



Angela De Benedictis. *Repubblica per Contratto. Bologna: una Città' Europeanello Stato della Chiesa*. Bologna: Il Mulino, 1995. 481 pp. Lire italiane 56,000 (paper), ISBN 978-88-15-05127-1.

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An Old Model for the New Europe?

Conflict between centralist monarchical government, attempting to rule by fiat from above on the one hand and subject cities and provinces governed internally and represented externally by noble aristocracies in the firm belief that they have a contractual relationship with the central monarch on the other—this pattern in European history is most familiar to us in cases in which the conflict escalated into open rebellion. For the sixteenth and seventeenth centuries, the paradigm case is no doubt the revolt of the Netherlands. Now, in her dense and difficult, but interesting and rewarding book, Angela De Benedictis shows us that the same pattern holds for the city of Bologna and its territory within the context of the papal state. The author begins her survey in 1447, when the city capitulated (stipulated its contract, or “capitoli”) with Pope Nicholas V, and concentrates heavily on the period down to circa 1700, concluding with a more rapid overview of the decades down to 1831.

This is not a general history of the city, and it will be consulted most profitably by readers with some knowledge of the historical literature regarding Bologna, the papal state, the formation of “ceti” (hereditary social orders) in early modern Europe, and their role in government. The “ceto” that governed Bologna was the patriciate based on membership in the Senate (or *Quaranta*), the sovereign city council. The males in each generation of these families, and the jurists who drafted opinions and treatises on their behalf, are the protagonists of this book. The contrast between Bologna as a medieval commune and Bologna under their rule is the contrast between medieval and early modern history. I would say that, at a

minimum, potential readers ought to be acquainted with Paolo Prodi’s work *Il Sovrano Pontefice*, published in the same series as this book in 1982. A knowledge of Latin is, of course, taken for granted. The author herself might consider that the minimum ought to include an acquaintance with the book she identifies as her primary influence, *Land und Herrschaft* by Otto Brunner—a criterion this reviewer is not at present able to meet. For her the decisive encounter came with the Italian translation of Brunner’s work, *Terra e potere*, in 1983; I note that an English translation, *Land and Lordship*, appeared from the University of Pennsylvania Press in 1992. The city sent special ambassadors to Rome (where there was also a resident ambassador) on the accession of each new pontiff to express the city’s continuing obedience and devotion to its sovereign lord, and renew the contract by asking the pope to give his placet to capitoli drafted for the occasion. This was never an easy or automatic process, and the author spends many pages describing the negotiation in each case. In addition, she must take account of the many petitions sent by the city during each pontificate. She thus has a peculiarly awkward burden to bear, one entailed upon her by the professional study of history, for there was never a crescendo of resistance rising to rebellion, and so the pressure of monotony is inexorable.

De Benedictis herself acknowledges the problem, and I do not believe that anyone choosing to address this important topic at the high level of thoroughness and competence she displays could possibly have avoided it; my only purpose in mentioning it is to give fair warning to dilettanti. Despite the overall continuity, there

was variation in each case. Papa Peretti (Sixtus V) strove harder than any other pope to abolish the *libertas Bononiensis* when he came to the throne in 1585, and never signed “capitoli” with the city at all. Furthermore, he ambushed Bologna with a papal bull of 1589, in which he tried to capture revenues from fines and confiscations that had traditionally gone into the city’s treasury for the Camera Apostolica. The senators and jurists from beyond the Appennine fought back so resolutely that he was never able to put this measure into effect. They waged a battle of words and ideas, as well as campaigning in confidential tones in the salons of the cardinalatial palaces of Rome. The literature they generated on this and other critical occasions—professional opinions from jurists, memorandums, treatises, compilations of legislation with commentary—constitutes the second major historical source, following diplomatic correspondence, used by Angela De Benedictis. She describes and analyzes this “publicistica”, and makes a convincing effort to give it a place in the wider context of European political thought. Giovanni Crotto da Monferrato, a jurist of the Bolognese Studio, defended the contracted liberty of the city in the age of Giulio II. In the 1560s Annibale Monterenzi, a professor in the same faculty, was given extensive leave from his teaching duties in order to compile, gloss, and publish the city’s statutes, as well as the relevant papal bulls, and even the administrative ordinances emitted by the Legates. (The author gives the bibliographical details of these publications in a confusing and insufficient manner, and in general prefers the slapdash methods of citation of published sources used in the social sciences to the fuller and more rigorous forms preferred by historians. On the other hand she displays an imposing mastery of the unpublished archival sources.)

The most significant writer of the ’600 was Ciro Spontone, whose work circulated widely in manuscript, and was analyzed and published by S. Verardi Ventura in *L’Archiginnasio* in 1979-1981. In addition to diplomatic and ideological history, there is a notable component of more “concrete” history of Bologna in this book, centering on the administration of justice in the city. Endless conflicts of competence arose between courts that depended on the city government and were subject to its “sindacato” (review at end of term), and courts instituted by the papal government that were not. The Papal Legate

in the city, who shared the power of government with the Senate, constantly attempted to usurp powers similar to those of a Spanish Viceroy in Napoli or Palermo; and the Senate resisted. Meanwhile, for *contadini* and citizens, the administration of justice sometimes sank to the level of Belgium in the 1990s. One notable case of patrimonial inheritance of the mid-’600, the “*causa Zani*,” is described at length (pp. 322-335), but in a very interesting and penetrating fashion. A Roman court went against the statute of Bologna by recognizing the claim of a female relative to a share of the patrimony. This threatened the whole socio-political system of government by noble aristocracy in Bologna (and other Italian cities where the statute was the same), and mobilized resistance from the city. An aspect of this case that had general relevance was the destiny of the patrimony of secular clerics who died intestate. The great jurist and papal advisor G. B. De Luca viewed this question in the same light as the Bolognese senators: he wanted to believe that any right-thinking cleric would wish his property to pass to the nearest male relative and thus maintain the family line, but he feared there might be some who intended their patrimony to go to convents which female relatives had entered, or even to other families altogether, to which the linkage was through females rather than males (p. 333). It was De Luca who drafted the bull of Papa Innocenzo XI in 1680 that gratified the senators by maintaining their statute, and all similar statutes that manifested “*favor agnationis*”, the channeling of patrimonies toward male relatives and away from females.

The book begins and concludes with general reflections on European history and historiography. The general tenor of these is that we are still in the process of learning how to escape from the prejudices of the ’800 and see Old Europe (before the French Revolution and Napoleon) on its own terms. As we do so, Angela De Benedictis suggests, we find much that we can make use of if we share her belief that traditional local liberties and particularities need to be protected, and even enhanced, in the context of the new European Union.

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