comunali del XIII secolo, Tesi di dottorato dell’Università degli studi di Torino, XII ciclo, pp. 204-218.
opportunity for the great families to play a role - and an important one - in the political life of the city. In 1282 were published the *Ordinamenta sacrata*, a special group of 27 laws valid for the following ten years. These laws were made to protect the *populus* against the violence of the most violent noblemen, the *magnati*, and, more generally, to give power to the *populus*, and, by their publication, aristocrats were formally excluded from "popular" institutions. Therefore the juridical competence of aristocrats become the only way for them to exert influence.

This extensive participation of law experts, who often were from great families, in the "popular" government, does not mean, however, that this group had absolute power. There were both external and internal limitations. The external limitation was the control exerted by the laws and institutions themselves.

In communal Bologna the institutional system was richly structured to protect it from pressures of conflicting groups. According to the *Ordinamenta sacrata*, at the top of the government of the city were the *anciani*. The 24 members of this council were selected every two months by a group of 40 electors chosen by the *consilium populi*. This last council was formed by more than 600 persons from the 20 *societates armorum* (territorially-based) and the 20 *societates artium* (guild-based). Every society had 14 representatives in the council, except two *artes* (merchants and bankers) that participated in the council with 33 members each. The council of the commune was more open to non-"popular" citizens. But from 1282 that council was not entitled to make decisions that contradicted those of the *consilium populi*.

In some cases special commissions of *sapientes* succeeded in gaining decision-making power. But normally their decisions had to be approved by the large *consilium populi*. In that council the issue to be decided had to be proposed by the captain of the *populus* or the prior of the *anciani*, who could also decide not to present it, thereby exerting preventive control. In 1282 the *consilium duorum societatum qui presunt* was created, which was another council made up of magistrates (ministrales) from two different societies in rotation (one of the *Armi*, one of the *Arti* every month), in order to control the application of the *Ordinamenta sacrata*. This council could determine that a particular decision (also a decision by a group of *sapientes*) was against the *Ordinamenta sacrata*, and therefore reject it.

The law experts thus had important instruments, the *balie* and *consilia sapientium*, by which they could exert influence and, more importantly, the know-how to master the functioning of this institutional machinery. But they did not control completely the policies of the commune, because they had to bring to account all the components of bolognese society that participated in the various councils. This external limitation was not the only one to curtail the power of law experts. There was also an internal limitation. The jurists as a group were not strongly united, but rather were politically divided. As were other components in the late 13th century bolognese society, law experts were sharply divided on political issues. Among these issues two were major problems: the exclusion of magnates and the exclusion of Lambertazzi.

Since 1250 the "popular" government had begun to consider the magnates as enemies: they were the noblemen involved in factional struggle between the guelf *geremei* and the ghibelline Lambertazzi. For this reason they were considered particularly dangerous to the maintenance of the "good and peaceful status" (*bonus et pacificus status*). In 1271 and 1272, as factional struggles...
became increasingly violent, the *anciani* compiled lists of magnates who were required to give pledges (*fidejussiones*) that they would remain peaceful and not offend members of the *popolo*. For the same reason, i.e., to prevent violent disorders, they threatened magnates who would not obey with the punishment of the ban. 

This strategy of prevention did not work. In 1274 the struggle between the two local *partes* erupted again and the *geremei* were victorious. One thousand members of the Lambertazzi party, which means the ghibelline one, were banished by a commune now ruled by a new alliance between popular elements and *geremei* magnates.

In this way the new exclusion of Lambertazzi was added to the old one of magnates, without replacing it. The resulting situation was full of contradictions. The most radical *populares* did not tolerate the political role given to the *geremei* magnates, and tried to marginalize them by maintaining the exclusion of magnates. These guelph magnates reacted, trying to justify their role by means of the struggle against the Lambertazzi, who had officially become the enemies of the entire city. In this way the two conflicts (magnates vs. *populus*; Lambertazzi vs. *geremei*) engendered a third conflict that was a combination of the first two.

This conflict can be analysed by considering two phases. In the first phase, from 1274 (ban against the Lambertazzi) until 1280 (the conquest of Faenza, the fortress of refugee Lambertazzi), the commune was involved in a war against the ghibelines in alliance with other cities. Bologna lost many battles and lived in economic crisis. In this period the supporters of the exclusion of the Lambertazzi became stronger. In its fight against its enemies, the city had to use all its resources, from the military power of the guelf magnates to the money drawn from the rent of confiscated properties. Action against the magnates, which was strong at the beginning of the seventies, weakened. The war tended to bring together the great families of magnates with the great families of bankers and sellers, the latter belonging to the *populus*.

After 1280 the situation changed. The conquest of Faenza in fact ended the war emergency and forced the Lambertazzi to choose between two options: to go back to town swearing fidelity to the government they had fought or to give up trying to reconquer Bologna and begin a new life in other, more distant, cities. The majority of them chose the first possibility and, as a consequence, the group of banned ghibelines became increasingly narrow during the eighties. This change made the exclusion of Lambertazzi less urgent, and caused a renewal of magnate exclusion. In 1282 the *populus* issued the *Ordinamenta sacra* which contained a list of 92 guelf magnates, and extended to anyone the right to accuse a magnate. The ordinances also fixed perpetual ban for magnates who hurt a person belonging to the *populus*.

These laws directly affected persons who had participated in the sessions of the *anciani’s* council as *sapientes* or their relatives. This explains why in the following years there were attempts by the *sapientes* to moderate these laws, and to introduce some changes, for example, the revocation of the extensive possibility of accusation, which, it was claimed, had caused many false
accusations\textsuperscript{22}. This type of change had a support that was broader than the group of sapientes directly affected by the \textit{Ordinamenta}, because it concerned an important aspect of the judicial system. But it could also be interpreted as an attempt to weaken the exclusion of magnates, and for this reason, to be revoked\textsuperscript{23}.

The sapientes not only discussed the exclusion of magnates, but also discussed the exclusion of the Lambertazzi. In general, as noted earlier, the ghibellines were no longer perceived as a danger. For this reason a special commission of 40 sapientes, in October 1286 received the power to decide the destiny of the Lambertazzi. The commission passed a series of rules that made official the principle “He who wants to return, may do so”, and distinguished for the first time between the Lambertazzi of great families, who had to remain in internment, and the Lambertazzi coming from lesser families, who could return. It was a decision that modified strongly the nature of Lambertazzi exclusion, making it an aspect of magnate exclusion\textsuperscript{24}. In the same year the council of the popolo had decided that the Lambertazzi could be accused only by qualified people, but magnates could be accused by anyone\textsuperscript{25}. The supporters of the exclusion of magnates were successful. As we can see in an interesting inquisition of the podestà, however, reaction came very quickly\textsuperscript{26}.

On a certain day prior to Saturday August 9, 1287, Liazarus de Liazaris, judge, member of the 40 sapientes, descendant of a great magnate lineage, presents to the judge of the captain of the populus a proposal to be discussed in the \textit{consilium populi}. The proposal is to create a new commission composed of two members from each company of the populus, the \textit{ministrales duorum societatum qui presunt} in that month of August (that is the \textit{societas castellorum} and \textit{societas bisilieriorum}), and the \textit{preconsul} of the society of notaries, and to give this commission the \textit{arbitrium} on the \textit{bonus status communis}\textsuperscript{27}. As we know from later confessions, in addition to this proposal there is a plan organized by other sapientes such as Ubaldinus de Malavoltis and Sanzanomen de Sanzanominibus. The aim in requesting such great power for this commission is to gain revocation of the ban against those magnates who have made peace with their victims\textsuperscript{28}.

\textsuperscript{22} This happened during the years 1283-1284: Statuti di Bologna dell’anno 1288 (as in n. 7), pp.286-290.

\textsuperscript{23} This happened with the publication of the \textit{Ordinamenta sacratissima} in December 1284: Statuti di Bologna dell’anno 1288 (as in n. 7), pp. 443-453.

\textsuperscript{24} The report of this commission is in ASB, Comune, Capitano del popolo, Giudici del capitano del popolo, reg. 97.

\textsuperscript{25} The new form of accusation of Lambertazzi is in Statuti di Bologna dell’anno 1288 (as in n. 7), pp. 485-489. On accusation of magnates see Statuti di Bologna dell’anno 1288 (as in n. 7), pp. 448-49.

\textsuperscript{26} The inquisition analysed here is in ASB, Comune, Curia del podestà, Giudici “ad maleficia”, Inquisitiones, reg. 11 (from now onwards: ASB, Podestà, reg. 11). The document has also been analysed by FASOLI, ‘La legislazione antimagnaritza a Bologna fino al 1292’ (as in n. 14), pp. 374-376, A. PALMIERI, ‘Rolandino dei Passageri’, Bologna 1933, p. 80. For some considerations on this process and the political conflict in the late 1280s, see also S. Rubin Blanshei, ‘Criminal Law and politics in Medieval Bologna’, in Criminal Justice History, II (1981), pp. 1-29, p. 16 and n. 64.

\textsuperscript{27} ASB, Podestà, reg. 11 c. 76v: “Dominus Ubaldinus de Malavoltis dixit et confessus fuit quod ipse riacinatus fuit et tractavit cum dicto Jacobo Machaldine et cum domino Zençanomine quod, dum tractabant inter quadraginta sapientes qui erant super facto lambertaciorum de videndo super statu et custodia civitatis, quod fieret quod amicus possent bonam viam et modum providere super predictis. Item dixit quod dominus Liaçarus scripsit inter alias illam provisionem et iudex super hoc noluit facere partitum nec fuit examinata.

\textsuperscript{28} See n. 27 and also Podestà, reg. 11 c. 77r: “Dominus Zençanome de Zençanomis dixit et confessus fuit quod ipse riacinatus fuit et tractavit cum domino Ubaldino de Mallavoltis et cum pluribus aliis quorum nomina ignorat dum tractarent inter quadraginta sapientes qui erant super facto lambertaciorum de videndo super statu et custodia civitatis quod fieret quod assumerunt per capitaneum et ancianos duo sapientes boni et legales viri pro qualibet societate, qui provierent generaliter super statu civitatis una cum ministrabilibus societatum que presunt ad conservationem ordinamentorum et una cum proconsulles societatis notariorum. Et etiam sub eo proposito quod predicti providierent super facto banezatorum ita quod banniti de parte geremmiensium habentes pacem possent redire et stare in civitate Bononie et gaudere bonis suis; et credebat quod illi assumpti commodam possent providere viam. Et dixit quod dominus Liaçarus scripsit inter alias illam provisionem et iudex super hoc noluit facere partitum nec fuit examinata vel ulterior processum in ea (…)”. Later Ubaldinus tries to exculpate Liazarus: “Interrogat sibi supradictus dominus Liaçarus scirebat causam quare fieret et scribebat dictam provisionem, respondit quod ignorant nec credit”, ASB, Podestà, reg. 11 c. 77r: “Dominus Zenezanome de Zenezanomis dixit et confessus fuit quod ipse riacinatus fuit et tractavit cum domino Ubaldino de Mallavoltis et cum pluribus aliis quorum nomina ignorat dum tractarent inter quadraginta sapientes qui erant super facto lambertaciorum de videndo super statu et custodia civitatis quod fieret quod assumerunt per capitaneum et ancianos duo sapientes pro qualibet societate qui habebant generalem bayliam providendi super statu et custodia civitatis una cum ministrabilibus societatum que presunt aliis societatis ad faciendum observare ordinamenta et cum proconsulles societatis notariorum, eo animo et proposito quod predicti sapientes providierent super facto banezatorum, ita quod banniti de parte geremmiensium qui habebant pacem possent redire et stare in civitate Bononie et gaudere bonis suis credendo quod dicti sapientes possent bonam viam et modum providere super predictis. Item dixit quod dominus Liazarus scripsit dictam provisionem (…)
One needs to remember that according to the *Ordinamenta sacra*ta, the ban of magnates was perpetual, thus not revocable, as were other bans, by a peace agreement, but could only be revoked by a decision of the commune.

During this period another member of the 40 *sapientes, Franciscus de Preytis, doctor legum* from a great family of the “populus” presents to the *capitaneus populi* another proposal: to transfer the power of monitoring the integrity of the *Ordinamenta sacra*ta from the two *societates qui presunt* to all the companies of the *populus*. It is a clear attempt to stop the plan to revoke perpetual bans against magnates. The *sapientes* involved in the plan are relying on the two *societates qui presunt* in August in order to achieve their aim. They probably know that those two *societates* are favourable to their cause and that in this month they have great power. If this power is transferred to all the *societates*, as *Franciscus* proposes, the two *societates* of August will loose their power and the plan will fail.

The judge of the *capitaneus populi* who receives the two proposals refuses both of them, explaining that he wants to know the opinion of the *capitaneus*. *Liazarus* changes his strategy. On Saturday August 9, he, together with other *sapientes* involved in the plan (*Ubaldinus de Malavoltis, doctor legum, Guillelmus Lambertini, doctor legum* and great magnate, *Henrigittus Merzarius*, a merchant) meet near the palace of the commune with a person of great prestige: *Rolandinus de Passageriis*, and with some *anciani*, and tells them a story. He tells them that a mysterious friar has received a letter saying that the Lambertazzi are planning to reconquer Bologna. All those present are surprised and worried. *Rolandinus* ask *Liazarus* to bring the friar or the letter to them. He promises to look for some evidence during the night and to bring it to them, at least by the next day.

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29 Statuti di Bologna dell’anno 1288 (as in n. 7), p. 289: “Si vero talis (the magnate that has blessed a man from populus) vel tales non venerint in fortiam domini potestatis et communis Bononie, tunc et in eo casu ponantur in banno communis Bononie pro gravi malleficio per potestatem Bononie: de quo banno nulla ratione vel causa possit eximi vel cancellari cum pace vel sine pace, nec ipsum bannum vel banna nullum vel nulla pronuntiari, ne c in ipso banno vel bannis opponi quod non sit servata eximi vel cancellari cum pace vel sine pace, nec super ipso banno vel bannis processus aliquis fieri vel petitio recipi, banno communis Bononie pro gravi malleficio per potestatem Bononie: de quo banno nulla ratione vel causa possit esse tractata et ordenata per partem lambertiorum et inimicos communis Bononie”.

30 ASB, *Podestà*, c. 59r: “Franciscus de Preytis iuravit precepta domini potestatis et de veritate dicenda die XIII. iullii, qui suo sacramento dixit quod ipse dominus Franciscus fuit unus de quadrantiga sapientibus qui fuerunt ad examinandum factum confinatorem communis Bononie et quod inter ipsos voluit proponi et propositum fuisset de dando arbitrium ministeribus societatis qui non presunt alios societatis ad videndum ad bonum statum communis Bononie. Et tunc dominus Robertus iudex domini capitanei noluit de hoc facere partitum, dicendo se prius velle loqui de predictis cum domino capitaneo (...)”.

31 See nn. 27 and 30.

32 The content of the letter is not mentioned by the witnesses who speak in very general terms, but it appears clearly reading the title of the inquisition. ASB, *Podestà*, reg. 11, c.68v: “Inquisitio que fit et fieri intendit per dominum potestatem et eius familiae super quibusdam litteris lectis in consilio anclianorum populi Bononie et que dicuntur ficticia et scriptura in qua continentur multa pericula que videbantur civitatem Bononiam eminere. Et pauci fratres de ipso religiosus dixit ei quod quidam magnus frater de ipso ordine miserat ad conventum ipsorum fratrum quamdam literam in qua continebantur multa pericula que videbantur civitatem Bononiam eminere. Et pauci fratres de ipso conventu sciabant hoc et erat eis inunctum in magna credentia. Ita quod non audebat propalare hoc, nec dicere. Sed

33 See nn. 27 and 30.
The night passes but nothing happens. On Sunday July 10, in the morning, a few anciani, informed by Rolandinus, decide to go to the podestà. There they meet Liazarus, who explains that he does not have the original letter, but a copy that he wrote, which he reads and left there. In

ipsi frater deliberaverunt super hoc quodam remedium, quia litteram ipsam fecerant ponì in capsâ comunis Bononie ad hoc ut ea quod continentur in ipsa venirent ad notitiam ipsius comunis et per consequens possint pericula evitare. Et tunc anciani qui erant ibi vel aliqui ex eis, inter quos non fuit ipse testis, dixerunt quod bene viderant, quandam capsam fuit aperta, quamdam litteram quæ sigillata erat et possibile est quod illa fuit, nec tamen fuit lecta quia ilia quæ legebant respiciébant in finem cuiuslibet cedule vel carte posite in capsâ si erant ibi testes et alias laniabat. Et tunc dominus Liaçarus dixit ipsi fratri: ‘si illa litera posita fuisset in ipsa capsâ ego alquid scirem et etiam alii homines de Bononia’. Et rogavit eum instanter quod debere ei dicere de tenore ipsius literæ, et sic ipse frater ad multam instantiam dicti domini Liaçari, sicut dixit, narrant omnia quæ continentur in ipsa literæ; et exposuit ipse dominus Liazarus coram ipso teste et predictis omnibus, per singula, omnia quæ sunt in litera que est penes notarium ançianorum comun Bononie. Et tunc omnes stupefacti et admirati sunt. Sed dominus Rollandinus Passagerius dixit: ‘si nos possemus facere quod ille religiosus frater diceret ea quæ dixit vobis, duabus vel tribus honestis personis, maior fides posset dari predictis’. Et ipse dominus Liaçarius dixit quod non credebat quod ille frater amplius diceret, quia valde timebat, tamen dixit quod illo sero ierat ad ipsum fratrem et impetraret si posset quod mittetur pro ipso domino Rolandinone mane tempesteve. Et ipse dominus Liaçarius dixit quod staret suum indeste et actentus ita quod si aliquis amicus veniret pro eo, incontinenti ierat ad ipsum religiosum et postea rediret ad ipsos saepiantes et sciret eis dicere quod adhibit ab ipso fratrem (…).’

34 Thus Rolandinus tells the other story, and offers the facts on the Augusts 9, ASB, Podestà, reg. 11, c. 72v: “Dominus Rollandinus Pasagerii iuravit ut supra die suprascripto. Qui interrogatus quod sic de predicta littera respondit et dixit quod quodam die quodiam diebus citra, sed necit quod die, in palacio novo comunis Bononie, circa vesperas fuit tractus in partem ipse et plures alii quod quodam diebus inter quos erant dominus Guillelmus de Lambertinis, dominus Ubaldis de Malavoltiti, ut sibi videtur de eo, dominus Liaçarius de Liaçaris, dominus Bertolomeus de Accarixiis, dominus Nicolau medicus, dominus Iohannes de Ferantis, ançiani, dominus Iacobus de Lastignano, dominus Henrigetus mercarius et Bernabos de Coladinis ut sibi videtur et ipsius sedentibus, dominus Liaçarius dixit: ‘Quidam prudens homo fidedignus dixit mihi multa verba, et quia multa erat et ea non postero memoria comendare, rogavi eum quod debere illa verba mihi dare in scriptis’, qui respondit quod non faceret hoc, sed ipse dictaret et dominus Liaçarius dixit: ‘Domine si placet vobis, libenter vellem quod ille qui verba ista dixit vobis, item tribus ex nobis presentibus vobiscum referret’. Respondit dominus Liaçarius quod hoc esse non posset et quod quia erant ibi dicuerunt domino Liaçaro: ‘contenti sumus quod ille vit hec verba diceret soli domino Rolandino’, et ipse dixit ‘bene faciam si potero ista nocte’. Nocte igitur illa, dictus dominus Rollandinus vigilavit multum et solicitavit familiam suam quod aliquis veniret ad hostia quod eum aperiéret, et fecit parari equum suum causa eundi ad ipsum, sic quod promisisset, et nemo ipse vocavit. Et ideo de verbis illis nihil ulterius audivit (…).”

35 Thus follows the testimony of Bartolomeus Cambii (see n. 33), ASB, Podestà, reg. 11, c. 69r: “Mane sequente ipse testis cum domino Arardo de Boytis, qui fuit quatuor ançianus qui fuit ad ipsum credenciam, ivit ad domum ipsius dominii Rollandini et interrogaverunt eum vis vocatus fuerat per ipsum fratrem et ipse respondit quod non. Et sic ipsi tres venerunt ad palatium comunis Bononie et furent in camara domini potestatis quia sic convenerant sero predicti. Et dominus Lilianus dixit quod bene ivit ad ipsum fratrem, et non potuit obtinere quod mittetur pro ipso domino Rolandino, sed tamen fecerat quod habuerat tenorem ipsius literæ et in ipsorum presentia legisuprascriptam literam quam habuit penes se notarium ançianorum. Et postmodum ipsa litera lecta fuit in presentia domini Zanalli de Sancto Petro et domini capitanei et aliorum ançianorum et ierat remansit (…).”

36 To justify himself, Liazarus tells the judge a more complex version of the facts: ASB, Podestà, reg. 11, c. 71v: “Dominus Liaçarius de Liaçaris iuravit precepta domini potestatis et de veritate dicenda die decimo octavo illii [error for augusti] qui interrogatus quod sic de predicta littera respondit et dixit et confessus fuit quod, dum erat in domo sua die sabati proxime preterito, fuerunt octo dies, venerunt ad ipsum duo fratres et religiosse persone et unius ipsorum dixit: ‘estis vos dominii Liaçarum’? et ipse dixit ‘sic’, et dixerunt eidem: ‘scitis vos ista nova?’ et ipse dominus Liaçarius respondit eas: ‘de quibus novis dicitis?’, et ipse frater dixit de litera noviter posita in capsâ comunis Bononie, cum in ipsa litera continetur que que debebat fieri in civitate Bononie; et tunc ipse dominus Liaçarius demonstravit se scire de novis et rogavit ipsum frater ut sibi diceret de novis ad hoc ut posset deliberare in negocio, quia bene intellegerat quod quedam scedula posita erat in capsâ, ut dixit ipse fratri, ut pocius sibi dicetur de factum, et ut ab ipso aliqua verba exterqueret. Et tunc dominus Liaçarius frater posuit manus supust et extraxit tabulatas totas albas in quibus non erat cera et dixit dicto domino Liaçaro: ‘Ego posui, sicut preceptum fuit mihi, scripturam in capsâ, sed tamen ego habeo exemplum in tabullis, et dabo vobis si vultis mihi iurare credentiam’, et fuit iurata credentiam. Et incipiit legere frater predictus. Et tunc dictus dominus Liaçarius dixit ipso fratrim: ‘ego volo scribere capitula’ et incipiit scribere, sicut frater legebant sibi, de verbo ad verbum; et dixit quod multa erant scripta in ipsis tabulis quod non scissit ipse dominus Liaçarius, quia frater dixit quod non faciebant ad factum; et facta scriptura dixit ipse dominus Liaçarius quod quesivit a fratre: ‘unde habuisist hoc et quomodo scisistis?’ Et tunc frater dixit quod manifestum erat de linguinis partibus priori ipsorum, et ipsum miserant ut predicta nuntiaret dummodo nulomodo scire posset quod ipsi fratres
The day after, Monday August 11, Pax de Pacibus receives a visit from two members of the societas mercatorum who say that they are worried because they have heard that someone wants to change violently the status civilis. He proposes to them that they inform Rolandinus Passageris. From
other witnesses we know that at the same time some bankers and notaries are having some suspicions of a political change. In the meantime, Liazarus is in the palace with other confederates having a meeting of the consilium of the sapientes. Perhaps, as the rumour says, they are considering a violent action in order to attain their aim. Many members of “popular” societies hear of this meeting and gather in the palace, asking what is happening. We do not know exactly how the situation unfolds. Surely the confederates are temporarily stopped, but the members of the societates are uncertain about the plot.

On Tuesday August 12 evidence is forthcoming and things change dramatically. Iacobus Bonagratie, notary of the sapientes, announces to his neighbours that in a few days the guelf magnates will be recalled to the city and the government of the city will change radically. The next day, during a session of the consilium populi, Franciscus de Preytis denounces the plot, saying that he has been contacted by Ubaldinus de Malavoltis, but has decided not to participate in the secret plan; that he knows the names of the confederates and that they are preparing a
Franciscus’ words provoke disorder within the council, the situation became explosive and, the same day, judges of the podestà begin the inquisition that today informs us about these facts. I think this story illuminates the way law experts tried to achieve their political aims in 13th century Bologna. Mastery of the city’s laws and control over institutional machinery was the basis, the first step. These who in October, 1286 wanted the Lambertazzi to be readmitted into the city asked for a committee of 40 sapientes and obtained it. They knew that they could rely on a majority who would allow them to reach their goal. If we look at the names of these sapientes we see that there were very few members of magnate families.

In the following year, 1287, those who want the magnates to be readmitted into the city, do something similar. They ask for a committee, relying on groups they can control, that is, the societas notariorum, the two societates in that month appointed for the control of the Ordinamenta sacra, and a few merchants. But something goes wrong. The captain of the populus rejects their request. For that reason they have to take a second step. They falsify a letter in order to build a consensus that they do not have among the anciani and the foreign magistrates, thereby invoking the risk of a Lambertazzi reconquest of the city. When this second plan does not work, they try to resort to violent action. But the same groups upon which they rely are the channels through which the rumour of the conspiracy filters, and it is for this reason that the conspiracy fails.

Throughout this narrative, the jurists play a central role. Ubaldinus Malavolti and Liazarus de Liazaris, on one side are doctores legum. Pax de Pacibus and Franciscus de Preytis, on the other side, are a doctor legum and a judge. The power of law experts was great, but was exerted within a system based on consensus, which compelled people to choose between different political options; a system that, by creating cross-alliances, tended to divide the jurists themselves.

43 ASB, Podestà, c. 66r: “Guidolinus domini Zanelli de Regio iuravit ut supra die suprascripto. Qui interrogatus que verba dominus suprascriptus Francischus in suprascripto consilio die mercuri respondit quod ipse dixit quod ipse fuerit de appellatis de rumpendo statuta sacra et sacratissima et, quia noluit consentire ad rumpendum ipsa statuta, ipse fuerit repulsus a credentia et cum dicit hec verba statim rumor factus fuit sic quod non intelexit alia verba que dixit et de aliis contentis in dicta inquisitione et in facturibus dixit se nihil scire”.

44 ASB, Podestà, c. 58r: “Hec est inquisitio que fit ex offitio domini potestatis per dominos Zanoldum de Sancto Petro, Mathiolum de Bellocam, Andriollum de Moçastilis, Antoniolum de Orsonibus, et Marchixinum de Gufredis, iudices, et Iulianum de Rubeis militem, et omnes vicarios dicti domini potestatis propter ipsius absentiam, super rumoribus factis in civitate Bononie causa eximendi bannitos comunis Bononie de eorum bannis et rumpendi statuta sacra et sacratissima et super omni conspiratione et omni tractatu factis occasionibus predictis et quocumque alia de causa et super omni rumore, facto, verbis dictis in consilio VIIc. et populi super palatium veterum comunis Bononie ex quacumque causa et contra omnes et singulos culpabiles in predictis vel quolibet predictorum (...)”.

45 See n. 24 and corresponding text.

46 Their names are in ASB, Comune, Capitano del popolo, Giudici del capitano del popolo, reg. 97, c. 1r.

47 We do not have a list of the consilium of 40 sapientes in 1287, but in the inquisitio we find names of people absent in the list of the 1286, so the consilium had changed part of its members.