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di Mario Ascheri

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Città e territori dal medioevo all'età moderna

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Reti Medievali E-Book

19/II

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Firenze University Press

2014

The Law, Institutions, and the Maintaining of Elite Status in Siena, 1385-1420

by Edward D. English

In this article, I address the strategies that elite Sienese individuals and families followed to preserve, promote and increase their prestige. These strategies, grounded in Sienese traditions, law, and institutions, concerned social connections and succession to property. I will concentrate on the period 1385 to 1420, when two of the richest and most influential families of the commune, the Tolomei and the Salimbeni, suffered a decline in their power and participation in communal affairs. The decline was closely tied to their defeats in the political affairs of the commune. In this study I will examine the efforts of individuals to protect their material interests and maintain the status of their families in this difficult period.

Members of the Sienese elite since the mid-thirteenth century, the Tolomei and Salimbeni had long pursued strategies in their last testaments that allowed their families to weather numerous demographic, financial and political crises¹. The era between 1385 and 1410 presented these families with greater opportunity and danger than any other in Sienese history. The demographic challenges caused by the regular visitations of the plague continued from the mid-fourteenth century. These were combined with open warfare with the commune and among themselves. There were banishments, confiscations, and public executions. Politics reached new levels of extreme conflict and danger; but still the old policies of patrilineal descent and opportunistic marriage alliances carried the families through to new eras of recovery, especially after 1420. These recoveries were, however, marked by much less political ambition for a familial domination of the commune of Siena, at least for the Tolomei and Salimbeni.

I will show that their testamentary strategies especially those of the males carried them to some stability, and facilitated the survival and preservation of familial assets. They show what was deemed strategic and important and how they tried to protect assets such as their reputations and physical properties in and outside the city². I seek to show what happened to succession intentions when the

¹ This article reflects my larger study on seven to eight generations of five magnate families within the politics, society, and culture of Siena between 1240 and 1420. Space does not permit a detailed examination of the testaments and letters underlying it. In it I also examine marriage strategies and dowries.

² For what such magnates regarded as essential to their status, see my *Spatial Power in Siena and Its*

good of the whole family was so threatened by political and economic decline or misfortune. Individuals within these families perhaps sought some autonomy, but had to achieve it within the constraints and opportunities of the patrilineal and bilateral concerns of their families, the political and military, sometimes colonial, offices offered by service to the commune, elaborate legal structures, and the institutions and practices of the Siene church. They also faced magnate conflicts, relationships, and rivalries, both personal and familial. I will argue that despite the dangers of this era of crisis, individuals and their families did not turn to new strategies for survival and expansion. Instead, they maintained practices that were not new and, in fact, had a history going back a century at least before³.

I will first examine the events of the period 1385 to 1410 to show the dangers they faced because of their political ambitions and then explore the social and legal policies they followed to preserve their status.

Biological truncation and redistribution of wealth caused by the Black Death and economic change destabilized the balance among magnate families within communal politics, causing more political conflict among the elite. Some individuals and “clans” benefited more than others from the changing configurations of wealth evolving from the mid-fourteenth century: some of the rich stayed rich, not from business, but from careful management of land owning. All seemed to feel threatened and became more apt to confront one another and the wider community, especially after the collapse of the Nine in 1355. Two of the biggest and richest families, the Tolomei and Salimbeni, sought allies among other citizens seeking to play dominant roles in political parties or factions after 1355. These magnates grew more politically cohesive and more avaricious in the handling of their patrimonies. While taking leadership roles in factions, members from both houses did also cultivate relationships with members of the other factions. Shedding some economically deprived or biologically truncated households, more cohesive family units continued to cooperate as more or less corporate lineages. Following more carefully cultivated policies involving lineages, kin and bilateral relatives, all according to specific circumstances, they cultivated the same objectives as they had in the first half of the fourteenth century. Traditional kinship and marital ties were maintained, but families were even more pragmatic in the use of members and outsiders for familial ends. Members sought to maintain their collective and individual honor, a cultural concept closely tied to specific pieces of property. According to their perceived best interests, they pragmatically consolidated or divided holdings, especially those that gave them a threatening collective presence and political power in the city, the *contado*, and the rural areas throughout the Siene state.

State: The Magnates in the Thirteenth and Fourteenth Centuries, in *Renaissance Studies in Honor of Joseph Connors*, 2. *History, Literature, and Music*, 2 vols. edited by M. Israëls, L.A. Waldman and G. Beltrami, Florence 2013. They were very careful about their compounds in the city called *castellari* and fortresses in the countryside that allowed them to interdict roads for the transportation of food to the city. The most important were divided into shares among family members.

³ For wills and last testaments as familial documents see my *La prassi testamentaria delle famiglie nobili a Siena e nella Toscana del Tre Quattrocento*, in *I ceti dirigenti nella Toscana del Quattrocento*, Florence 1987, pp. 463-472.

The first half of the era 1385 to 1410 was dominated by the near destruction of the Tolomei family, the second half by a similar threat to the Salimbeni family. In 1385 the *Monte* or party called the *Riformatori* gained control of communal government. This was a faction dominated by the Salimbeni and had been struggling for decades with the *Dodici*, at one time a regime in charge of the city but now a faction led by the Tolomei. Six heads of the main seven branches of the Tolomei, along with their allies, the Malavolti (another powerful magnate family), were banished⁴. Their arch rivals the Salimbeni and Piccolomini dominated the town's urban and rural administration. The agricultural economy of Siena, by now its main stay, did not prosper during this period⁵. It was burdened by widespread peasant flight and near constant marauding by armies of mercenaries and Sienese magnates.

In 1387 the last important Tolomei family head remaining in the city was caught trying to bribe the *Senatore*, the official specifically charged with controlling the magnates. The Tolomei were immediately and jointly condemned to pay at least 2500 florins. Spinello di Iacomo Tolomei promptly assembled an army in the region around Siena and went on rampages almost constantly over the next three years, producing major food problems for the city. Spinello was highly successful, in one moment assembling an army of perhaps 3000 horsemen at one moment because of the ready-to-hand supply of unemployed mercenaries, and his family's long established private *brigata* of around 300. Spinello benefited from his personal and the *Dodici*'s alliance with Florence which was then seeking to take over Montepulciano from a Siena allied with the Milanese⁶. After suffering a military setback in late 1389, the Tolomei worked out a truce with Siena and several dozen Tolomei were released from prison.

By the spring of 1390, they were back at it again with the Duke of Milan now explicitly allied with the Salimbeni and the commune of Siena. In May of 1390 Antonio di Baldo Tolomei was captured by the Florentine mercenary leading the Sienese army, Giovanni d'Azo Ubaldini. He was summarily executed in secret two days later. A week later on 30 May Spinello di Iacomo Tolomei was tricked and then trapped by the Contessa of Cinigiano near Siena, who handed him over to the commune. He too was summarily beheaded, refusing even to commend his soul to God⁷. These events brought much relief to a city which was clearly in fear of

⁴ The Malavolti were temporarily allied with the Florentines in the years after 1402 and hoping for a lordship over Siena with their help. After the assassination of Orlando Malavolti on his way back to the city of Siena, the two towns reached a peace accord on 6 April 1404 (Archivio di Stato di Siena = ASS, *Diplomatico, Riformagioni*) with members of the Tolomei, Salimbeni, and Malavolti involved in the negotiations.

⁵ In the early fourteenth century, most Sienese banking and commercial companies, such as the Tolomei, were forced out of banking and trade and withdrew into local interests, a kind of "refeudalization".

⁶ Both the Tolomei and the Salimbeni had established miniature states bordering one another to the south of Siena and extending up to the town of Montepulciano.

⁷ *Cronaca senese di Paolo di Tommaso Montauri*, edited by A. Lisini and F. Iacometti, in *Rerum italicarum scriptores*, 2nd ed., XV, p. 6, Bologna 1931-1937, pp. 732-34.

Tolomei and Florentine domination, preferring a seemingly milder Salimbeni and Milanese rule instead. Although the Malavolti continued to cultivate a Florentine connection and to lead raids around the Siennese state over the next decade, the Tolomei withdrew from the fray though plotting to return from their nearby exile. The commune more or less under the guidance of the Salimbeni suffered a blow when Giovanni d'Azo Ubaldini unexpectedly died a few weeks after the executions of the Tolomei. He was given credit for saving the city in one of the most elaborate Siennese funerals of the century on which the supposedly impoverished government spent more than 3000 florins and in which virtually the whole population of the city including 15000 women and children marched.

The eclipse of the Tolomei from civic politics was complete for the next decade until 1403 when the death of Gian Galeazzo Visconti, the duke of Milan, led to the almost immediate expulsion of the Salimbeni and *Dodici* faction. A round of warfare, confiscations, retributions and banishments similar to the experience of the Tolomei followed. Between 1403 and 1418, the head of the Salimbeni, Cocco (Niccolò di Cione di Sandro), surrendered most of the towns and fortresses making up his state south of the city⁸.

Legal Institutions and Survival and Recovery

By the 1420s and despite the large confiscations actually carried out by the communal government backed by the Salimbeni, the Tolomei had returned to prominence in Siennese politics and society. Tolomei soon occupied the same lucrative administrative, diplomatic and military posts as before, even rubbing shoulders with the similarly forgiven Salimbeni after 1425. The dowries their sons gained for the family bottomed out at about 500 florins in the 1390s. But by the decade 1410 to 1420 they averaged close to 1100 florins in the dowry market, with some in the 1420s rising to 3000 or 4000 florins. Clearly they were back in terms of whom they could attract in marriage alliances who could afford such dowries.

Individuals from both families had lost political conflicts and suffered personally and jointly for their failures. It is clear, however, that these were temporary results from political catastrophes. Strategies based on careful and lucrative marriages produced helpful alliances, and well-conceived testamentary practices protected strategic urban and rural assets. Privilege was maintained through

⁸ ASS, *Capitoli* 119, 130, 141, 142, 143; also fundamental to the history of the relationship between the commune and these families are the letters the commune received from them preserved in ASS, *Concistoro*, 1784 and 1894. For the Salimbeni see examples in ASS, *Concistoro*, 1877, no. 10, 1885, nos. 47 and 56, 1887, nos. 52 and 67, 1888, no. 34, 1891, nos. 23 and 83, and 1892, nos. 4 and 46, 1893, no. 23, and for the ending agreements between Cocco Salimbeni and the commune, see *Concistoro*, 1894, nos. 9, 14, 71, and 76; an example of a temporary peace agreement between Cocco and the commune can be found in ASS, *Diplomatico Riformagioni*, 23 September 1413. Cocco capitulated to the commune on 22 February 1419 (ASS, *Diplomatico Riformagioni*).

patriarchal values, opportunistic corporate family solidarity, and a combination of individualistic and familial, rather secular, selfishness.

This rehabilitation was linked to forms of testamentary succession practiced for a century and a half by the Tolomei and other Sienese elite families. To understand wills and last testaments as familial documents, one must ask who is writing it and to what purpose – the standard queries of traditional Diplomatic analysis. They were fundamental legal arrangements in Roman and customary law from the twelfth century. Pliny considered them as reflecting a testator's character. In terms of a Christian after-life and the good of one's family, one might cite 1 Timothy 6:8: «But if any provide not for his own son, and especially for those of his house, he hath denied the faith and is worse than an infidel». Modern historian such as Jacques le Goff called them «passports to heaven» in their efforts to deal with earlier sin.

The patterns discernible in the 250 wills produced by the members of the Sienese elite, that I have studied in great detail, differ in significant ways from the ways in which Samuel K. Cohn has characterized and testaments in Siena in one book and in Siena and five other cities in another⁹. Cohn draws numerous conclusions from his qualitative and quantitative analysis of 2000 wills from Siena, rightly paying special attention to the second visitation of the plague in 1363 as the significant turning point in Sienese testamentary social and religious practices and mentalities. Among his fundamental conclusions is that testaments reflect profound changes in attitudes toward objects of charity and in a transformation to a strong promotion of the patrilineal interests or those of family after the 1363 plague. I see no such changes for the testamentary strategies of the Sienese elite. Starting in the 1270s, when more sophisticated wills appear, they never gave much to pious causes except on rare occasions when they made sure that their name was explicitly linked with the gift. In effect, elites were different. It also can be shown that they favored certain members in succession to ensure that the important assets of the family were preserved.

By studying all of the documents produced by these people and by placing the actions described therein in the context of the options open to individuals in their testamentary intentions, I have determined certain patterns of behavior for the rich in Siena¹⁰. These patterns became well established practice in the 1270s-80s when the will or last testament became more clearly defined and appreciated.

⁹ S.K. Cohn, jr., *Death and Property in Siena, 1205-1800: Strategies for the Afterlife*, Baltimore 1988; *The Cult of Remembrance and the Black Death: Six Renaissance Cities in Central Italy*, Baltimore 1992; see the overly harsh critical review by M. Bertram, *Renaissance Mentality in Italian Testaments*, in «The Journal of Modern History», 67 (1995), pp. 358-369.

¹⁰ This is also necessarily to do with those assets and exchanges involved in dowries. The use of serial analysis for such documents is not adequate for the reality of familial objectives. For some insightful examples of testaments note those of the Salimbeni: ASS, *Diplomatico Archivio generale*, 28 June 1400, 29 September 1400, and *Diplomatico Bichi-Borghesi*, 11 December 1411. For an example of an earlier complex will by an ancestor, see *Diplomatico Archivio generale*, 7 November 1282.

The wills produced by members of the Tolomei family between 1385 and 1420 do not differ in significant ways from those in the 1270s¹¹. Though much more detailed, they continued to pursue strategies in succession and bequest that had worked before. They were always deeply concerned about the status of their families in this world after their deaths. This was, of course, combined with charitable bequests that could be defined as of mendicant or ascetic persuasion. If the whole value of their estates is taken into consideration, they gave very little in relative terms to the poor or ecclesiastical institutions before or after the visitations of the Black Death. There is also considerable evidence that the old outlets for pious bequests – dozens of more or less anonymous poor – were not available and had fallen under the care of institutions made richer by the Black Death.

When the Tolomei or Salimbeni established charitable projects at any time they made sure that their donations were labeled to their advantage as prestigious patrons. Bequests for altars, memorials, decoration and occasional paintings were consistently marked as theirs from the late-thirteenth century on. These families also always placed explicit instructions for alternative recipients should their objectives not be carried out properly by the clergy. This precision in promoting familial prestige is reflected in the care that they took in managing succession. The order of birth for children becomes only vaguely available after 1380 when baptismal lists appear. Primogeniture can be discerned in about half the wills written by males from the Tolomei and Salimbeni after 1400. There is, however, a clear indication that they had long favored certain sons and that roughly six or seven main lines were to be kept as viable perpetuators of the family. These controls and strategies enabled them to maintain family resources and identity in a period of stress.

Conclusion

It is evident that these most important families from the old Sienese elite continued after 1385, despite demographic and epidemic devastations, to respond with the same strategies as had their ancestors in earlier more fortuitous opportunities. Although their efforts to preserve individual and familial status were successful by the 1420s, these Sienese had suffered serious but temporary losses in the political influence welded by their families. Traditional elite forms of self-expression through the kin group carried on, but I suspect that individuals were more isolated and bound to their immediate family as lineages partially fractured and joint action and reputation became at least momentarily more of a liability than an asset – the costs of family continuity. Their long standing concerns for patrilineal descent tempered by opportunistic links through female members were only barely adequate to cope with political catastrophes around 1400.

¹¹ For examples of Tolomei wills and their implementation over this period, see ASS, *Diplomatico Archivio generale*, 9 April 1286; *Diplomatico Spedale di Santa Maria della Scala*, 22 January 1299; *Diplomatico archivio generale*, 17 June 1331; *Diplomatico Spedale di Santa Maria della Scala*, 17 November 1390; *Diplomatico Tolomei*, 15 April 1394.