

**Europa e Italia.
Studi in onore di Giorgio Chittolini**

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**Firenze University Press
2011**

Europa e Italia. Studi in onore di Giorgio Chittolini / Europe and Italy.
Studies in honour of Giorgio Chittolini. –
Firenze : Firenze university press, 2011. – XXXI, 453 p. ; 24 cm
(Reti Medievali. E-Book ; 15)

Accesso alla versione elettronica:
<http://www.ebook.retimedievali.it>

ISBN 978-88-6453-234-9

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Università degli Studi di Firenze
Firenze University Press
Borgo Albizi, 28
50122 Firenze, Italy
<http://www.fupress.it/>

Printed in Italy

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Double duchy: the Sforza dukes and the other Lombard title

by Jane Black

It has always been known that the Sforza ruled as dukes of Milan for more than fifty years without any imperial investiture. What has been less recognized is that the real problems in connection with the title lay not in respect of Milan itself but in the rest of the ducal territories. Francesco Sforza took the city of Milan on 26 february 1450, having already won control of almost all Visconti possessions. The mechanism by which he became ruler of the city involved three separate acts: February 26 was the day on which the terms (*capitoli di dedizione*) were agreed that would form the basis of his rule¹; on 11 March election by a general assembly of the people gave him the ducal title²; his formal enthronement took place on 22 March, when the sceptre, sword, ducal seals and other symbols of office were bestowed by representatives of the city³. A similar procedure had already taken place in Pavia: on 18 September 1447 terms had been drawn up giving Francesco control of the city and its *contado*; then, in a ceremony in the cathedral, he had been acclaimed count of Pavia by an allegedly enthusiastic populace⁴. Francesco's biographer Giovanni Simonetta described the scene:

¹ See A. Colombo, *L'ingresso di Francesco Sforza in Milano e l'inizio di un nuovo principato*, in «Archivio storico lombardo», s. 4, 32 (1905), 3, p. 297-344, here p. 321ff. A full version of the terms, including Sforza's responses, is published in T. Sickel, *Beiträge und Berichtigungen zur Geschichte der Erwerbung Mailands durch Franz Sforza*, in «Archiv für Kunde österreichischer Geschichtes-Quellen», 14, (1855), p. 189-258, doc. 22, p. 252-258; it can also be found, without Francesco's replies, in M. Formentini, *Il ducato di Milano*, Milan 1977, doc. 25, p. 178-182. Francesco Sforza's claims to the duchy, especially in relation to his negotiations with Emperor Frederick III for a new investiture, were extensively discussed by F. Cusin, *L'impero e la successione degli Sforza ai Visconti*, in «Archivio storico lombardo», n. s., 14, (1936), p. 3-115. See also C.A. Vianello, *Gli Sforza e l'impero*, in *Atti e memorie del Primo Congresso Storico Lombardo*, Milano 1937, p. 193-269 and, more recently, G. Ianziti, *Humanistic Historiography under the Sforzas: Politics and Propaganda in Fifteenth-century Milan*, Milan 1988, p. 26-34 as well as J. Black, *Absolutism in Renaissance Milan: Plenitude of Power under the Visconti and the Sforza 1329-1535*, Oxford 2009, p. 84ff.

² On 11 March the assembly of all heads of household proclaimed Sforza «verum et optimum principem, ducem et dominum»: see Colombo, *L'ingresso* cit., doc. 4, p. 88.

³ The official record of the coronation is published in Colombo, *L'ingresso* cit., doc. 7, p. 95ff.

⁴ The title had originally been conferred on Giangaleazzo Visconti by Wenceslas king of the Romans in 1396. On Francesco's election as count of Pavia, see G. Robolini, *Notizie appartenenti*

All the power and jurisdiction of the city was transferred with full authority to Francesco himself and his descendants by representatives appointed by the citizens for the purpose; and they called him count of the Pavians, as though he had been declared true prince of the city in an official diploma⁵.

The citizens of Pavia thereafter pledged obedience to the Sforza as counts of Pavia rather than as dukes of Milan⁶.

Of the three stages in his elevation to the duchy, Francesco saw election as the key. His perception was evident in the official record of his enthronement where it was underlined that the right of the Milanese to elect their duke was based on the Peace of Constance, on age-old custom and on long possession, as well as on imperial privileges. To corroborate his title and the right of the Milanese to elect him, Francesco subsequently instructed the chancery to bring together a collection of the relevant documents⁷. First in the compilation were the two ducal diplomas of 1395 and 1396 granted by Wenceslas, one covering Milan and the other the rest of the cities, followed by the confirmation of those titles by Emperor Sigismund in 1426⁸. As Francesco explained to Frederick III in 1451, the authority of Milanese to elect their own duke independently of the emperor was contained in Wenceslas's original investiture: the ducal title of 1395 had been granted not just to Giangaleazzo but to the city with its contado, which became a duchy; the duchy itself was not eradicated when the Visconti dynasty expired on the death of Filippo Maria but remained integral to the *patria* itself, ready for the people to hand over to Francesco⁹. The collection included Filippo Maria's fictitious transfer to Francesco of all his lands, Francesco's election by the Milanese and the investitures of January and March 1397 making Giangaleazzo count of Angera and duke of Lombardy respectively (the last also a forgery). Most of the other documents were connected to privileges accrued by the city over the years, which conferred autonomy, including the guarantee of Milan's rights contained in the Peace of Constance of 1183 and in the follow-up agreements of 1185 and 1186, as well as three separate confirmations of the city's liberties (by Otto IV in 1210, by Adolph of Nassau in

alla storia della sua patria, 6, pt 1, Pavia 1838, p. 70-71; E. Roveda, *Le istituzioni e la società in età visconteo-sforzesca*, in *Storia di Pavia*, published by Banca del Monte di Lombardia, 3/1, *Dal libero comune alla fine del principato*, I, Pavia 1992, p. 55-115, here p. 83-84.

⁵ G. Simonetta, *De rebus gestis Francisci Sfortiae commentarii*, G. Soranzo ed., *RIS*, 21/2, Bologna 1932, p. 188: «per eosdem cives, quos in castra legatos venisse diximus, rursus ad id negotii per populum constitutos, omnis civitatis potestas iurisditioque omnis in Franciscum ipsum ejusque posteros pleno jure transfertur eumque proinde verum suae civitatis principem publico documento [alternative reading: diplomate] declaratum (...) Papiensium comitem appellant». There are indeed no surviving documents relating to the proceedings which took place in the cathedral.

⁶ Roveda, *Le istituzioni* cit., p. 99 and 102.

⁷ Archivio di Stato di Milano [henceforth ASMi], Registri ducali 2, p. 191-260; the final document is described as having been completed in 1461.

⁸ *Ibidem*, p. 191-207.

⁹ Cusin, *L'impero e la successione* cit., p. 100.

1295 and by Henry VII in 1306). There were two documents which provided a precedent for Milan's diplomatic independence from the emperor: the credentials of the envoys sent in 1234 to support Frederick II's son, Henry, in his conflict with his father, and the treaty with Henry itself. There were other acts demonstrating that the Milanese were accustomed to choosing their ruler: the statute of 1349 granting hereditary powers to the Visconti together with the parallel act in favour of the descendants of Giangaleazzo¹⁰, as well as the instruments of 1330 and 1354 conferring authority first on Azzone and then on Bernabò, Matteo and Galeazzo¹¹. Evidence that the people of Milan sometimes chose figures other than Visconti was contained in the act of 1308 appointing Guido della Torre Capitano del Popolo for life¹². Whatever the merits of these particular documents in legitimizing Francesco's position in the absence of an imperial investiture, his status as duke was accepted as a *fait accompli* throughout Italy and beyond, jurists supporting the contention that the duchy was an independent entity¹³.

Nevertheless, although his election in Milan was accepted as a valid process, it was an uncomfortable fact that Francesco's title did not provide him with the status he wanted. That was because the Visconti had had two ducal titles in Lombardy, the duchy of Milan created in 1395 and the duchy «of the other places» created the following year. The duchy of Milan, to which Francesco had been elected, covered only the city itself and its contado. What has generally been overlooked is that Francesco did not manage to acquire the other duchy, covering Visconti holdings which lay outside the jurisdictions of Milan and Pavia. These included Brescia, Bergamo, Como, Novara, Vercelli, Alessandria, Tortona, Bobbio, Piacenza, Reggio, Parma, Cremona, Lodi, Crema, Soncino, Bormio, Borgo San Donnino, Pontremoli, Verona, Vicenza, Feltre, Blenio, Belluno, Bassano and a number of Ligurian towns. Following the Lombard wars, this list was much reduced: Verona, Vicenza, Belluno, Bassano, Brescia, Bergamo, Feltre and Crema had been ceded to Venice; Vercelli had gone to the duke of Savoy and the Ligurian towns to Genoa. Francesco was signore of Cremona and Pontremoli in his own right as part of Bianca Maria's dowry. But with regard to his rest of the territories he had no actual title.

The principle behind Francesco's election in Milan and Pavia had been that of the *lex regia*, the idea that the Roman people had voluntarily transferred their authority to the emperor. The citizens of Milan described how in their General Council they had «passed a *lex regia*, or rather a *lex ducalis*, and so handed to Francesco Sforza and his descendants all power and rule [in

¹⁰ ASMi, Registri ducali 2, p. 231-233; both of these acts were included in the Milanese statutes of 1396.

¹¹ *Ibidem*, p. 255-256.

¹² *Ibidem*, p. 241.

¹³ The consummate arguments of the Sienese lawyer Francesco Corte in particular were generally accepted in legal circles: see Black, *Absolutism* cit., p. 102-105, 108-112.

the city] and its duchy»¹⁴. But it was impossible to acquire the other Visconti duchy using the same formula. That was because the second duchy consisted of multiple separate communities so that there was no one body that could be assembled for the purpose of electing a new duke. As a result jurists were not able to resort to the concept of the *lex regia* as an overall solution to the dilemma of Sforza legitimacy¹⁵. The problem was insurmountable. One of Francesco's alternative strategies had been to forge the instrument included in the collection of documents mentioned above, which purported to show that Filippo Maria had given him all his lands and cities; but it would never have been in Filippo Maria's power to allocate imperial investitures, and so the fictitious *donatio* had not pretended to give Francesco any of the Visconti's actual titles¹⁶. Francesco's best hope would have been to persuade Emperor Frederick III to renew the investitures, and indeed the Sforza never gave up their campaign at the imperial court, every approach involving a request for both duchies. Pressing his case in 1457, for example, Francesco sent the emperor three possible versions of the kind of diploma he needed, according to each of which he would be made duke and count «of the said cities of Milan and of Pavia and Angera, and of all their dioceses, *distretti*, and territories, *as well of all the other cities and lands*» which he then held¹⁷. He and his successors would then truly be dukes of Milan and of the other cities just like the Visconti. But there was little prospect of an imperial title since, as was well known, the emperor hoped to take over the Visconti dominions as devolved fiefs for the Habsburgs. Francesco had to solve day-to-day issues as best he could. When it came to granting fiefs in the territories of the second duchy, for example, he simply stated it as a fact that he had come into the relevant title. To cite just one instance, the diploma investing Franchino Rusca with the fiefs of Locarno and Travaglia in 1451 declared that following the death of Filippo Maria the right to renew Rusca's fiefs belonged in law to Francesco Sforza because he had succeeded to both ducal titles¹⁸.

¹⁴ «Statuerunt nobilissimi cives populares et plebei, legitime congregati, lata lege regia sive ducali in prefatum illustrissimum Franciscum Sfortiam, eiusque descendentes et posteros imperpetuum, omnem transferre potestatem, dominium et ducatum annexum»: Colombo, *L'ingresso* cit., p. 89; see also Cusin, *L'impero e la successione* cit., p. 71, n. 114.

¹⁵ None of the three chief jurists who attempted to interpret the Sforza position, Andrea Barbazza, Alessandro Tartagni, and Francesco Corte, used arguments based on the *lex regia*: see Black, *Absolutism* cit., p. 97-105.

¹⁶ The donation is published in D. Giampietro, *La pretesa donazione di Filippo Maria Visconti a Francesco Sforza*, in «Archivio storico lombardo», 1 (1876), p. 641-645; the authenticity of the donation was dispelled by Cusin, *L'impero e la successione* cit., p. 54-58.

¹⁷ «Te et filios descendentesque (...) in verum ducem et duces, comitem et comites successive ordine infrascripta ergimus (...) dictarum civitatum Mediolani ac Papie, necnon et Anglerie et totius diocesis, districtus, territorii earundem ac etiam omnium aliarum civitatum et terrarum et locorum ac jurium quorumcumque quas et que de presenti tenes et possides»: ASMi, Sforzesco, Alemagna 569, p. 43-4, 53 and 69 (my italics).

¹⁸ «Cumque prefatus illustrissimus dominus Filippus Maria Anglus dux Mediolani decesserit eique in ipsis ducatus et ducatum [ed. ducatu et ducatus] dignitatibus successerit illustrissimus dominus, dominus Franciscus Sforcia Vicecomes, Dux Mediolani etc., et ad eum legitime per-

Naturally, the lack of a title in the areas outside Milan, Pavia and Cremona was not something Francesco wished to advertise. To bolster the impression that he did hold the second duchy he called himself «Dux Mediolani etc., Papiæ Angleriaeqe Comes ac Cremonæ dominus». «Duces et principes Mediolani etc.» was the designation assigned by Wenceslas in 1396, so that with the use of that *etc.* Francesco contrived to present himself as duke of «the other places» as well as of Milan¹⁹. Only rarely, indeed, in accordance with strict protocol, was the *etc.* omitted from his title. In the agreements with the Marquis of Monferrat drawn up as part of the Peace of Lodi, for example, Francesco was called simply «Dux Mediolani, Papiæ Angleriaeqe Comes ac Cremonæ dominus»²⁰. But in the Treaty of Lodi itself, as in documents issued by his chancery, *etc.* was added. The implications of that crucial *etc.* were doubtless lost on most contemporaries, but any lack of understanding on the part of the wider public was to be welcomed. The Sforza's legerdemain with regard to their title was further disguised when their style was abbreviated to «Dux Mediolani etc.», where “etc.” was a blanket reference to all their other titles, both legitimate and pretended. Perhaps it was as part of the same strategy that the diploma covering the second duchy, as it appears in the collection of documents mentioned above, was entitled «Instrument for the duchy of Milan (*Privilegium ducatus Mediolani*)» although nowhere did Wenceslas himself give the diploma of 1396 that name. Conceivably it was hoped that the description of the second duchy as *Ducatus Mediolani* would encourage the impression that election in Milan itself included all the other cities.

Further scope for masking the problem of the missing title arose from confusion over what was meant by the term «duchy of Milan». Those who lived under ducal rule were fully aware that the duchy itself was a separate entity: citizens of Como, for example, claimed that should be permitted to import wine and grain freely «from the city and duchy of Milan into the city and district of Como»²¹; Galeazzo Maria, writing in 1468, agreed to the request from the Lake Lugano towns of Morcote and Vicomorcote that there should be no extra duties on food «either from our duchy of Milan or from the territories of the said valley»²². Nevertheless, the duchy of Milan could sometimes mean all the duke's territories. Francesco's own officials occasionally referred simply to «nostro ducato de Mediolano» and to «li privilegij del ducato» when they meant the entire conglomerate. Imperial negotiators

tineat recognitio et renovatio predictorum feudorum, investituram et concessionum de quibus supra fit mentio»: L.M. Stampa and G. Chiesi, eds. *Ticino ducale: il carteggio e gli atti ufficiali*, Bellinzona 1993-2006, I, pt 1, doc. 106 (24 April 1451), p. 82.

¹⁹ See the Treaty of Lodi, published in J. Dumont, *Corps universel diplomatique du droit des gens*, Amsterdam 1726-31, III, pt. 1, p. 202-206.

²⁰ See the treaty of 17 July 1454 and its ratification on 7 August 1454 (Dumont, *Corps universel cit.*, III, pt. 1, p. 211-216).

²¹ G. Rovelli, *Storia di Como*, Como 1789-1802, III, pt 1, p. 582.

²² *Ticino ducale cit.*, II, pt 1, doc. 610 (24 March 1468), p. 526.

contended that «el ducato de Milano» had devolved to the empire by which they meant all Filippo Maria's lands and titles²³. Guicciardini's *Florentine Histories* described Florence's agreement with the French for the defence of the «ducea di Milano» again meaning all the territories²⁴. Understandably, when outsiders wanted to allude to the Sforza territorial state, they were tempted to simplify what was in truth a complex hotchpotch. Francesco believed that if Frederick III could be persuaded to grant any sort of investiture, a comprehensive title would be highly desirable. In 1461 the aim of the ongoing negotiations with the imperial court was described as «to procure an investiture of the duchy of Milan and Lombardy», which would neatly cover the Sforza dominions²⁵. Machiavelli in his *Florentine Histories*, indeed, called Francesco «duke of Lombardy»²⁶. But the fact remained that neither he nor his immediate successors had any overall title in the area of Wenceslas's second duchy.

To compensate for his lack of a ducal title outside the city, Francesco Sforza made the most of his status as duke of Milan, focusing his subjects' attention on the glories of the ducal rank itself. He ordered that the feast of San Fortunato, 26 February, should be celebrated as the day upon which he had been welcomed as ruler by the people of Milan, ceremonies being held not just in the city itself, but in other parts of the dominions. In the oration given on that day at the university of Pavia in 1466 Baldassarre Rasini, professor of rhetoric, commemorated the fact that 26 February was «that happy, happy day when the ducal *insignia* were conferred on our divine Caesar»²⁷. Rasini's reference to Sforza as Caesar throughout his oration supported the suggestion too that Francesco Sforza was head of an independent territorial unit, an idea that was coming to be accepted in legal circles²⁸.

Since the Sforza had no actual title in the lands outside Milan, Pavia and Cremona, their authority had to have a different basis: there their rule was based on agreed contracts or *capitoli*. In a notable article, first published in 1978, Giorgio Chittolini drew attention to the terms of agreement (*capitoli di dedizione*) drawn up between Francesco Sforza and his subjects as he took control in each area of his dominions; Chittolini highlighted the kinds of local

²³ These examples can be found in the list of missions to Frederick III in F. Cusin, *Le aspirazioni straniere sul ducato di Milano e l'investitura imperiale (1450-1454)*, in «Archivio storico lombardo», n.s. 1 (1936), p. 277-369, doc. 1, p. 360-368.

²⁴ *Storie fiorentine dal 1378 al 1509*, R. Palmarocchi ed., Bari 1931, ch. 19, p. 196.

²⁵ Cusin, *Le aspirazioni straniere* cit., doc. 1, p. 360.

²⁶ Book 7, chapter 7.

²⁷ «Nam hic ille fuit dies iucundissimus, iucundissimus inquam hic fuit ille dies, ducales qui infulas divo Cesari nostro contulit». The oration is published by G. Cristina, *Un panegirico del professore pavese Baldassarre Rasini per Francesco Sforza pronunciata davanti all'Università di Pavia*, in «Bollettino della Società pavese di storia patria», 99 (1999), p. 46-116, here p. 116. See also A. Sottili, *L'università di Pavia nella politica culturale sforzesca*, in *Gli Sforza a Milano e in Lombardia e i loro rapporti con gli Stati italiani ed europei (1450-1535)*, Milano 1982, p. 519-563, here p. 551.

²⁸ Black, *Absolutism* cit., p. 99 ff.

concerns revealed by the *capitoli*, in particular, conflicts between small communities and the dominant neighbouring city²⁹. Further attention has been given to these agreements in recent years³⁰. *Capitoli* were presented in the form of a petition with a list of demands, to each of which the duke responded. The agreements shared many common features: requests for greater freedom to import or export agricultural products, a fairer distribution of taxes and the abolition of the requirement for country-dwellers to use urban courts appeared frequently. Guarantees were demanded in relation to the buying up of land by citizens of the dominant city because that trend had led to conflict over the tax liabilities; there were concerns over the billeting of troops and similar burdens³¹. The *capitoli* of Lodi agreed on 25 September 1449, for example, requested that the city's imperial privileges should be honoured, the city's jurisdiction over subject communities respected and Visconti grants of autonomy cancelled³². In Como's agreement, of 11 March 1450, besides the demand that the city's «provisiones ordines et statuta» should be observed, it was stipulated that all grants, sales, concessions and privileges made by the Visconti should be annulled³³. The city of Monza had long enjoyed independence from Milan, a status which the citizens naturally insisted should be maintained: the duke was to respect all their privileges, statutes and provisions, as well as the «mixto et mero imperio et iurisdictione separatim dalla città di Milano» as the Visconti had done³⁴.

At the point when they drafted these *capitoli*, individual communities, which included even small rural villages, were in no position to resist Sforza armies. Nevertheless, Francesco mostly accepted their terms. Of the requests mentioned above, he refused only one specific point: Como's demand for the abolition of all Visconti decrees was met with the response that the duke would appoint a committee of lawyers to identify any which were «honesta et iusta» as worth saving. The rest of the clauses were accepted in full, along with most of the other requests submitted by local inhabitants. Communities

²⁹ G. Chittolini, *I capitoli di dedizione delle comunità lombarde a Francesco Sforza: motivi di contrasto fra città e contado*, in *Felix olim Lombardia. Studi di storia padana dedicati dagli allievi a Giuseppe Martini*, Milano 1978, p. 673-698; (republished in G. Chittolini, *Città, comunità e feudi negli stati dell'Italia centro-settentrionale (secoli XIV-XVI)*, Milano 1996). The article includes a list of the dates of individual *capitoli* and where they can be found.

³⁰ Of particular importance is the work of M. Della Misericordia, 'Per non privarci de nostre raxone, li siamo stati desobidienti.' *Patto, giustizia e resistenza nella cultura politica delle comunità alpine nello stato di Milano (XV secolo)*, in C. Nubola and A. Würzler eds., *Forme della comunicazione politica in Europa nei secoli XV-XVIII. Suppliche, gravamina, lettere*, Bologna 2004, p. 147-215.

³¹ Chittolini, *I capitoli* cit., p. 678-681.

³² The *capitoli* of Lodi are in C. Vignati ed., *Codice diplomatico laudense, 2 (Lodi Nuovo)*, pt. 1, Milano 1883, p. 518-520; here p. 519.

³³ The agreement is published in Rovelli, *Storia di Como* cit., III, pt. 1, p. 580-587; here p. 582 and 585.

³⁴ For these *capitoli* see A.F. Frisi, *Memorie storiche di Monza e sua corte*, Milano 1794, II, p. 200-201; here p. 200. These terms were agreed with the duke on 19 March 1450, even after the submission of Milan itself.

of all sizes stood to benefit, the promise to reduce the levies on salt, wine and grain in Parma and Lodi being matched by the easing of duties on beans and iron in the rural villages of Valle Vigezzo³⁵. In spite of his dire finances Francesco was willing to sign away even future revenues in exchange for these contracts. That was because, despite his military ascendancy, Francesco would lack the basic authority to govern unless he agreed individual covenants with local communities.

But there is another side to these agreements: they are evidence that in the area of the second duchy the status of the Sforza was very different from what it was in Milan, Pavia and Cremona³⁶. Milan and Pavia had also agreed *capitoli* with Francesco when he first took control of these cities before his election as duke and count respectively³⁷. The terms were similar to those of other communities. In their *capitoli* of 26 February 1450 the citizens of Milan requested that, despite a contrary decree, they should be allowed to seek benefices and privileges from the pope and emperor without the government's permission³⁸. Another demand was that all their statutes should be observed (until such time as they were reformed)³⁹. The people of Pavia insisted, in the *capitoli* agreed on 18 September 1447, that Sforza should honour all imperial privileges, their aim being to ensure that their territorial rights were restored⁴⁰. Resentment of the previous regime was revealed in Pavia's demand that local statutes should be observed while all Visconti decrees were to be cancelled⁴¹. But in those cities the Sforza title was hereditary: the record of Francesco's election as duke of Milan was peppered with references to his descendants⁴². With his death, therefore, the Milanese *capitoli* would become redundant and in fact were not included in the collection of key documents described above. Their omission implied that, now that Francesco had been elected ruler, his descendants would no longer depend upon any such contract. Indeed, when Galeazzo Maria entered the city on 20 March 1466 after

³⁵ Francesco's response to Parma's demand for tax reduction was «Concedit ut petitur dum modo reformatio predicta facta tempore libertatis non diminuat solutionem consuetam fieri tempore domini ducis [Filippo Maria Visconti]». The *capitoli* are published in A. Pezzana, *Storia della città di Parma*, Parma 1842, II, p. 49-59; here p. 50. Lodi's demands for reductions in duties on salt and grain were conceded (*Codice diplomatico* cit., p. 519). He promised the inhabitants of Valle Vigezzo that his taxes would not exceed those of Filippo Maria: see C. Cavalli, *Cenni statistico-storici della Valle Vigezzo*, III, Torino 1845, p. 185.

³⁶ Cremona would remain under Bianca Maria's rule on Francesco's death and then go automatically to Galeazzo Maria.

³⁷ See notes 1, 4 above.

³⁸ Formentini, *Il ducato* cit., p. 180. The request contravened the decree of 1386: see *Antiqua ducum Mediolani decreta*, Milan 1654, p. 115.

³⁹ «Item che gli statuti dessa comunità cusi civili como criminali et de mercadanti et cadauni altri statuti siano servati fin a tempo che saranno riformati»: Sickel, *Beiträge* cit., p. 255.

⁴⁰ The *capitoli* are published in Robolini, *Notizie* cit., VI, pt. 1, p. 292-312; here p. 292-293.

⁴¹ Robolini, *Notizie* cit., VI, pt. 1, p. 308.

⁴² The Milanese *capitoli di dedizione* included a clause on the succession too: the duchy was to go Bianca Maria and her descendants «così maschi come femine»; see Formentini, *Il ducato* cit., p. 182.

Francesco's death he was immediately acclaimed duke by the General Council. His election in Pavia, too, provided Francesco with a hereditary title⁴³. In fact Galeazzo Maria was made count of Pavia at Francesco's own coronation ceremony; he in turn bestowed that honour on his newborn son three years later. When, on Giangaleazzo Maria's accession, two envoys were sent to ask for a confirmation of the terms agreed with Francesco, they were turned down⁴⁴. That was despite an attempt to persuade the regency government of the exceptional merits of their *capitoli*, which, the Pavians argued, benefited the public at large as well as individual citizens⁴⁵. There would be no new *capitoli* in Pavia until the arrival of Louis XII and the start of a new regime⁴⁶.

Where Francesco enjoyed only a contractual relationship with the inhabitants, by contrast, there was no automatic right of succession: individual *capitoli* had been agreed with him personally, making no mention of inheritance⁴⁷. The many common features shared by the terms of agreement drawn up everywhere in Francesco Sforza's early years disguised this underlying difference, which became obvious only with his demise. After his death and, in turn, after that of Galeazzo Maria, those who lived outside the hereditary possessions were free to demand fresh *capitoli*. Writing in September 1468, Galeazzo Maria described how, having come into the duchy of Milan itself by right of inheritance, he had been asked by the inhabitants of Sonvico whether he wished to confirm the *capitoli* granted by his father in 1450⁴⁸. The principle applied even in such key cities as Como, Parma and Monza, which had formed part of Visconti dominions since the early fourteenth century. On 24 March 1466, four days after Galeazzo Maria's arrival in Milan following Francesco's death, the people of Como sent envoys to Bianca Maria and the new duke to present, along with expressions of loyalty and the promise of a renewed oath of loyalty, their list of *capitoli*⁴⁹. The *capitoli* of Monza, similarly, were reconfirmed, along with their earlier privileges, by Giangaleazzo Maria (although he refused to renew the dispensations granted by Francesco

⁴³ See note 4 above.

⁴⁴ Robolini, *Notizie* cit., VI, pt. 1, p. 99.

⁴⁵ Just four days after Galeazzo Maria's assassination the Pavians replied to the government's objections to their *capitoli*: «Però prima tendeno ad conservatione del stato al quale tuto questo populo è affectionato quanto may fosse subdito versso il suo signore et però dicti capituli tendeno ad bonifficatione in generale de tuti ly soy subditi et in singulare de molte persone che per quelli se confideno haver molte comoditate» (ASMi, Sforzesco 856, 29 December 1476)

⁴⁶ C. Magenta, *I Visconti e gli Sforza nel Castello di Pavia*, Milano 1883, I, p. 556.

⁴⁷ Oaths of loyalty, demanded on a new accession, as well as at other times, did promise obedience to the duke's successors, but only on the terms established by *capitoli*; indeed *capitoli* with their many advantageous conditions, were usually agreed after the oath of loyalty had been sworn: see Della Misericordia, 'Per non privarci' cit., p. 184-185.

⁴⁸ «Post dominationis sue discessum nobis semper dolendum, in inclytum Mediolanensem ducatum paterno et hereditario iure assumpti, illustrissima domina mater nostra colendissima nosque ab hominibus ipsis requisiti fuimus ut ipsa capitula et concessionones nos itidem confirmare et approbare velemus»: *Ticino ducale* cit., II, pt. 1, doc. 742 (12 September 1468), p. 620.

⁴⁹ Rovelli, *Storia di Como* cit., III, pt. 1, p. 325.

regarding customs duties)⁵⁰. With a new accession, Parma too presented further conditions. On 1 February 1477, within six weeks of Galeazzo Maria's assassination, the citizens presented the regency government with a series of twelve demands: the extortionate requisitions of the previous period, for example, should be repaid and the tax burden reduced; except for the podestà, no official should remain in office for more than a year; judicial cases should be heard locally. These and the other points received a largely favourable response⁵¹. After Galeazzo Maria had freed himself from joint rule with Bianca Maria, he agreed to confirm the new set of *capitoli* presented to him by citizens of Soncino on 7 September 1468, guaranteeing the town's ancient privileges, statutes and jurisdiction; their *capitoli* were renewed again on 22 March 1477 following the accession of Giangaleazzo Maria⁵². Similarly, on 2 March 1477 the regency government agreed to confirm all the privileges and statutes of Bormio in Valtellina, reducing its debt to the treasury, and endorsing the exemptions on duties granted by earlier dukes⁵³. Significantly, in Piacenza, news of the death of Francesco was greeted with the refusal of the *contadini* to pay their taxes. «They are poor – it was explained –, and believe that, following of the death of the *signore*, they will not have to pay ever again»⁵⁴. However securely enmeshed in the ducal dominions they were, the inhabitants of these places appeared to believe that the acknowledgement of a new ruler was voluntary.

Most later *capitoli* were much the same as those agreed with Francesco Sforza, but there could be additional clauses. On the accession of Giangaleazzo Maria, there were new demands from Como. The request that duties on wine which were being transmitted to the ducal treasury should go instead to communal coffers became the focus of lengthy negotiations, the duke eventually giving way. In addition, in order to save money, the people of Como wanted the offices of *podestà* and *commissario* to be combined, a demand that was finally granted in 1484⁵⁵. In 1477, too, as well as a confirmation of their earlier *capitoli*, the people of Mattarella wanted their fortifications to be strengthened and the duty on their iron trade within the Sforza dominions to be abolished⁵⁶. The citizens of Bormio, too, had new demands⁵⁷. *Capitoli di dedizione* were not simply one-off acts of submission: in their dealings with central government local communities regularly referred to the particular terms that had previ-

⁵⁰ Frisi, *Memorie cit.*, II, p. 207-209.

⁵¹ Pezzana, *Storia cit.*, IV, p. 7-8.

⁵² F. Galantino, *Storia di Soncino con documenti*, Milan 1869-1870, III, p. 274; the capitoli of 1468 are published as doc. 85, p. 274-276.

⁵³ G. Colò, *Cronologia compendiata dei privilegi, decreti dominicali, ordini e rescritti del Contado di Bormio dal 1365 al 1777*, in «Periodico della società storica per la provincia e antica diocesi di Como», 9 (1892), p. 129-164, p. 137.

⁵⁴ «Li homini sono poveri et credono di non pagare may più per la morte del signore» (26 March 1466, ASMi, Sforzesco 861).

⁵⁵ Rovelli, *Storia di Como cit.*, III, pt. 1, p. 340-341.

⁵⁶ Cavalli, *Cenni cit.*, III, p. 193 and 196.

⁵⁷ See Della Misericordia, '*Per non privarci*' cit., p. 186.

ously been agreed. In 1453 the inhabitants of Morbegno in the Valtellina wrote to Francesco that they would not put up with infringement of their agreement, protesting in 1477 that, «contrary to the *capitoli* promised to this community by your predecessors», the boundaries of their jurisdiction had been changed⁵⁸. At some point after Francesco's death the town of Borgo San Donnino wrote to complain that the citizens were being too heavily taxed. «On the basis of the *capitoli*», they wrote, «they owed 500 lire imperiali for their grain and wine taxes» but «contrary to the terms of these *capitoli*» that sum had been increased to 1200 lire⁵⁹. The people of Corte di Mattarella in the Val d'Ossola opposed Galeazzo Maria's increase in taxes on the grounds that they had *capitoli* which he himself had conceded and confirmed⁶⁰. Such was the cost loss of the second duchy's loss.

The less favourable status of the Sforza in the area covered by the second duchy, as compared to the hereditary dominions, continued to rankle. By 1494 the international scene had changed sufficiently for Ludovico il Moro to attempt to rectify the anomaly. Frederick III's death in 1493 had removed a major obstacle. The new emperor Maximilian, desperate for funds with which to pursue his Italian ambitions, was willing to grant an investiture to Ludovico himself, marrying the late Galeazzo Maria's daughter Bianca Maria in exchange for a dowry of 400,000 ducats. The resulting diploma was issued on 5 September 1494 even before the death of the then duke, Giangaleazzo Maria. The diploma more than rectified earlier deficiencies: Ludovico was invested with «the duchies of Milan and of Lombardy and of the other cities, and with the counties of Pavia and Angera and all their territories as well as of all the other cities, lands and places which are more fully and specifically listed and included in the diplomas and privileges granted by Wenceslas to Giangaleazzo»⁶¹. The document reflected Ludovico's best hopes, containing as it did a flattering account of his own merits and the transfer of broad powers, as well as the specific title of duke in the lands covered by Wenceslas's second investiture⁶². But, on Maximilian's orders, the new diploma was to remain for the moment secret, so that, when Giangaleazzo Maria did die shortly afterwards (21 October 1494), Ludovico's status was more precarious than that of any of the other Sforza. He could not legitimately succeed in the hereditary territories because Giangaleazzo had a three-year-old son (Francesco, «il Duchetto»); neither could he acquire any titles by means of popular election for fear of offending Maximilian. He therefore resorted to

⁵⁸ *Ibidem*, p. 196 and 193.

⁵⁹ ASMi, Comuni 12, Borgo San Donnino, no date.

⁶⁰ 4 April 1469: see Della Misericordia, '*Per non privarci*' cit., p. 210; the author gives many more such examples from the Alpine area.

⁶¹ The diploma is published in J.C. Lünig, *Codex Italiae diplomaticus*, Frankfurt and Leipzig 1725-1735, I, cols. 483-494; here cols. 487-488. See Black, *Absolutism* cit., p. 92-93.

⁶² Lünig, *Codex* cit., I, col. 495. Ludovico later mentioned the form of the investiture he wanted: «havendo dato questa estate la copia et instrumento al tesaurero de Burgogna la poterai...fare cercare per sequire quella», Calvi, *Bianca Maria Sforza* cit., p. 78.

having himself proclaimed ruler in his council: he had acceded to the principality with the consent of all the councillors and leading citizens, so he declared⁶³. He then wrote to all his dominions simply ordering everyone to accept him and celebrate⁶⁴. The following spring Ludovico's reliance on the publication of the imperial diploma as a solution to the problem of the second duchy appeared to founder. In the wake of the League of Venice, Maximilian's priority was to curry favour in Germany so as to win support for his Italian campaign. In order not to offend the princes, the investiture as published on 5 April 1495 was much less favourable than the earlier version. Ludovico was given only the duchy of Milan and the counties of Pavia and Angera «along with their other cities and lands», an ambiguous phrase that in no way compensated for the absence of any express reference to the second duchy. Happily for Ludovico, the final confirmation of his diploma, as issued by Maximilian on 25 November 1495, comprised the original text⁶⁵.

The second duchy had apparently been restored. But it was not that simple. Later on, when Emperor Charles V granted Francesco Sforza II his ducal diploma on 30 October 1524, that instrument lacked any reference to the second duchy, investing Francesco only 'de dicto ducatu Mediolani ac Comitatus Paviae et Angleriae eorumque pertinentiis.'⁶⁶ The emperor had taken as his model, not Ludovico's original diploma (which had referred specifically to the second duchy), but the document issued in April 1495 that had included only the duchy of Milan, along with Pavia and Angera. Cities which lay beyond the boundaries of those possessions were again excluded from the imperial title so that they felt free to request further *capitoli*: the people of Como, for example, presented Francesco II with new *capitoli* in May 1531 following the duke's restoration in 1529 in the aftermath of his breach with Charles V⁶⁷. The issue of the second duchy was not finally resolved until after the death of Francesco II in 1535 and the end of the Sforza dynasty. In the investiture of 5 July 1536, whereby, having at last devolved back to the empire, the Sforza titles were given by Emperor Charles V to his son Philip, the problem of the second duchy was circumvented. Philip was invested with the «ducatus, status et dominium Mediolani»⁶⁸; this comprised, as the diploma explained, the duchy of Milan, the counties of Pavia and

⁶³ ASMi, Registri ducali 183, p. 147: «nos omnium procerum et primorum populorum consensu ad eiusmodi principatum assumpti fuerimus». See Vianello, *Gli Sforza* cit., p. 257-262.

⁶⁴ The obedient replies of the various subject cities are contained in ASMi, Sforzesco 1469.

⁶⁵ This version, which included the rights of succession of Ludovico's descendants, can be found in Dumont, *Corps universel* cit., III, pt. 2, p. 333-336.

⁶⁶ The diploma can be found in Dumont, *Corps universel* cit., IV, pt. 1, p. 398-399.

⁶⁷ Rovelli, *Storia di Como* cit., III, pt. 1, p. 468.

⁶⁸ As Nicolai Rubinstein pointed out, *status* in this period could mean dominion in the sense of territorial possessions: see *Notes on the word stato in Florence before Machiavelli*, in J.G. Rowe and W.H. Stockdale, eds., *Florilegium Historiale. Essays presented to Wallace K. Ferguson*, Toronto 1971, p. 313-26, here p. 320-321; the article is republished in N. Rubinstein, *Studies in Italian History in the Middle Ages and the Renaissance*, I, *Political Thought and the Language of Politics*, G. Chiappelli ed., Rome 2004, p. 151-163, here p. 162.

Angera, and all the rights and territories which by law or custom or in any other way, at that time or in the past, belonged to those places or to those dukes and counts in accordance with ancient investitures. Reference to the *status* or dominion of Milan and to all the places included in «ancient investitures» represented an attempt to create a homogeneous authority in contrast to the contracts and conditions with which the Sforza had had to contend⁶⁹.

⁶⁹ Thereafter the Sforza's three remaining hereditary titles (covering Milan, Pavia and Angera) survived intact but there was no further attempt to revive the second duchy.