



Renaissance Society of America

Pope Eugenius IV and Jewish Money-Lending in Florence: The Case of Salomone di Bonaventura during the Chanceryship of Leonardo Bruni

Author(s): Andrew Gow and Gordon Griffiths

Source: *Renaissance Quarterly*, Vol. 47, No. 2 (Summer, 1994), pp. 282-329

Published by: The University of Chicago Press on behalf of the Renaissance Society of America

Stable URL: <http://www.jstor.org/stable/2862915>

Accessed: 10/11/2009 19:15

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=rsa>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Renaissance Society of America and The University of Chicago Press are collaborating with JSTOR to digitize, preserve and extend access to *Renaissance Quarterly*.

*Pope Eugenius IV¹ and Jewish Money-Lending
in Florence: The Case of Salomone di
Bonaventura during the Chancellorship
of Leonardo Bruni**

by ANDREW GOW and GORDON GRIFFITHS

THE CASE

IN HIS *Eulogy of Florence (Laudatio Florentinae Urbis)* Leonardo Bruni praised her constitution for giving first place to justice, "without which no city can exist or deserve the name." Moreover, he said, "Not only citizens, but aliens as well are protected by this commonwealth. It suffers injury to be done to no man, and endeavors to see to it that everyone, citizen or alien, shall receive the justice that is owing to him."² During Bruni's own tenure as chancellor of Florence, however, we hear of a Jewish banker who was ruined

*The authors wish to express their gratitude to Gene Brucker, Bernard Cooperman, Germano Gualdo, Michele Luzzati, Anthony Molho, Heiko Oberman, Benjamin Rand, Richard Trexler, and Donald Weinstein for their very helpful suggestions, and to acknowledge the assistance of the staff at the Archivio di Stato in Florence, the Archivio Segreto Vaticano, and the Interlibrary Borrowing Service at the University of Washington.

¹In his study of "Florence and the Papacy in the Earlier Fifteenth Century," Peter Partner, 397, said that "a special study of the political relations of Eugenius with Florence from his arrival in the city in 1434 until his departure in 1443 would be of the greatest interest, but it remains to be done." Partner mentioned the pope's pledge of San Sepolcro (to which we shall devote a section below) and his investment in the Florentine Monte Comune as important examples of his financial relations with Florence. In 1969 Julius Kirshner published the documents on the pope's investments in his article on "Papa Eugenio IV e il Monte Comune." But the information about his pontificate as a whole is still strikingly inferior to what we possess on that of his predecessor. During the decade of the 1980s students of local Jewish communities in various parts of Italy have broken away from the traditional view that such communities were merely marginal to and dependent on the majority community, and, as in the works of Ariel Toaff, have thrown new light on the history of both Christians and Jews by revealing the internal history of the Jewish community in the later Middle Ages (Todeschini, 362-66). We (the authors of the present study) are precluded, however, by the nature of our sources and by our ignorance of Hebrew, from contributing anything to the internal history of the Florentine Jewish community. Our study is addressed, therefore, not so much to specialists in Jewish history as to those who, like us, have generally been content to study Renaissance Florence without considering the policy of Florence toward the Jews.

²Griffiths, 117 and 121, for translations of the Latin text in Baron, 259 and 262.

by the heaviest fine in the history of the city after a trial that one modern scholar has described as a monstrous miscarriage of justice.

On 16 January 1441 Salomone di Bonaventura was condemned to pay the sum of twenty thousand florins for violating the Florentine law of 1406³ that prohibited Jews (and others) from engaging in usury in the city. Exaction of the fine put him out of business but enabled Florence to acquire the strategically important town of San Sepolcro. In the first study devoted to the case, Antonio Panella alleged that the trial had been a travesty of justice, that the government of the city (the Signoria) had colluded with the judge (the *podestà*) in advance of the trial with a view to obtaining the desired funds. If the allegation is valid, why did no contemporary protest the injustice? Chancellor Bruni was acquainted with the details of the case, as we can see from the letters he devoted to the subject, but in these there is no suggestion of a miscarriage of justice. In the *Commentary* he wrote on the events of this time (*Rerum suo tempore gestarum Commentarius*), he makes no mention of the case.

Panella's study was published in 1909. In 1918 Umberto Cassuto argued with the support of new documents that Salomone's trial had after all been conducted within the bounds of correct legal procedure, but that the sentence had been based on a very fine point of law.⁴ Cassuto agreed with Panella that the government's real motive for bringing Salomone to court was political, that is, a desperate financial situation had prompted the government to pounce upon the first wealthy victim who could be found to be in technical violation of the law.

But what was "the law"? In 1437, within three years of the advent of the Medici regime, the government of Florence modified the law of 1406 by entering into a contract (a *condotta* consisting of numerous *capitoli*, a term that served as a *pars pro toto* to refer to the contract) with one Abraham Dattili, a Jewish money-lender, inviting him and those he named as his associates to inaugurate their business in Florence and providing for their protection against prosecution.⁵

³Incorporated, with a slight change, into the *Statuto* (constitution) of 1415. Ciardini, 27.

⁴Cassuto, 127–29.

⁵Capitoli, 17 October 1437, published by Ciardini, i–ix, citing ASF, Capitoli, vol. 100, cc. 29.

Why was Salomone not protected by the capitoli? The document authorizing the establishment of his bank has survived, and it supplies a part of the answer. In this document, drawn up before the appropriate office of the Florentine government in the Palace of the Signoria, Abraham Dattili (through Manuel, his son and procurator) named as his associates not Salomone but Salomone's sons, who were thus authorized to establish their bank in accordance with the procedures laid down in the capitoli.⁶

The sons, presumably minors, were not present, but Salomone was, and he accepted and ratified the document "as their father and legitimate administrator." In this capacity Salomone carried on the business of the bank with notable success. Why after two years was he arrested toward the end of 1440? If his activity was only in technical violation of the law, did his punishment not reflect an attitude that justice need not be meted out to Jews?⁷

We are concerned here with the question of what rights and what status the Jews enjoyed in Florence. These issues are not marginal but an integral part of the history of the city. Since our documents were not produced by Jews, we cannot claim to present a Jewish voice. Our purpose here is to present the new evidence we have found relating to Salomone's case and to place the case in the context of Florentine-papal relations.

Of the few historians who have touched upon the role of the Jews in Florence, some have tended to credit her with a relatively tolerant spirit. "By the standards of the age," writes Gene Brucker, Florence was "a remarkably tolerant community."⁸ "Speaking broadly," Salter wrote, the Jews "were treated fairly and even leniently," and he went on to point out that Florence was the scene of only one anti-Semitic riot, in 1488, and that this was promptly and firmly squashed. Indeed, "toleration was an essential part of

⁶29 October 1438, published by Cassuto, 365-66, citing ASF, Capitoli, vol. 101, fol. 8a.

⁷Jewish money-lenders who had been practicing without proper papers could sometimes have their situation legalized retroactively. Matassio da Perugia had obtained a condotta in 1381 to practice in Assisi. After his death, his son Salomone carried on the business, in collaboration with Abramo da Camerino, though there had been no provision for the transmission of Matassio's privileges to his descendants. In 1440 the oversight was called to the attention of the Priors of Assisi at Salomone's request by their superiors, the officials who had come to govern the region from Perugia on behalf of Gian Galeazzo of Milan. Instead of having the guilty parties arrested and fined, the Priors of Assisi unanimously agreed to renew the condotta and to favor Salomone and Abramo with citizenship in Assisi. Toaff, 1978, 39-41.

⁸Brucker, 1971, 240.

Medicean policy.”⁹ Cecil Roth could even speak of “the generous Judeo-Christian symbiosis at this period.”¹⁰ Perhaps the most optimistic assessment was that expressed by Vittore Colorni who, after tracing the legal situation of the Jews in Italy since Roman times, concluded that “in the fifteenth and first half of the sixteenth century, until the ascent of Paul IV Carafa to the papal throne, it [the legal status of the Jews] was still good. . . . During the Renaissance, at least in Italy, the Jews felt protected by the legal system, and knew that they could find in the civil courts the principal defenders of their rights.”¹¹ If in Florence, however, a rich Jew could be made the victim of a staged trial when the government was in need of funds, how is it possible to say that “toleration was an essential part of Medicean policy?”

FLORENTINE POLICY 1406–1437

Before the advent of the Medici regime (1434–1494), Florence was in fact less willing than many other Italian cities to permit Jewish money-lending. The law of 24 January 1406 reads:

Considering that Jews or Hebrews are enemies of the cross, of our Lord Jesus Christ, and of all Christians, and that they engage in usury against the mandate of God’s Holy Church, it is provided that no Hebrew or Jew or member of any other race may, nor shall he be permitted to lend at usury, whether directly or indirectly, openly or covertly, under any guise or manner whatsoever, . . . in the city, *contado*, or district of Florence, or in any city, region or place under the jurisdiction of the Commune of Florence, under the penalty of one thousand florins.¹²

⁹Salter, 198 and 201.

¹⁰Roth, 245.

¹¹Colorni, 1983, 503. Recently, such comforting portrayals of a tolerant Florence have come under attack. They rested, says Robert Bonfil, on the mistaken Burckhardtian assumption that Florence had turned away from her medieval Christian orientation and was becoming a society in which individuals were judged on their merit. All that was required for the realization of such a society was the abandonment of irrational prejudices. If the community was no longer fundamentally bound to Christianity, then the way to assimilation and legal equality was open. Bonfil, 1984, 59–82. Bonfil accuses most Jewish historians of the Renaissance of being too Burckhardtian—of assuming like Roth that the general *Zeitgeist* was one of harmonious synthesis (65). He criticizes Michele Luzzati for “anachronistic adaptation of modern secularist trends to the fifteenth century—or, in other words, pushing the Graetian–Burckhardtian concept of harmonious synthesis between Jews and Christians during the Renaissance *ad absurdum*” (68, n. 24).

¹²ASF, Provv., vol. 94, fol. 232v, quoted by Ciardini, 25; and by Cassuto, 362 ff.; and, following the latter, by Brucker, 240–41.

The law was directed specifically against usury. But what was “usury?”¹³ Bernardino, the Franciscan Observantist from Siena, asked that question in a sermon he delivered one Friday in Lent in the year 1425 in the church of Santa Croce in Florence. Citing Saint Ambrose in the *Decretum*, Bernardino answered: “Everything that is added to the capital is called usury.”¹⁴ Thus, there could be no lending of money for interest. And according to Bernardino the Florentines were guilty of this sin for licensing the practice. After quoting David’s complaint in Psalm 54 (55) that he had seen iniquity and injustice in the city, and the public practice of usury,¹⁵ Bernardino warned his audience to “watch out for what he might say of your city of Florence! Is there any iniquity, or injustice here? Must you search out the shop where they lend in public at usury? Nay, they do so with the backing of the Commune, and you collect a tax from it. You are all usurers because you allow public lending at usury with your license.”¹⁶

The Florentine government had indeed been authorizing the practise of money-lending at interest—what they referred to as *feneratio*—since at least the 1330s and before that had resorted to the regular issuance of pardons to those who made such loans.¹⁷ The Florentine government thus attempted to make a distinction between a *feneratio* that they licensed and the *usury* that they forbade.

The law of 1406 did not stop, nor was it aimed at, the activities of the large Christian banking houses that dominated the economy and had found various devices for avoiding the prohibition against usury.¹⁸ In any case, these had already in the preceding century generally withdrawn from small-scale lending. Such lending to the needy, commonly secured by a pawn, was the real target of the law of 1406.

¹³For histories of the doctrine, see Nelson; Colorni, 1935; for bibliography, Becker, 1957; for meanings of the term, S. Simonsohn, 1991, 194.

¹⁴Bernardino, 360.

¹⁵“Quoniam vidi iniquitatem et contradictionem in civitate. / Die ac nocte circumdabit eam super muros eius iniquitas . . . et iniustitia. / Et non defecit de plateis eius usura et dolus” (verses 10–12 in the Vulgate).

¹⁶Bernardino, 363. Between 1412 and 1437 Siena likewise forbade Jewish money-lending. Whether this policy may be attributed to the influence of Bernardino is discussed by Boesch Gajano, 201.

¹⁷Becker, 1967, 2:48, n. 19. For Florentine attitudes toward usury and a too rapid acquisition of wealth, see Martines, 1963, 27–30 and 76–77.

¹⁸See De Roover, 1967, 33–38; and S. Simonsohn, 1991, 210.

Enactment of the law in January 1406 was followed almost immediately by appeals from various communities in the Florentine dominion for relief from the consequent shortage of credit.¹⁹ Accordingly, the Florentine government decided on 4 August 1406 to annul that part of the January prohibition that applied to Jews outside the city of Florence, who were now authorized to carry on the business of lending against a pledge (pawnbroking) in specified towns and cities of the Florentine dominion: San Miniato Fiorentino, Arezzo, Prato, Colle Val d'Elsa, Montepulciano, San Gimignano, Volterra, Pistoia, etc., in each case in return for a specified annual payment to the Florentine treasury (*camera*). While Jews were still (until 1437) excluded from the capital city of Florence, her treasury came to regard as a regular source of revenue the annual fees required of her subject cities and towns for the license to allow the practice of lending at interest by Jews in their respective localities.

The licensed practice of lending at interest (*feneratio*) in the Florentine dominion is documented in the records of the Florentine treasury. The relevant volume²⁰ records the obligations owed to the Camera by various communities—Arezzo, Pistoia, Volterra, etc. (the proceeds of which were earmarked for military condotte and the maintenance of castles)—as well as the obligations owed by various money-lenders (*fenerantes*) both Christian and Jewish. Among the latter we find Abraham Dattili in San Miniato and Salomone di Bonaventura in Prato.²¹ Salomone is mentioned in these records as early as 1422, and his father before him in 1420. In the latter year it is recorded that Bonaventura, son of Salomone of Terracina, obtained a contract to carry on the business of money-lending in the Florentine town of Monte San Sabino [Savino] for six years starting from 1 October 1420 in return for an annual payment to the Florentine Camera of twenty-eight florins. The contract with Bonaventura is thus an example of the process whereby Jewish

¹⁹Ciardini, 25–26. For this and what follows, see also Molho, 1971², 37–39, and 1971¹.

²⁰ASF, Camera del Comune, Provveditori e Massai di Camera, Campioni di Entrata e Uscita, no. 53. We owe thanks to Anthony Molho, who made the inventory of these volumes in the Florentine archives, for drawing our attention to this one.

²¹Both names appear in the book of *forestieri* who filed declarations for the catasto of 1427–30 (Herlihy and Klapisch-Zuber, 145). We are grateful to Michele Luzzati for drawing this to our attention.

money-lenders found it possible in the 1420s to move their operations, previously carried out under the papal dominion, into Florentine territory.²²

In 1422 the same Bonaventura is associated with his son, our Salomone, in the practice of money-lending in Prato under a ten-year contract starting 1 September 1422, calling in this case for semi-annual payments of 150 florins, or a total of 3000 florins.²³ Thus, Salomone had been lending money in Florentine territory under the license of the Florentine treasury for years before he accepted on behalf of his sons the authorization in 1438 to carry on the business within the city of Florence itself.²⁴

Inviting Jewish money-lenders into the city had been under consideration for some time. The justification for modifying the prohibition against them, embodied in the law of 1406, was stated in the proposal laid before the Signoria in June 1430: "So that the poor people of Florence are not ruined, particularly in this time of pestilence, by such exorbitant rates as are being charged by those who engage in usury, and so that when necessity impels them, they may provide for their needs with a lighter charge . . ." ²⁵ That is, Jewish lenders were expected to charge less than Christian usurers were currently charging. While nothing came of this proposal in 1430, the licenses of the Christian money-lenders (pawnbrokers) were renewed for the last time in the following year.²⁶

The role of the money-lenders, whether Christian or Jewish, was to provide credit to impoverished borrowers and should not be confused with that of the big Christian banking houses. The Jewish money-lenders were not expected to play a big role in the general economy but to palliate the situation of the poor. In a period when the Florentine budget was showing an annual deficit exceeding half

²²Colorni, 1935, 431 and ff. For documentation of the shift in papal policy toward the end of the fourteenth century to permit the lending of money at interest by Jews, see 419–27. The expansion of Jewish banking was at first into small or medium-sized towns. It took a long time before the protective walls of the great commercial centers—Florence, Milan or Genoa—gave way (Poliakov, 1965, 68, citing G. Luzzato, 1907).

²³"In Prato the exercise of pawn-broking (*prestito su pegno*) was almost all in the hands of Salomone 'the Jew'." Fiumi, 136.

²⁴Moreover, in 1430 a Salomone Bonaventura acquired on behalf of his family the privilege of money-lending in the papal town of San Sepolcro (Poliakov, 1965, 114, citing Félix Vernet, 1892). On the significance of this, see below.

²⁵Provision of 12 June 1430, published in Cassuto, 364–65, in the translation of Gene Brucker, 1971, 241.

²⁶Poliakov, 1965, 95, citing Cassuto, 19.

a million florins, the thirty or forty thousand with which the Jewish lenders began their operations in 1437 would be only a drop in the bucket. They would operate only four banks, while a good hundred remained in the hands of Christian bankers.²⁷

When the proposal came up again in 1435, two new actors were present: Pope Eugenius IV who after escaping from Rome had in 1434 established his residence in Florence, and Cosimo de' Medici who in September 1434 had returned from exile. Was the new policy (of 1437) by which Jewish money-lenders were invited to enter Florence due to the influence of the pope or of the Medici?²⁸

In October 1437 negotiations between the Florentine government and Abraham Dattili, then resident in San Miniato, reached a successful conclusion. In the preamble of the contract the motive of the Florentine government is stated: "That for many years there has been no one publicly lending money in the city of Florence, and that for this reason residents of the city and surrounding area who were short of money were obliged to go at least ten miles²⁹ to pawn their goods if they wanted to find assistance . . ."³⁰ Elaborate precautions were included to ensure that the Jewish money-lenders would not compete with the large established Christian banking houses. The new-comers would be limited to transactions secured *ad pignus* (by the pledge of a tangible object) and forbidden to lend *ad scripta* (against a written note). The interest they could charge was limited to four pennies in the pound per month (20% per year). If they accepted more, they might be required by any official of the city to make restitution. Abraham and his partners were required to open at least one bank by the first of December and to have in hand at least four thousand gold florins for their lending operations during the subsequent month of February, but they could not be required during the first three months of the first year of the ten for which the contract was to run to lend against their will to any single person or community more than three gold florins.

²⁷Bonfil, 1988, 238-39.

²⁸1437 was also the turning-point in Siennese policy toward Jewish money-lenders. They had been excluded since 1412, but in 1437 Siena was forced to turn to them once again for the services they could render, and by this time, according to Boesch Gajano (202-03), they had apparently become strong enough to be able to demand specific concessions in return.

²⁹That is, to a place like Prato.

³⁰For the text of the capitoli, see n. 5. They are commented upon by Poliakov, 1965, 96.

By the first of March Abraham and his associates were to have opened at least two more banks. In the course of the first year the three banks were to extend loans amounting to at least twenty thousand florins, and of the second year an additional ten thousand. If by the end of the third year they had not loaned as much as forty thousand, the government reserved the right to invite other Jews to enter the city. On the other hand, Abraham could at any time name additional associates whose status, however, must be validated in a written instrument drawn up by a scribe of the agency in charge (*"per scribam reformationum comunis Florentie"*).

In return for undertaking the above-mentioned obligations Abraham and his associates were assured a monopoly, for no other Jews or any other person was to be allowed to exercise the business of money-lending in Florence or within four miles of the city during the ten years' duration of the contract. They were granted other privileges: authorization to buy real property, up to the value of five hundred florins, immunity for the ten years from any taxes except gabelles, guarantee against molestation in person or property, permission to celebrate their sabbath and other religious obligations and to have synagogues and wear what clothes they chose without any sign. No city official could fine Abraham or any of his associates, conduct inquisitions of them, or file suit against them to secure payment for failure to observe the terms of the contract, except in case of homicide, without the express licence of the Eight, who were to be considered the protectors and defenders of the said Jews and to see to it that the capitoli of the contract were fully observed by all officials of the city. Perhaps the most striking phrase is that which required that these Jews be treated as citizens of the city of Florence in the eyes of the law, both civil and criminal (*"tractentur et reputentur . . . tanquam cives civitatis Florentie"*). Finally, the capitoli were to be observed by all officials, all previous laws, statutes, and provisions to the contrary notwithstanding, and particularly the Provision of January 1406.

What was meant by the requirement that the Jews "be treated as citizens of the city of Florence?" The language sounds at first like a promise of equality and assimilation, three and a half centuries before the proclamation of such ideals by the French Revolution. The terminology in the Florentine document was not, however, an aberration. Some years earlier, when Jewish money-lenders were admitted into Florence's subject city of Pistoia, they were, according

to the contract negotiated with them, to be regarded as citizens of Pistoia.³¹ In 1457, when the status of Jewish money-lenders in Siena was codified in a series of capitoli very similar to the Florentine capitoli, citizenship was also included.³²

As Gino Luzzato pointed out, however, with regard to a similar promise to be treated as citizens in Urbino, such “generosity” was subject to a negative interpretation: the Jews would now be subject to local laws and jurisdiction instead of enjoying the protection (perhaps we should rather say “being under the jurisdiction”) of the Church.³³

Jewish merchants in Rome enjoyed papal protection and were described at least as early as the thirteenth century as *cives Romani*.³⁴ In the eyes of most medieval Italian jurists, Jews were Roman citizens.³⁵ Early in the fourteenth century the Jews in Rome obtained a charter, which provided inter alia that they were to be treated as Roman citizens. The charter was reconfirmed by Martin V in 1430.³⁶

Eugenius was aware that Jews enjoyed the privileges and immunities of citizens in certain parts of the papal states, for he refers specifically to the fact in his bull *Sicut Judeis*.³⁷ The popes had long been accustomed to grant special privileges to Jews serving them in various capacities, particularly as physicians. Leonardo Bruni

³¹The Florentine capitoli, though more elaborate, bear a striking resemblance to those concluded between the subject city of Pistoia in 1399 and two Jews who wished to establish themselves there as money-lenders. Article I provided that they with their families and staffs could reside in Pistoia and practice their business of usury and any other craft, and that they should be considered citizens of the city of Pistoia. (Published by Zdekauer, 91–92.)

³²“Item e decti giuderi in ciaschuna cosa civile et criminale sieno auti, tenuti, tractati, reputati come verii et originarii cittadini de la città di Siena et possino godere tucti e privilegi et franchigie civili et criminali de’ cittadini. . .” Article 6, quoted by Boesch Gajano, 213, n. 100.

³³Luzzato, as cited by Ciardini, 4. In Kirshner’s article (1971) on Florentine citizenship, he notes that its prerequisites “have never been adequately explored” (229), and that the subject of citizenship in the Middle Ages and the Renaissance is in need of a modern monograph. He supplies a useful introductory bibliography (230, n. 3) but does not in this article provide us with help on the particular question of Jewish citizenship.

³⁴S. Simonsohn, 1991, 403.

³⁵Colomi, 1945, 78 ff., esp. 89; as noted by Poliakov, 1965, 113, n. 3.

³⁶S. Simonsohn, 1991, 404, and 1989, doc. 670.

³⁷Rome, 6 February 1433, published by Stern, no. 34. Under Roman law, Jews were not aliens but citizens with restricted rights. Colomi, 1983, 503.

was familiar with this papal practice, for as secretary to Innocent VII he had been called upon to draft a number of such grants of privileges. One was in favor of one Master Elya, professor of the science of medicine, who was granted Roman citizenship in the following language, drafted by Bruni for the pope's signature: "Te Romanum civem efficimus et sanctimus." He and his posterity were to enjoy the same privileges and liberties as other citizens of Rome, free of the obligation requiring Jews in the city to wear distinctive dress. On the other hand, he was to pay twenty ducats a year as his share of the tax on the Jewish community.³⁸

The recognition of certain Jews as citizens for certain purposes did not mean equality. Equality would have meant subjection to all the laws governing the rest of the citizenry, whereas the capitoli in both Pistoia and Florence are careful to reserve privileges of exemption to the designated Jewish bankers, their families, and employees. Again we must remember that the Florentine capitoli did not call for the treatment of any Jews as citizens except those designated by Abraham and whose names had been recorded in documents filed with the commune. Our Salomone, who was not so designated, had therefore no claim to be treated as a Florentine citizen.

The capitoli were obviously not intended to be a step in the direction of assimilation: their stated purpose, as we have seen, was to provide credit to the poor in Florence, and for the performance of that service the government of Florence had had to agree to the establishment of a separate Jewish community³⁹ with its own religion and customs.

The principle of separation is evident in the pope's permission, cited in the capitoli, "to grant license, to Jews only, to lend money in this city." Such a concession, combined with the condition that excessive profits should not be exacted, was compatible with the papal purpose to bring Christian Florence into greater conformity with the canon law regarding usury. The pope's permission was in-

³⁸Dated Viterbo, 27 January 1406. Reg. Vat. 334, fols. 15v-17v; published by Theiner, 3, no. 82, 147-48, but without recognition of Bruni's connection with the document.

³⁹Citing Cassuto, Michele Luzzati (69) says that the number of Jews in Florence in the fifteenth century must have oscillated between fewer than one hundred and fewer than three hundred. Cf. the size of the Jewish community in Rome, estimated to have been between 1500 and 2000 in the fifteenth and sixteenth centuries. S. Simonsohn, 1991, 410.

deed required to effect this "complete change" in Florentine policy,⁴⁰ but there is nothing in the text of the capitoli to suggest that the parties—the pope, the Florentines, or the Jews—were seeking to take even the slightest step toward assimilation of the two communities.⁴¹ The capitoli amounted to a treaty between communities guaranteeing the separateness of the Jewish. The principle of separateness was confirmed two years later in 1439, when the Florentine government passed a law requiring those Jews who were not covered by the capitoli to wear distinctive dress.⁴²

THE POLICY OF POPES MARTIN V AND EUGENIUS IV

In 1441 Eugenius embarked on a wholesale reversal of the policy of "relative toleration" that had found embodiment in the Florentine capitoli of 1437. To appreciate the scope of this reversal it is necessary to keep in mind the direction of papal policy toward the Jews in Italy during the later Middle Ages, especially in the papal states. Except for its application to Florence, the policy recommended by Eugenius in the capitoli governing money-lending was not novel. During the fourteenth century many Italian cities had authorized Jews to exercise the function of money-lending and, to avoid ecclesiastical censure, had sought and obtained papal consent. Thus, a standard had been established, and a protection for the

⁴⁰It is so described by Salter, 195. See also Ciardini, 3. S. Simonsohn, 191, 214, speaks of Eugenius's "allowing" the commune of Florence to sign the condotta.

⁴¹Cf. the assessment of Ariel Toaff who, after quoting Grayzel, G. Luzzatto, and R. S. Lopez to illustrate his assertion that most Jewish scholars accepted the thesis that the role of the Jews was always a narrowly restricted one, offers, on the strength of his own detailed studies of Jewish communities in Umbria, the following corrective: "[This] seems to us to do injustice to Jewish participation in the reality of communal life in Italy. This was certainly not limited to moneylending but spread, even if less extensively, to other fields of commercial life (not to mention cultural ones), enjoying the liberty and almost total equality the Italian Communes gave the Jews. The one-sided complaints and invectives against their *pravità usuraria* sounded only later on, passing from the church pulpits to the city squares and there transformed into violence and prejudice" (1979, 30, n. 100). Toaff is no doubt correct in distinguishing between the more extensive liberties enjoyed by Jewish communities, especially in Umbria and other Papal States, in the thirteenth and fourteenth centuries on the one hand, and the discrimination against them that was the result, according to Toaff, of the preaching of the Observantist Franciscans in the fifteenth. But Toaff's historical model hardly fits Florence which, as we have seen, did not welcome a Jewish community until 1437.

⁴²Cassuto, 139.

Jews, in return for which they were expected to pay a fee. This became an important new source of revenue for the papacy in the fifteenth century, enabling one authority to speak of "usury in the service of the Church," and another to such Jews as "papal usurers."⁴³

Like the Florentine *capitoli* of 1437, such contracts or *condotte* stipulated the terms and conditions of money-lending and constituted a charter between the city (or prince) and the leaders of the Jewish banking community. In the course of the fifteenth century all Italian cities except Genoa and Venice acquired at least one Jewish lending establishment.⁴⁴ The Italian city thus contracted with the head of a Jewish money-lending society in much the same way as it contracted with the head (*condottiere*) of a body of soldiers. Indeed, the term often used for such a contract — *condotta* — was the same. Likewise the pope contracted with military *condottieri*, but his relationship to the Jews was not limited to those who served as money-lenders in Rome or the papal states.

Papal policy toward Jews had always been two-sided: on the one hand concerned to keep the Christian community free of Jewish influence and on the other to protect the Jewish community from Christian persecution. The authority for the latter was Gregory the Great, who in a letter to the bishop of Palermo in June 598 had urged, "Just as the Jews [*Sicut Judeis*] should have no license to go beyond what is permitted them by law in what they do in their synagogues, by the same token they should not encounter any prejudice with regard to those privileges that have been granted them."⁴⁵ Gregory's injunction was quoted by "most of the popes of the Middle Ages."⁴⁶ The *Constitutio pro Judeis* of Innocent III (1198–1216), which includes the phrase *Sicut Judeis*, while promising a measure of protection, actually accompanied a policy severely limiting the

⁴³G. Le Bras, cited by Poliakov, 1973, 312.

⁴⁴*Ibid.* Citing Attilio Milano's articles in *La Rassegna mensile di Israel*, Poliakov had observed that the Jewish lending offices were *sui generis* municipal institutions that functioned throughout Italy under a license granted by the Holy See (309). For Venice, see B. Ravid.

⁴⁵Gregorius Victori episcopo Panormitano: "Sicut Judaeis non debet esse licentia quicquam in synagogis suis ultra quam permissum est lege praesumere, ita in his quae eis concessa sunt nullum debent praeiudicium sustinere" (S. Gregorii Magni, 8. 25: 546).

⁴⁶Poliakov, 1973, 305.

liberties of the Jews.⁴⁷ More recently Innocent VII (1404–06), under whom Leonardo Bruni had served as secretary, had confirmed all the privileges and concessions that his predecessors had given the Jews.⁴⁸

Martin V (1417–31), however, was the pope who more than any of his predecessors gave voice to the principle of toleration, and in a language often infused with a spirit of humanity.⁴⁹ In response to the request of spokesmen for Italian Jewish communities, he issued a proclamation on 31 January 1419 that opened with the words of Gregory the Great: *Sicut Judeis*. He listed the names of his predecessors who had opened proclamations on behalf of the Jews with the same words and proceeded to order that

they should not be molested by anyone in their synagogues; nor should their laws, statutes, customs and ordinances be interfered with (provided these were not deprecatory to the Catholic faith); no Christian of whatever rank should in any way compel any Jew of any age to the font of holy baptism; nor should Jews be obliged to celebrate any Christian feasts (though they should avoid giving offense to the Christians); nor should they be molested in person or in any way beyond legal obligation; at no time should they be required by anybody to bear any distinctive sign, beyond the traditional custom of the cities in which they live.

The proclamation concluded with a list of crafts Jews were entitled to exercise.⁵⁰

In 1421 Martin proclaimed the right of Jews in Spain to practice medicine, to serve as bankers to Christians, and to collect the yields on such services from Christians, despite the earlier prohibitions of the Spanish anti-pope Benedict XIII.⁵¹ In 1422 Martin restated the

⁴⁷15 September 1199, Grayzel, 1966, doc. 5, and for this category of bull, 5–6. For the canon concerning interest taken by Jews, adopted at the Fourth Lateran Council, see 313; also translated by Marcus, 137. For further discussion of papal policy in the thirteenth century, see Grayzel, 1979.

⁴⁸Dated at St. Peter's in Rome, 1 August 1406. Reg. Vat. 334, fol. 186; S. Simonsohn, 1989, doc. 570.

⁴⁹Rodocanachi, 146; Poliakov, 1965, 110. Stern, in his *Urkundliche Beiträge über die Stellung der Päpste zu den Juden*, devoted nos. 9 to 33 to documents issued during the pontificate of Martin V, as compared to the few (nos. 34–38) for that of Eugenius IV. But whereas Rodocanachi and others speak of Martin V as the best pope, so far as the Jews were concerned, S. Simonsohn, 1991, 73, points to his vacillations.

⁵⁰S. Simonsohn, 1989, doc. 596, and 1991, 69; Raynaldus, 27:503.

⁵¹"Redditus insuper et proventus a Christianis arrendare et colligere ac cum Christianis societatem in bonis contrahere. . ." (S. Simonsohn, 1989, doc. 609; Stern, no. 18: 29). In 1425, however, in a letter to the archbishop of Tarragona the pope acknowledged that his confirmation of privileges to the Jews had reportedly stirred popular

determination of the Holy See to provide security against Christian persecution in a bull that came to be known as the "Sanction extended to the Jews."⁵² It, too, opened with the words *Sicut Judeis*. The pope announced his acceptance of Jewish petitions for redress and his intention to "extend to them the shield of our protection."

The bull taxes over-zealous preachers with making baseless charges against the Jews and so fomenting popular uprisings and attacks upon them. It may well have been prompted by the anti-Jewish pogroms that took place in Vienna in 1420–21;⁵³ events like these were frequent in Central Europe and in Spain. In the face of such anti-Jewish acts, the pope proclaimed his will "that every Christian treat the Jews in humane fashion, and not inflict injury, molestation or aggression upon them in their persons, property or wealth, but. . . that they may enjoy mutual relations with Christians in accordance with the law, and be of service one to another." He also granted to the Jews by special grace that they should freely make use of and enjoy all and every privilege, grace, liberty, and concession, wherever it may have been originally granted, and specifically provided that inquisitors should not exercise any jurisdiction over Jews.⁵⁴

But the pope who was willing to listen to Jewish representatives was also willing to listen to their opponents. On 1 February 1423 he revoked the bull of 29 February 1422, perhaps as a result of the importunities of John of Capistrano.⁵⁵ In 1429, however, Martin reaffirmed *Sicut Judeis* for Italy. Again the preachers were forbidden to stir up their audiences against the Jews, and the latter were confirmed in their rights to own property, to practise their religion, and to engage in trade and commerce with their Christian neigh-

troubles in Spain, and he authorized the archbishop to suspend those privileges that he concluded were dangerous.

⁵²S. Simonsohn, 1989, doc. 614. For analysis, see Grayzel, 1962, 268–69. This bull was promulgated in response to the request of a delegation elected by assemblies (*Takanoth*) representing the Jewish communities of Rome, Padua, Ferrara, Bologna, the Romagna, and Tuscany (collectively *romaneschi*) in return for a financial contribution. The German translation of this bull was certified in the house of the Dr. Elya mentioned above, at n. 38 (Poliakov, 1965, 111–12).

⁵³On those responsible for provoking the outbreaks in Vienna, see Shank, 196–97.

⁵⁴A year later, Martin revoked the *Sicut Judeis* of 20 February 1422 by his *Nuper siquidem ad audienciam* of 1 February 1423 (S. Simonsohn, 1989, doc. 620). Simonsohn attributes the change of mind to anti-Jewish pressures on the pope. Hofer, 110, attributed it specifically to Capistrano.

⁵⁵S. Simonsohn, 1989, doc. 620; Hofer, 110.

bors. Again the pope expressed his desire for friendly relations between Christians and Jews.⁵⁶

Eugenius issued his own version of *Sicut Judeis* in the second year of his pontificate, on 6 February 1433. He restated the prohibition against the forcible baptism of Jews and reaffirmed their right to be secure in the ownership of their property and the exercise of their religious rites.⁵⁷ In a bull of 20 February 1435 Eugenius followed in the steps of his predecessor by forbidding preachers to stir up Christians against Jews in their sermons.⁵⁸

When Eugenius IV granted permission to the Florentine government to negotiate the contract of 1437 with Abraham Dattili, he was following this same policy of relative toleration.⁵⁹ His policy was in marked contrast to the position of the fathers at the Council of Basel who on 7 September 1434 decreed *inter alia* that Jews must wear distinctive dress and could not enter the profession of medicine.⁶⁰

We know that Eugenius took an active interest in Florentine policy regarding usury, and indeed had already attempted to alter it. By the bull *Iniunctum Nobis* of 4 December 1435 he quashed the Florentine statute that had conferred final jurisdiction in the definition of usury upon the court of the *Mercanzia* and had prohibited appeals to any other, even to an ecclesiastical court. He complained that such a statute was detrimental to the jurisdiction of the archbishop of Florence and of the Holy See, and he warned city officials against following this statute. In this bull he went on to quash all statutes detrimental to what he claimed were part of the jurisdiction and "the liberty" of the pope and the archbishop.⁶¹ The pope was

⁵⁶" . . . quod ipsis Hebraeis possit familiaritas intercedere cum Christianis." (Rome, 13 February 1429, S. Simonsohn, 1989, doc. 658; Stern, no. 31, 38–42.) "It was a courageous act for the pope thus to have set himself against the opinion-making preachers and the conciliar party among the Churchmen who, at the Council of Basel, acted to rescind all privileges granted the Jews." (Grayzel, 1962, 272.)

⁵⁷Simonsohn, 1989, doc. 694; Stern, no. 34, 43–45. Citing Stern, but misreading *Ides as Kalends* and forgetting about Easter, Grayzel, 1979, 157 incorrectly dates Eugenius's bull as 25 January 1432.

⁵⁸Stern, no. 38: 45.

⁵⁹Poliakov, 1965, 96, suggests that this papal authorization of a contract between a city and Jewish money-lenders may have been the first of its kind.

⁶⁰Hughes, 3: 328, re Session 19, citing Hefele-Leclercq, *Histoire des Conciles*, 7, pt. 3, 878.

⁶¹Document 1. *Iniunctum Nobis* is thus an example of the increasing papal pressure upon the judicial sovereignty of the city of Florence—the phenomenon noted by

attempting to maintain the principle that cases of usury should be under the jurisdiction of ecclesiastical courts in accordance with the canon law. The ideas enunciated in *Iniunctum Nobis* were later incorporated in the Episcopal Constitutions drawn up by Archbishop Antoninus.⁶² But how effective were such ecclesiastical pronouncements? As we shall see, *Iniunctum Nobis* did not prevent a secular court in 1441 from hearing the case of Salomone on a charge of engaging in usury.

Iniunctum Nobis says nothing about the Jews, but by *Quamvis Judei* of 24 December 1436, addressed to Castile, Eugenius prohibited their molestation and required all Christians to protect them against their persecutors. This bull, issued in response to the requests of Jewish envoys, contained promises of protection going beyond even those embodied in the 1422 bull of Martin V.⁶³

In June 1441, however, Eugenius addressed a new bull to Castile (and Leon), revoking the concessions granted under *Quamvis Judei* five years before.⁶⁴ The reasons given were that the Jews had misinterpreted the concessions and were abusing the privileges that had been so graciously granted. The real reasons for this "complete reversal," according to Max Simonsohn, were to be found in ecclesiastical politics. The Council of Basel had repudiated Eugenius on 25 June 1439 and elected Amadeus of Savoy, who took the name of Felix V. France and the Empire declared their neutrality between the two rival claimants to the papal throne. Aragon threatened to embrace the cause of Felix. Castile's representative at the Council was Bishop Alfonso of Burgos, a prominent advocate of an anti-Jewish policy in Castile who had recently left the Conciliar party to become a partisan of Eugenius. It was in these circumstances,

Martines, 1968, 246–310. Trexler, 1974, 167, has pointed out that "the extent to which Roman courts could judge matters dealing with internal Florentine affairs" would be "a key indicator of the real relationship between Rome and Florence."

⁶²Trexler, 1979, suggests the connection, at 253, n. 21. For the texts of the relevant Constitutions, 256–72.

⁶³Fliche and Martin, 14.2:444, citing Suarez Fernandez, *Castilla, el Cismo y la crisis conciliar* (Madrid, 1960), 373, who quotes from Reg. Vat. 370, fol. 231. The author describes this bull as "interessante car elle fixe bien la doctrine romaine," but it is in fact a repetition of the above-mentioned bull of Martin V of 1422. Now published by Simonsohn, 1989, as doc. 719, and discussed 1991, 74, 111–12, and 142.

⁶⁴Simonsohn, 1989, doc. 739, 9 June 1441. For commentary, see Simonsohn, 1991, 112.

according to Max Simonsohn's conjecture, that Eugenius hit upon the idea of sacrificing the Jews of Castile to the powerful bishop of Burgos.⁶⁵

The reversal of policy begun in June 1441 was more starkly stated and given more general application in a series of bulls issued on 8 August 1442. The principal one of these, *Super gregem Dominicum*, was granted in response again to the desires of Castile, but in the text itself Eugenius admits that it constituted a reversal of a policy applied universally by Martin V and earlier popes, and indeed by Eugenius himself.⁶⁶

Super gregem Dominicum forbade Christians in future to eat, drink, bathe with, or take medicines from Jews or Saracens, and forbade the latter to exercise public office, ply any trade in a Christian house, or keep company (*societatem habere*) with Christians. It forbade Jews to construct any new synagogues or expand existing ones. It required both Jews and Saracens to wear distinctive dress and to live within a certain boundary "segregated and separate" from Christians. Here we see enunciated the principle of the ghetto,⁶⁷ a century before the institution of that name in Venice.

The same bull of 1442 proclaimed that Jews should not exact any usury at all from Christians and that they should forthwith make restitution of what they had extorted from Christians by their "usurious depravity." Nor would they be allowed to appeal against this new dispensation on the basis of concessions granted to them in the past. The bull concluded with an express revocation of all privileges granted to Jews and Saracens, whether by the present pope, by Martin V, or by any of their predecessors.⁶⁸

⁶⁵M. Simonsohn, 48–50. The reversal of policy on the part of Eugenius is noted by Grayzel, 1962, 273, citing M. Simonsohn.

⁶⁶Simonsohn, 1991, 142–43.

⁶⁷For thirteenth-century beginnings of the ghetto, see Grayzel, 60 and n. 96.

⁶⁸Simonsohn, 1989, doc. 740, with extensive bibliography. Raynaldus, 28, no. 15: 398–400. That this was a reversal of policy was recognized by Raynaldus. Commenting on the tolerance of Martin V, he remarks that the Jews misused the apostolic benevolence. On that account the privileges granted to them, but which had encouraged them to become haughty, would be rescinded, "as we shall see," by Eugenius IV. Raynaldus, 27:560. The bull is also analyzed by Rodocanachi, 37–38. Pullan, 449–50, attributes the reaction against the policy of Martin V not only to the demands of the king of Castile, but to the influence on Eugenius IV of the Observantist Franciscans Bernardino of Siena and Giovanni of Capistrano. On Bernardino, see Sermo 43, "De impietatibus usurae," in his *Opera Omnia* (1635).

On the same date of 8 August 1442 Eugenius proclaimed a similar reversal of policy with regard to the Jews resident in the papal city of Avignon. During the earlier years of his pontificate Eugenius does not seem to have been ill-disposed to them, but the new bull cancelled all their considerable privileges and reintroduced most of the civil disabilities decreed by the Spanish (anti-) pope Benedict XIII.⁶⁹ Moreover, on 19 June 1443, in a bull that was not limited to Castile but universally applicable, Eugenius specifically revoked Martin V's *Sicut Judeis* of 20 February 1422.⁷⁰ It is clear that the years 1441–43 were marked by a general reversal of papal policy toward the Jews.

Salomone suffered his fate in the early months of the very year in which the pope embarked upon his new anti-Jewish policy. We have now to consider whether Salomone may have been left in the lurch partly as a result of the shift in papal policy.

The reversal of policy toward the Jews occurred during a period in which Eugenius was engaged in a general reversal of political policy in the Italian peninsula.⁷¹ He bitterly objected to the conduct

According to Hofer, it was Capistrano who persuaded Queen Johanna of Naples to issue her famous decree on the Jews, 3 May 1427 (1:136), but nothing is known, says Hofer, of what subsequent actions against the Jews Capistrano may have undertaken in Italy (1:140). Hofer is not well-informed on the policies of Eugenius IV and limits himself to the suggestion that the restoration of relative toleration in Naples and Rome seems to have provoked Capistrano to make a new attempt, with the support of papal authority, to enforce a literal construction of the Canon Laws regarding the Jews. Capistrano was doubtless the inspiration for the bull of Nicholas V of 23 June 1447 (Hofer, 1:321).

Poliakov calls attention to the *Consilia* against *Iudaeos foenerantes* drawn up by the canonist lawyer Alexander de Nevo in Padua between 1440 and 1455. In the first of these, published before 1442, Alexander develops his thesis around five "doubts," summarized by Poliakov (1965, 59–63). The fourth of these raised the question whether princes or communes could grant licenses for money-lending (*licentiae fenerandi*). The fifth, whether the pope may grant dispensations to princes or cities to contract condotte with Jewish money-lenders, according to current practice. The answer to both questions was "no," and the reference to condotta indicates that Alexander had in mind such a contract as the Florentine government negotiated in 1437 with the blessings of Eugenius IV.

⁶⁹Bardinet, 1–40.

⁷⁰S. Simonsohn, 1989, doc. 745; 1991, 75 and n. 93.

⁷¹Jewish sources speak of particularly severe measures of Eugenius IV against Italian Jews, but Max Simonsohn has asserted that such charges could not be proved and it was in any case unlikely that Eugenius would have embarked on so radical a change of policy in a region where he was not impelled to do so by political considerations, as he had been in Spain. But Simonsohn did not take account of Eugenius's shift from alliance with Florence and Venice to alliance with the king of Aragon during this period (M. Simonsohn, 53).

of his Venetian and Florentine allies who accepted the Peace of Cavriana (December 1441) with the duke of Milan on terms laid down by the allied general Francesco Sforza at the expense of the states of the Church, particularly when Sforza was left in possession of the March of Ancona. In 1442 the pope turned to the duke of Milan for support against Sforza, whom he excommunicated. In 1443 Eugenius made his final departure from Florence and later that year concluded an alliance with Alfonso of Aragon whose conquest of Naples he now recognized. This completed a diplomatic revolution that had enabled Eugenius to regain possession of the papal states and render himself independent at last from his erstwhile Venetian and Florentine allies.⁷²

THE PAWNING OF BORGO SAN SEPOLCRO

One step in the process of extrication from dependence on Florence was the surrender of the town of San Sepolcro. San Sepolcro was a small, walled town, surrounded by fortified castles, in a position to dominate the upper valley of the Tiber. Opposite it, eight kilometers to the southwest across the valley, lies Anghiari, where Florentine and papal troops won their decisive victory over the forces of the duke of Milan in June 1440. San Sepolcro was thus of strategic importance, to the pope or anyone else who wished to assure communications between the Romagna and regions to the south, and to Florence for the protection of the southeastern corner of her territory.

In 1432 Eugenius IV made a gift of Borgo San Sepolcro, which had accepted the lordship of the pope at the turn of the century, to Niccolò Fortebraccio, the condottiere whom he had recently appointed to serve as captain of the armies of the Church.⁷³ But in the following year Fortebraccio defied the pope in a dispute over pay, provoking the pope to send other forces against him.⁷⁴ Fortebraccio became an instrument of the duke of Milan. Marching through the papal states and up to the walls of Rome, he forced Eugenius to

⁷²It was also in the year 1443 that Eugenius ended the Medici's role as bankers to the papacy. Throughout the pontificate of Martin V, and that of Eugenius until 1443, the office of Depositary General was held by the manager of the Rome branch of the Medici bank. Angered at the Medici for supporting Sforza, Eugenius substituted another Florentine banker, Tommaso Spinelli. De Roover, 1966, 198.

⁷³Ammirato, 4:444 and 446.

⁷⁴Ibid., 459.

abandon the city (May 1434).⁷⁵ Within a year, however, Fortebraccio was dead, killed in combat against troops in the papal service.⁷⁶

Fortebraccio had married the daughter of Count Guidi of Poppi, the last large independent feudal enclave within Florentine territory. The count now occupied San Sepolcro and announced that he was holding it as security against recovery of his daughter's dowery. To recover San Sepolcro, Pope Eugenius sent Giovanni Vitelleschi, the condottiere-bishop who had shown such prowess in recovering other parts of the papal states, and whom he rewarded with the titles of Patriarch of Alexandria and Archbishop of Florence.

The prospect of conflict between two of her allies prompted Florence to intervene, first with diplomacy and then with a military occupation of the fortresses commanding the town.⁷⁷ Her action succeeded in antagonizing both contending parties and creating the suspicion in the mind of the pope that the Florentine purpose was to annex Borgo San Sepolcro.

Some Florentines were no doubt tempted to hold on to the fortresses, but concern for the traditional alliance with the papacy eventually prevailed. The government decided to restore possession to the pope and to convey to him the following declaration (16 April 1436):

Whereas the territory of Borgo San Sepolcro, which was being held, and was improperly occupied, by certain adversaries of Your Blessedness; and, for the easier reduction thereof, at the desire and with the consent of Your Blessedness, we received it into our possession,

Wishing to exhibit our good faith, and to deprive all doubters of any ground for dispute, we declare by the tenor of these presents to Your Holiness, and to all who may see them, that

We are holding and preserving the said territory of Borgo San Sepolcro for Your Holiness, and in your name, and that

On the demand of Your Blessedness we shall restore the said territory of Borgo San Sepolcro, with all of its fortresses, to Your Blessedness, or

⁷⁵Bruni, 452, lines 5-10; Ammirato, 4:465; Salvatorelli, 328-9.

⁷⁶Creighton, 2:324.

⁷⁷ASF, Signori-Carteggi, Legazioni e Commissarie, Elezioni e Istruzioni a Oratori, no. 10 (1435-1437), fol. 32: Nota della commissione a Giuliano Davanzati, 5 January 1436; and *ibid.*, fol. 35-v, for the commission to Giovanni Vespucci, 20 January. Bayley, 165, relying on Cavalcanti, says that it was Eugenius who suggested the Florentine occupation.

to him or to them who may be designated by Your Holiness, in fact and without any condition or *cavil*.⁷⁸

Thus, in 1436 Florence gave up her occupation of Borgo San Sepolcro in deference to the pope's claim to legitimate possession. Florentine statements of foreign policy during 1435 and 1436 are full of reaffirmations of support for the temporal power of the papacy and restoration of papal possessions. For example, Florence's envoy to Francesco Sforza was instructed to encourage him "to do whatever is requested by the pope regarding the reacquisition of the lands of Holy Church that have been occupied by our adversaries."⁷⁹ And the Florentine ambassador to Venice was instructed to try to persuade his hosts to accept terms that were being proposed for peace on various grounds, but "first of all because we consider that it will greatly benefit the pope's State, which will regain the lands and the temporal dominion which, it may be said, has been almost totally lost, as well as the spiritual power, which is facing the greatest danger [from the Council of Basel]."⁸⁰ To have refused to restore Borgo San Sepolcro would have been dangerous at a time when Florence needed the pope's support against Milan.

In 1440, however, the situation changed. After Anghiari (29 June 1440) the threat from Milan was less immediate, and the need of papal support correspondingly less. The regime of Cosimo de' Medici was convinced that its destiny was bound up with that of Francesco Sforza, which meant supporting his continued possession of the March of Ancona, while the pope was more than ever determined to recover that province. As the policies of Florence and the pope began to diverge, the future of Borgo San Sepolcro became open to question.

⁷⁸ASF, *Missive* 35, fol. 34v and BNC, MS. Panciatichiano 148, 18-18v. See also the following letter, undated, notifying the pope that the town and all its fortifications had actually been restored to papal dominion, and apologizing for the delay. Two days earlier the pope had "forgiven" the inhabitants of the town for any actions they might have taken during the period when it had been lost to papal control and welcomed them back into the dominion of the Church. (Reg. Vat. 366, fols. 157v-58).

⁷⁹ASF, Signori-Carteggi, Legazioni e Commissarie, Elezioni, Istruzioni, Lettere, no. 10 (hereafter "Leg. 10"), fol. 5v, *Nota* for Nofri de Giovanni Parenti, 19 May 1435.

⁸⁰"Prima perche veggiamo molto vantaggiarsi lo stato el papa che n'ara le terre, et il dominio temporale che si puo dire essere quasi in tutto perduto. Et lo spirituale che e in grandissimo pericolo." (ASF, Leg. 10, fol. 25v, instructions for Marcello Strozzi, 25 July 1435.)

The man who raised the question with the Florentines was Sigismondo Pandolfo Malatesta, lord of Rimini from 1432 until his death in 1468 and a soldier who had served under Francesco Sforza and on behalf of Pope Eugenius.⁸¹ Sigismondo must surely be aware, said the Florentines in their reply to his letter, of the disturbance and damage that had been inflicted upon Florentine territory from San Sepolcro and of the character of the men into whose hands it had fallen since the death of Martin V, restless and turbulent lords like Niccolò Fortebraccio and Niccolò Piccinino.

Taking all this into account, we had long since decided to try to provide that no more injuries could be inflicted on us from that town. If however the town should come back into your hands, we should be happy, because we should expect to find you only the best and most desirable of neighbors. But as we see that this has not yet happened, and seems unlikely to happen in future, Your Magnificence should not be surprised if we give thought to what has to be done to assure our tranquillity.⁸²

The Florentine desire to secure San Sepolcro coincided with a critical shortage of funds in the papal treasury, which had suffered like that of the Florentines from the strain of the struggle against Milan. An accommodation was accordingly arrived at. "Despite the victory at Anghiari," in Machiavelli's words, "as the pope was out of money, he sold the castle of Borgo San Sepolcro for twenty-five thousand ducats to the Florentines."⁸³ But how could the pope bring himself to sell the property of the Church, and how could the Florentines violate their long-stated policy of respecting papal dominion, and indeed of restoring to the pope the dominions that had been lost?

The parties solved the difficulty by describing the transaction as a loan rather than as a sale.⁸⁴ The pope would leave Borgo San

⁸¹Chambers, 196.

⁸²Florence to Malatesta, 14 December 1440. BNC, Ms. Panciatichiano 148, fol. 144v.

⁸³Machiavelli, 2:63 (bk. 6, ch. 3, lines 11-14). The sentence is isolated, with no further reference to the subject in the preceding or following text.

⁸⁴Theiner published the instrument executed by the Florentine government confirming its side of the contract in 3:348-49. The key paragraph reads: "Cum . . . Dominus Eugenius . . . dederit et concesserit *in pignus* (italics ours) magnifice Communitati Florencie terram Burgi S. Sepulchri, cum territorio, iuribus et pertinenciis suis pro quantitate et summa florenorum viginti quinque millium . . . ad habendum, tenendum et possidendum . . ."

Sepolcro as a pawn in the hands of the Florentines until such time as he or a successor might repossess it by paying back the "loan" from the Florentines.

The Florentines, also in a difficult financial situation, would have found it hard to find the price of Borgo San Sepolcro had it not been for the proceeds from the fine imposed at this time on Salomone. That the proceeds were indeed devoted to this purpose is not in question. A contemporary jurist, Thomas de Salvetti, in his *Expositiones libri secundi Statutorum Florentinorum* undertaken in this very year of 1441, sets forth the facts of Salomone's case when he comes to describe procedure in cases involving usury and concludes that the proceeds of the fine were devoted to paying Eugenius IV, then resident in Florence, twenty-three [*sic*] thousand ducats for acquiring possession of the territory of Borgo San Sepolcro for the Commune of Florence that year.⁸⁵

Eugenius was aware that the Florentines had wrung from Salomone everything that he possessed. This is evident from a letter that seems to have escaped the notice of previous students of the Salomone case. The letter, dated 25 April 1441, reveals that one of Salomone's sons had converted to Christianity and so merited relief from the degradation which, according to information received by the pope, had been inflicted on the rest of the family. After an opening paragraph calling attention to the efforts of the Apostolic See to promote the realization of the fruits of Christ's sacrifice, the letter refers to the events that had befallen Salomone: "From reliable sources we have learned that a certain Salomone Bonaventure of Prato, a Jew, was sentenced by (left blank), the Official [*podestà*] of the Commune of Florence, on certain grounds to pay a great sum of money to the treasury or *Camera* of the said Commune, and then, in the execution of the said sentence and penalty, for alleged failure to fulfill the sentence, he was sent to prison, where he is still at present being held." Next we learn of the son's conversion:

Recently, by divine grace, our dear son Benedictus Paulus, one of the progeny of the said Salomone, then called Isaac, has, after abandoning the errors of Judaic blindness, been able to rise to the holy and true religion

⁸⁵Doc. 2. Salvetti was aware of the legal situation of Salomone and his sons, for he had been present as a witness to the act of 29 October 1438 (cited in n. 6), by which the sons had been named as associates of Abraham Dattili.

of Christianity, and to be purified by holy baptism. Consequently, in accordance with the pastoral duty enjoined upon us, we have taken the aforesaid Benedictus Paulus, who until recently was a deviant from the true pastor's flock, and accepted him like a new-born lamb as our adopted son in Christ into our protection and that of the Holy See.

This implied concern not only for the young man's spiritual but also for his material welfare.

And since, as we understand, all and every piece of personal and real property, *iura et actiones* of the said Salomone are said to have been transferred to the above-mentioned treasury, in consequence of the said sentence and attached penalty, in such fashion that nothing is thought to be left; taking pious pity on the said Benedictus Paulus, and

in the belief that enough has been wrung from Salomone and his sons,

We subtract and reserve the sum of two thousand gold florins, which we consider adequate to provide for his food and other necessities, and by the plenitude of our apostolic power we give and concede and assign in perpetuity by virtue of the faith to the same Benedictus Paulus, for him, his heirs and successors, enjoining our dear sons, the Priors and Standard-Bearer of Justice of the said Commune . . . , as faithful defenders of the Catholic faith, within three days, counting from the date of receipt of this letter, to convey and assign the aforesaid sum of two thousand florins, subtracted from the said sentence and penalty, to be transferred in deed and fact to the aforementioned Benedictus Paulus or his legal representative, for him and his heirs and the successors of the aforesaid Benedictus Paulus.⁸⁶

Only piety could suppress the suspicion that Benedictus Paulus was being rewarded for having betrayed his father, perhaps by tipping off the authorities about the irregularity in his father's conduct (Salomone had been lending money publicly in Florence for two years) or perhaps by helping the authorities locate and collect all of Salomone's assets: we know that it took many months and a great deal of travel and work on the part of Salomone's sons to collect the required amount of money.

The pope's letter reveals that he was aware of the severity of the punishment being inflicted upon Salomone and his family, but he does not seem to have challenged the jurisdiction of the Florentine court except to order the remission of part of the fine to the son who had been converted to Christianity. Why did the pope not challenge

⁸⁶Reg. Vat. 360, fols. 65-66. For the Latin text, see doc. 3.

the secular encroachment in this case of alleged usury? Because Salomone was a Jew, or because by 1441 the pope had lost his influence with the government of Florence, or because the sacrifice of Salomone was linked with the disposition of Borgo San Sepolcro? All we know is that Eugenius accepted the money in return for San Sepolcro, apparently untroubled by knowledge of its origins.⁸⁷

THE CASE OF SALOMONE RECONSIDERED

In his assessment of the sentence handed down by the podestà, Panella judged it to be legal in form but illegal in substance⁸⁸ because the judge had based his opinion on the law of 1406 and had ignored the abrogation of this law by the capitoli of 1437. But, as Cassuto has pointed out, the law of 1406 had not been abrogated; the capitoli of 1437 exempted Dattili and his associates from the provisions of the law of 1406, but the exemption covered only those named by Dattili. Thus, according to Cassuto, Panella had "gone too far" when he asserted that the sentence was "illegal in substance;" indeed, "the sentence cannot be said to be illegal."⁸⁹

Panella also thought that the officials of the *Monte Comune* had authorized Salomone's inclusion among the Jews who had been permitted to exercise money-lending in Florence.⁹⁰ But, according to Cassuto, the Monte document cited by Panella cannot be regarded as a definitive permission and must indeed be seen in a quite different light.

The order of events began first with the conclusion of the contract with Dattili on 17 October 1437. A year later the officials of the Monte in the document recording Salomone's annual payment of 800 florins for the privilege of carrying on his bank not in Florence but in Prato (where it had been functioning for several

⁸⁷Eugenius was not hesitant to accept interest. His large investments in the Florentine *Monte* called for regular interest payments, and when these were not forthcoming, he sequestered the property of Florentine merchants in the papal states (August 1446) and imprisoned the Florentine ambassador, Bernardino di Antonio de' Medici, who was released only after paying the 5000 fl. owing to Eugenius out of his own pocket (Kirshner, 351-52). Whether such interest on government bonds was or was not "usurious" was the subject of current debate. Eugenius was not dissuaded by San Bernardino's opinion that it was.

⁸⁸Panella, 339.

⁸⁹Cassuto, 128.

⁹⁰Panella, 340.

years) included a rather vague provision that he might extend his activities to Florence *if* he got license from the Signoria for this purpose. But there is no record that Salomone ever pursued this course.

Instead, as Cassuto puts it, Salomone got his way by another route: by getting the nomination of his sons by Dattili's son Manuel on 29 December 1438.⁹¹ Cassuto ventures the opinion that Salomone must have thought that the practice of lending money within the city of Florence would thenceforth be open to him. If he had thought otherwise, he could easily have added his own name to those of his sons.⁹² But one could put the question otherwise: if it would have been so easy to add his own name—and so avoid all the subsequent disaster—why did he not do so? With his long experience he must have known how important it was for a Jew to keep strictly within the law. The capitoli were specific in their prohibition against any Jew lending money in Florence except those specifically named. Therefore, Salomone may have had a reason for omitting his own name.

For Cassuto, who discovered the 1438 document naming the sons but omitting the name of the father, the issue was different from what it had been for Ciardini and Panella. For Cassuto the nub of the question was Salomone's role as the guardian of his sons. Should he have been condemned for action that was permitted to someone representing them although it was forbidden to him in his own right? He was found guilty, as Cassuto sees it, on the basis of a "very subtle distinction."⁹³

Among the documents produced by Gene Brucker regarding the Jews in Florence is one under the date of 1435 in which a Solomon of Prato (surely our Salomone) and others had been accused of certain (unspecified) crimes against the Catholic faith. His accuser had asked the pope to take action against him. In this case the podestà ruled that Salomone had been a victim of attempted extortion. Nevertheless, as the court reported, Salomone and the other Jews implicated felt "so menaced by these crimes" and by the supplication to the pope concerning them, and were so "inspired by fear," that they had agreed to pay the extortioner.⁹⁴

⁹¹Cassuto, 126–27.

⁹²Cassuto, 127.

⁹³Cassuto, 128–29.

⁹⁴Brucker, 1971, 247, citing ASF, *Atti del Podestà*, 4489, fols. 21–22v.

The 1435 case, which none of the commentators on Salomone's conviction in 1441 seems to have noticed, tells us (1) that Salomone had enemies in Florence and (2) that his name was already on the records of the court before which he would appear again in 1441. For such reasons he may have thought it prudent not to flaunt his own name as a practicer of "usury" in the city.

THE QUARREL BETWEEN FLORENCE AND THE PODESTÀ

While differing with his predecessors regarding the legal grounds for the condemnation of Salomone, Cassuto shared their suspicion that it was determined by political rather than by legal considerations.⁹⁵ Panella had raised the question whether there might have been some agreement between the podestà and the Signoria and suggested that what occurred should perhaps be described as "a kind of legalized violence, with the connivance of the judge."⁹⁶ These suspicions were raised in Panella's mind by his reading of the documents he discovered and published concerning the quarrel that developed between the podestà, Nicholas Porcinari, and Florence after the trial was over. Most of the documents were drawn from the *Missive* issuing from the Florentine chancery some years later. Panella complained that the beginning of the controversy remained obscure because of a gap in the documents, and that the first he had found that threw light upon it was dated 30 April 1444.⁹⁷ It belonged, therefore, to the period when Carlo Marsuppini had taken over the duties of chancellor from Leonardo Bruni. The *Missive* issuing from Bruni's chancery after 1437 are indeed missing from the Florentine Archives, as Panella complained, but are to be found in a volume, which he evidently overlooked, in the *Biblioteca Nazionale Centrale*.⁹⁸ This includes several that do reveal how the controversy was viewed in Florence from the beginning and no doubt reflect the attitude of Bruni himself.

⁹⁵Cassuto, 199 and 201.

⁹⁶Idem, 349.

⁹⁷Panella, 345-46. The letter in question, from Florence to the citizens of Aquila, 30 April 1444, he found in ASF, *Signori e Collegi*, *Missive I Cancell.*, 36, fol. 6-8, and published as appendix 3 to his article, 361-63.

⁹⁸Ms. Panciatichiano 148, entitled *Leonardi Arrentini Epistolae Reipublicae Florentinae nomine exaratae*, henceforward cited as PAN.

Not long after Porcinari left office, the Florentine government informed his native city of Aquila that he had fulfilled his duties as podestà to their satisfaction.⁹⁹ Such a letter was routine; as Bruni stated in his treatise "On the Florentine Constitution," "the term of these offices is six months; when the period comes to an end, these judges are investigated before leaving, and are held to account for their conduct in office."¹⁰⁰ But although routine, this first letter after Porcinari's departure is noteworthy because it indicates that at that time the Florentines had no complaints against Porcinari's conduct in office.

Soon, however, the atmosphere was altered, evidently as a result of an appeal that Porcinari had induced the city council of Aquila to address to Florence on his behalf. From the Florentine reply we learn that Porcinari was demanding his share of the proceeds of the fine he had imposed on Salomone. We may note here that Porcinari had been able to extract nothing from Salomone at the time of sentence, and that the fine had finally been paid in a series of installments in April and May,¹⁰¹ only after he had been put in jail by order of the Signoria. Was Porcinari entitled to a part of the fine? The Florentine answer was that "our constitution concedes, only to those judges who actually exact the condemnation, the two shillings per pound (i.e., 10%), and from the money which the particular judge has actually exacted, rather than from the money he may have condemned the convicted party to pay." Furthermore, "in the case of the Jew who was condemned by Sir Nicholas (Porcinari), there is this additional point: that he had no jurisdiction over him without a commission from our officials who are called the Eight of the Guard. But these officials gave their commission to the said Sir Nicholas with this reservation: that he should receive absolutely nothing from the condemnation in this case. Therefore there is no force whatever to Sir Nicholas' complaint."¹⁰² In a later

⁹⁹3 March 1440/41, BNC, PAN 148-148v.

¹⁰⁰Griffiths, 173. The date of Bruni's treatise, written in Greek, is presumed to be c. 1439.

¹⁰¹Panella, 342.

¹⁰²Doc. 4. Bruni is correct, if he is referring to the provisione of 1406 (cited in n. 7), but if in using the term "statutum" he is referring to the constitution of 1415, this permits the judge to be compensated from the property of the convicted party ("ex bonis delinquentis"). See Panella, 338. Why did the Florentines require Porcinari to renounce in advance any share of the fine? Perhaps they were influenced by Antonino who, in his chapter "De infidelitate Judaeorum" quotes from the letter of St. Thomas

letter dated 15 July 1441 the discussion about jurisdiction is expanded into one regarding the initiation of the case:

In a previous letter we explained that the proceeds of a condemnation go not to the sentencing judge but to the one who exacts the fine. If he (Porcinari) wants to say that it was he who arrested this man and who sent him to prison, he should know that this is not true, since the man was summoned by *us* and kept in detention in *our* palace [i.e. that of the Signoria, the emphasis ours] before he [Porcinari] began the proceedings against him.

Finally, the podestà of Florence has no jurisdiction over the Jews, as is clear in the statutes of our city. He did not have the authority to proceed against him, nor to arrest him or decide his case, and the whole business pertained to the office of the Eight of the Guard, not to the podestà.

Thus the crime or transgression was not discovered and investigated by the podestà, but by the office of the Eight of the Guard, and the arrest or detention of the delinquent party was not carried out by the podestà, nor was he put in prison by him, but by us [i.e., the Signoria] and by the Eight of the Guard. This man was held in detention in our palace even before the podestà proceeded against him under a commission of the Eight of the Guard.¹⁰³

Bruni's emphasis on the fact that Salomone had been arrested and detained on the initiative of the Signoria and of the Eight surely merits attention. It is clear that Bruni believed that the prosecution was justified. The government must have been in possession of information that distinguished Salomone's activities from those of the other Jewish bankers, who were allowed—and indeed encouraged by Medici policy—to continue their activities undisturbed.

Porcinari's next move was to seek the support of Alfonso of Aragon, who had recently gained the crown of Naples (12 June 1442). Since Aquila belonged to the kingdom of Naples, it was appropriate to seek the support of the royal government for the reprisals that the city proposed to invoke against Florence. Porcinari evidently hoped to gain by making his case an issue between Alfonso and Florence. To his old friend Giovanni, a younger son of Cosimo de' Medici, he reported that "I was in Naples for Epiphany (6 January),

Aquinas to the duchess of Brabant as follows: "Pecunia tamen ab eis ablata poene nomine non potest retineri a dominis seu officialibus punientibus" but must be restored or devoted to pious purposes. (Antoninus, *Summa Sacrae Theologiae*, 4 vols. [Venice, 1581–81], vol. 2, tit. 12, cap. 3, 3, cited by Poliakov, 1965, 56.) "The official position of the Church was that the princes sinned in using for their own purposes the money thus confiscated." Grayzel, 1966, 49.

¹⁰³Doc. 5.

and to enhance my case secured a new executive order from His Majesty, which I fear may cause great displeasure to some friend of yours."¹⁰⁴ The Florentine government reacted by sending the following letters to Porcinari and to the king. The one addressed to Porcinari is curt: "We see that Your Grace has not given up the attempt, unworthy and dishonorable as it is, to obtain reprisals. . . [but it] does you no good to claim that you have gained the concession from the king of Aragon, because we are quite certain that that excellent prince would not favor procedures that are dishonorable and improper."¹⁰⁵ The king had indeed written to the Florentines on Porcinari's behalf, as is evident from their reply:

Your Serenity recommends to us a certain Nicholas de Porcinari . . . , who once exercised the office of podestà in our city. In his letter to us he claims that he obtained confirmation of certain reprisals against Florentine citizens from Your Majesty, but we do not believe that this is true. For it is one thing to make a recommendation, and another to concede reprisals. . . If, however, Your Serenity, perhaps misinformed by what he may have said, did make some concession, we humbly request that you deign to revoke that concession.¹⁰⁶

But the Florentines had not succeeded in putting the issue to rest. A year later they were complaining to the magistrates of Aquila that they had given false information to the king. This letter of 30 April 1444, the first of the Florentine communications on the subject known to Panella, adds little to our understanding of the case, but it does provide specific evidence of how widely knowledge of the case was shared among leading members of the community. This was relevant to the Florentine challenge to Porcinari to come to Florence to have his claim heard before an impartial podestà. Were he then to continue to deny what the Florentines asserted was the truth, he would be confronted by, among others, the notary public, Amerigo Vespucci,

a righteous and trustworthy man, before whom he renounced any profit or emolument that might come from a condemnation of the Jew.

Moreover [the letter continues], there are innumerable witnesses, respectable and honest men, to whom he had declared, not once but many times, that he would never ask for anything for that condemnation: first

¹⁰⁴ASF, MAP, fol. 7, c. 248; published by Panella, 367. The date and transcription are uncertain.

¹⁰⁵Florence to Porcinari, 3 June 1443, BNC, PAN, 210.

¹⁰⁶Florence to the king of Aragon, 1 June 1443, BNC, PAN, 209v.

of all the Priors and Standard-Bearer of Justice then in office affirm that he had many times said that whatever action he took against that Jew, he would take not for money, because he neither wanted nor hoped for any emolument from it, but first of all for the sake of justice, and secondly for our good will, and finally for the honor and glory that he thought he would gain from it.¹⁰⁷

When Panella took notice of the evidence of involvement of members of the Signoria before the judge had pronounced his sentence, he saw this as an indication of collusion between the judge and the governmental body that was to benefit from the proceeds of the fine, but three considerations suggest a different interpretation. First, if connivance there was, would the Florentine chancery have broadcast the evidence of the government's misconduct to the magistrates of Aquila, not in just one, but in a series of letters? Secondly, would the conspirators have shared their plan with a large number of people, among them some we know to have been of respectable character? It is incredible that not one of these should have protested or left any criticism of such a mockery of justice.

Finally, Panella seems to have misunderstood (partly because he did not have the Florentine documents for the years 1441–44) the relationship between the Eight and the podestà. A process had been underway since at least the turn of the century to subordinate offices like that of the podestà, occupied by a foreigner, to newer bodies like that of the Eight who were Florentine citizens.¹⁰⁸ The function of the podestà was being reduced to little more than the formal executioner of cases initiated by the Eight. This is exactly what the Florentines in the letter of 15 July 1441 were trying to explain to the Aquilani. Far from feeling any embarrassment at the revelation of “connivance” between the city authorities and the podestà, they

¹⁰⁷Florence to the magistrates of Aquila, 30 April 1444, ASF, *Missive* 36, fols. 6v–8, transcribed by Panella, 361–63. The Amerigo Vespucci mentioned in the letter was the grandfather of the one who gave his name to the new world. The family is portrayed in a fresco by Ghirlandaio in the Vespucci Chapel of the church of Ognissanti in Florence, where the grandfather is the white-haired old man, with his face turned away from the spectator. He died in 1472 at the age of 74. Pohl, 208–09. For further information on the Vespucci, see Brucker, 1969, 95. On 4 July 1444 the Florentines reasserted their position in a letter to the magistrates of Aquila, in which they confirmed their readiness to have Porcinari's case heard by the current podestà, but maintained their refusal to submit to the jurisdiction of any outside court. ASF, *Missive* 36, fol. 2, transcribed by Panella, 364.

¹⁰⁸Zorzi, 42 ff.

were at pains to emphasize the role that the Eight had played in the initiation of the case.

The involvement of the Eight prior to the trial (and the timing was a factor that appeared to Panella particularly damning) was thus in conformity with recent Florentine constitutional law, as first pointed out by the letter of 15 July 1441 from Bruni's chancery. That the Eight had taken the initiative in drawing up the case with the knowledge of the Signoria is not therefore evidence of connivance or collusion, as Panella thought, but in accordance with the role assigned to this body in recent decades. Furthermore, jurisdiction over Jewish money-lenders (at least, the authorized ones) had been assigned under the capitoli to the Eight.

The reader will have noticed that neither side in the quarrel between Florence and Porcinari even suggested that Salomone had been a victim of injustice. The quarrel was confined to the question whether Porcinari was entitled to a share of the proceeds. Two explanations seem possible: that the parties felt that Salomone's guilt was so obvious as not to be worth discussing or that the parties were completely insensitive to the possibility of injustice when the subject was a Jew.

A SALOMONE PROTÉGÉ OF THE POPE IN BORGO SAN SEPOLCRO

Why had the Signoria taken the initiative in summoning Salomone and detaining him in their palace well before the podestà was authorized to proceed against him? If their sole motive was to deprive Salomone of his fortune, this would have been hard to explain to the "innumerable witnesses, respectable and honest men" who had been made aware of the podestà's intentions. The careful and public preparation of the case by the Eight and the Signoria calls for a more adequate explanation than the prospect of a few thousand florins. It is hard to suppress the suspicion that the Florentine government had a political and not merely a financial motive.

We have already noted that the prosecution of Salomone took place at a critical time in the relations between Florence and the pope. One hypothesis might be that Salomone had been a papal protégé who suffered when relations between Florence and the pope were strained.

Possible support for such an hypothesis comes from papal documents conferring privileges upon a Salomone Bonaventure in

Borgo San Sepolcro and in neighboring Città di Castello. In 1430 Martin V conferred upon this Salomone the privilege of enjoying a monopoly of money-lending, to the exclusion of other Jews, in these two towns, both then under the papal dominion.¹⁰⁹

The Salomone "from Città di Castello" is described in the documents as the son of Bonaventura who, with Bonaventura's brother Manuel, had enjoyed the privilege under capitoli granted by Pope Boniface IX in 1390.¹¹⁰ The question is whether "our" Salomone, also the son of a Bonaventura but who is described by Casuto as the brother rather than the nephew of a Manuel, could be the same as the Salomone from Città di Castello. Our Salomone, sometimes designated as from Prato because he established a money-lending business there before eventually coming to Florence, was actually born in Lucignano, where his father Bonaventura resided.¹¹¹ Lucignano is less than fifty kilometers as the crow flies from Città di Castello; Bonaventura could have reached it much more readily than more distant Prato.

The Salomone Bonaventure of Città di Castello had been granted an unusual favor by the pope the year before the confirmation of the money-lending monopoly. Salomone had complained to the pope that certain Christians, some papal officials and some private persons, had been harassing him and getting him arrested for the purpose of extorting money from him. In response to Salomone's complaint the pope in 1429 provided that any criminal charge, short of lèse-majesté and murder, against Salomone or any member of his family must be heard by Brother Nicholas, the bishop of Tivoli, who was a member of the pope's personal staff.¹¹²

If the Salomone who enjoyed such papal favor and protection in Città di Castello and Borgo San Sepolcro continued to be a papal protégé under Eugenius IV, he would probably have lost his position when Eugenius abandoned San Sepolcro to the Florentines, especially because at this time the pope was engaged in reversing Martin's policy of extending protection to Jews. If the two Salomones could indeed be shown to have been the same person, this

¹⁰⁹S. Simonsohn, 1989, doc. 671.

¹¹⁰Published by Toaff, 1975, 40 and ff.

¹¹¹According to information kindly supplied by Michele Luzzati, on the basis of a document drawn up on 18 April 1420 in Pisa: ASF, Notarile Antecosimiano, ser Guglielmo di Bartolomeo Franchi, vecchia segnatura archivistica F 598 (1421), cc. 9-10v.

¹¹²S. Simonsohn, 1989, doc. 666.

would help to explain the victimization of the former papal protégé at the time when the pope was no longer willing or able to protect him. Until the records yield better indication that such identification is justified, however, the hypothesis must remain only a conjecture.¹¹³

FLORENTINE JEWISH POLICY AND THE IMAGE OF "RENAISSANCE FLORENCE"

Salomone was not the victim of underhanded connivance between judge and prosecutor or of a technical miscarriage of justice, though we cannot know the motives of those involved in his case. Indeed, we have good reasons not to call this quite legal proceeding fair or just. Yet our own sense of justice, more concerned perhaps with equity and fairness than with the letter of the law, should not be allowed to obscure the fact that Salomone's prosecutors, the Signoria and the Eight, prepared the case against him with the public cooperation of a number of citizens of good repute. The Eight even required the judge to forswear his share of the eventual fine, perhaps in order to assure his impartiality, or perhaps to conform to the injunction of Saint Thomas Aquinas and of their own future Archbishop Antonino, according to whom judges and rulers should take no part of the fine imposed on Jews for engaging in usury.¹¹⁴ The Signoria challenged the judge to return to Florence for a hearing regarding his claim, thus indicating that they had no fear that their reputations would be put at risk by a public investigation. The conduct of the case was reviewed and found to be correct by the chancellor, Leonardo Bruni, a man known for his probity and concern for justice.¹¹⁵ The unusual size of the fine was

¹¹³It is curious that those who have written about our Salomone's case make no mention of the Salomone of Città di Castello, while those who have written about the latter, including S. Simonsohn, make no mention of the Salomone case in Florence.

¹¹⁴See n. 102.

¹¹⁵Bruni had a closed mind toward Jewish culture: in a letter to Giovanni Cirignano of Lucca on 12 September 1442 (*Ep.*, ed. Mehus, 9:12; translated in Griffiths, 333–36), he confessed that he could see no value in the study of Hebrew, as contrasted with Greek and Latin. Challenged to explain the apparent contradiction between the condemnation of Salomone and the principle enunciated in his *Eulogy of Florence* (quoted in our opening paragraph), he would no doubt have replied that Salomone had been found guilty of breaking the law and had suffered no injustice, but we may wonder whether, when Bruni claimed that "everyone, citizen or alien" could expect justice in Florence, he had

remarked upon by one contemporary, but otherwise there was no suggestion of any foul play until the twentieth century.

Salomone's conviction and heavy fine could be taken as an indication that Jews faced a dark future, but before venturing to say what the case tells us about the character of "Renaissance Florence," we need to look at it from the perspective of the Jewish experience there during the rest of the fifteenth century. Two points need to be made:

(1) Jews were not denied access to judicial review. They could and did seek relief in the courts, even in Christian courts, and the oath of a Jew was as valid as that of a Christian before the court of the Eight.¹¹⁶ Salomone could not look to this court for relief, for he was not one of those entitled under the capitoli to its protection. It had been the Eight, after all, who had initiated the case against him, and precisely on the ground that his activities had not been in accord with the capitoli.

Salomone was, however, able to find some relief by an appeal to the Signoria. After his sons had finally paid his fine, but not soon enough to avoid the 25% surcharge for failure to do so within the specified month's time, he submitted to the Signoria in July 1441 a plea that he be released from prison, his name be erased from the debtors' list, and he be relieved of the surcharge on the ground that there was little left of his possessions. This plea was granted by the Signoria by passage of a special *provisione* to this effect.¹¹⁷

(2) Such toleration as the Jews enjoyed in Florence was the result of the calculated policy of the Medici in contravention of the popular inclination and traditional policy. It was the Medici who favored the use of Jewish money-lenders as a necessary recourse for those in the lower ranks of society. Though Salomone and his sons were put out of business, the other Jewish banks recognized under the capitoli of 1437 continued to function as long as the Medici were in power. It was only after their expulsion, and under the influence of Savonarola who had taken over the program of the Franciscan

Jews in mind. He was more likely thinking of the many (Christian) citizens of other towns in Italy or from other countries who were currently residing in Florence. Justice, then, for Bruni and presumably for his contemporaries, had a rather restricted meaning.

¹¹⁶Ciardini, 6.

¹¹⁷Panella, 343.

preachers, that the Jews were ordered in 1496 to leave Florence. Their function as suppliers of credit to the lower classes was to be assumed by the *Monte di Pietà*. When the Medici returned to power in the sixteenth century, they again called upon Jews to play an important part in the economic development of Tuscany.¹¹⁸

In the Florence of the fifteenth century, however, the Medici were not absolute rulers. There was a constant tension between their partisans and those who sought to return to the pre-Medicean communal tradition. Treatment of Jewish money-lenders was a case in point. In 1444 the commune wanted to tax them, and so accused them of "diverse errors and breaches of their capitoli." They were ordered to pay the sum of 6000 florins as a tax in lieu of a fine.¹¹⁹ They decided instead to resist and engaged in a prolonged "banking strike." Finally in 1449 the Florentine government agreed to reduce the maximum fine for transgressions of the capitoli to 400 lire (except for theft); the concession of such moderate and predictable terms was a victory for those who recognized that the provision of regulated credit to the poorer sections of the population by the Jewish money-lenders was essential and they should accordingly be offered a measure of security.

This security had, however, the strictest limits, which are illustrated by the case of Vitale da Montalcino in 1461. He had made twenty-two loans within a day (!) of the expiration of the terms of his contract under the capitoli and was fined 22,000 florins on the charge that he had violated the law of 1406.¹²⁰ The charge and the size of the fine (1000 florins per alleged infraction of the law of 1406) were the same as in the case of Salomone. The treatment of Vitale shows that Medici policy, though it continued to act on the principle that Jewish money-lending was necessary and must be protected, could not provide immunity to anyone who strayed beyond the strict limits of the capitoli.

Against this perspective the prosecution of Salomone no longer seems anomalous, though we have suggested above what circumstances may have accounted for the decision of the government to launch the case against him at the time when it did. If Salomone had indeed been a beneficiary of papal protection, he would have been

¹¹⁸Luzzati.

¹¹⁹Cassuto, 131-32.

¹²⁰Idem, 138-40.

vulnerable when Eugenius reversed papal policy toward the Jews, particularly at a time when relations between the pope and Florence were souring. The fact that Salomone was more vulnerable, however, does not explain why the Florentine government chose to exploit that vulnerability. We are left with the suspicion that the opportunity to seize his wealth at a time when it could be used for the acquisition of Borgo San Sepolcro without encroaching upon already budgeted revenues was too tempting for a cash-starved government to pass up.

The most that the Medici could offer was to protect those registered money-lenders who stayed within the narrow limits of a contract (the *capitoli*) that was itself an exception to the law of the land (the law of January 1406). This exception was not based on humanitarian grounds but on calculations of social benefit to the regime. Integration was no more conceivable in Florence than elsewhere in Christian Europe before the French Revolution. Florence was dedicated, as the preamble to the Ordinances of Justice of 1295 proclaims, to the divine protector and patron saints of the city and was thought of as fulfilling a Christian purpose. The medieval city, Max Weber pointed out, "like the ancient was an association based on a common cult with its city church, its patron saint, the participation of all citizens in the Communion and in the official church festivals of the community."¹²¹ As the translator Reinhard Bendix adds, "Only the Jews were excluded, because they could not go to Communion."¹²² The Jewish community was likewise based upon religious precepts. All that could be expected of the *capitoli* was that they would make possible the co-existence of two separate communities. So long as a sovereign community defines itself in religious terms, there can be no civic equality between its members and those of another religious community. The promise contained in the Florentine *capitoli*, that the Jewish parties would be treated as if they were citizens of Florence, could not in principle be fulfilled until Church and State were separated as they were in the course of the American and French Revolutions.¹²³

UNIVERSITY OF ALBERTA

UNIVERSITY OF WASHINGTON

¹²¹Weber, 2:534.

¹²²Bendix, 74.

¹²³See Hertzberg, *passim*; and Lewis, 49.

Documents

Abbreviations:

ASF = Archivio di Stato, Florence

BNC = Biblioteca Nazionale Centrale, Florence.

PAN = MS. Panciatichiano 148, in BNC.

Reg. Vat. = Registro Vaticano, Archivio Segreto Vaticano.

I. ARCHIEPISCOPAL JURISDICTION OVER USURY IN FLORENCE: THE BULL INIUNCTUM NOBIS OF EUGENIUS IV (4 DECEMBER 1435), EXCERPTS:

Iniunctum nobis desuper apostolice servitutis officium, cui, disponente domino, presidemus, nos compellit ut circa Cathedralium etiam Metropolitanarum ecclesiarum ac illis presidentibus personarum quarumlibet statum salubriter et prospere dirigendum paternis et sollicitis studiis intendamus, et que in earum preiudicium ac ecclesiastice libertatis contemptum, quomodolibet processisse comperimus, casemus, revocamus et annulemus prout id conspicimus in domino salubriter expedire.

Ad audientiam nuper nostram fidedignorum plurimorum relatu, seu verius fama publica referente, pervenit quod in civitate Florentina seu in curia officii, "mercanzie" nuncupati, dicte civitatis, quondam statutum vigere dinoscitur cuius tenor sequitur et est talis, videlicet, quod:

quilibet intendens proponere et seu querelare seu petitionem porrigere etiam in curia ecclesiastica coram quocumque iudice etiam ecclesiastico aliquod debitum quod diceret deberi ex causa cambii . . . Mandantes, etc.

Cum autem, sicut etiam antepoimus, licet statutum ipsum, prout evidenter apparet, non solum in Archiepiscopi Florentini pro tempore existentis eiusque curie archiepiscopalis damnum et detrimentum, necnon apostolice sedis et libertatis predictae villipendium emanasse videatur, tamen, quod deterius est, officiales in officio predicto pro tempore existentes et alios plures prefate civitatis officiales cives ipsum statutum hactenus observare et observari facere, necnon erubuiverunt prout nec hodie verentur non animarum suarum preiudicium non modicum et iacturam,

Nos igitur super hoc prout ex debito summi pontificatus officii tenemur oportune providere volentes, motu proprio non ad aliquis nobis super hoc oblate petitionis instanciam, tam predictum,

quam omnia alia et singula dicte civitatis statuta et ordinationes in detrimentum Archiepiscopi et curie necnon contra libertatem huiusmodi quomodolibet hactenus facta et ordinata et de cetero, quod absit, forsan fienda et emananda, quorum omnium tenores presentibus haberi volumus pro expressis, auctoritate apostolica ex certa scientia harum serie cassamus, revocamus et annullamus, nulliusque volumus existere roboris vel momenti et

Nichilominus, auctoritate et scientia similibus volumus, mandamus, statuimus, decernimus et declaramus quod nullus de cetero, cuiuscumque status, gradus vel condicionis existant, aliquod ex predictis statutis servare seu illis uti aut quod ab aliis serventur et utantur auxilium, consilium vel favorem prestare quoquomodo audeat sive debeat, quodque illis ex predictis aut aliis quibusvis prefate civitatis officialibus et civibus presentibus et futuris et aliis quibuscumque qui imposterum contra tenorem presentium dictum statutum, decretum et declarationem per nos facta huiusmodi venire, facere ac temptare, seu aliquam personam ecclesiasticam vel secularem, cuiuscumque etiam status, gradus vel condicionis existat in sui juris prosecutione contra jurisdictionem ordinariam Archiepiscopi seu libertatem huiusmodi aut canonicas sanctiones impedire seu in actemptandis et prestandis impedimentis huiusmodi vel eorum aliquo per se vel alium seu alios directe vel indirecte quovis quesito colore auxilium, consilium vel favorem prestare quomodolibet presumpserit aut eorum aliquis presumet, eo ipso sententiam excommunicationis incuriant, et eorum quilibet incurrat quam nos etiam in omnes et singulos contrafacientes exnunc ferimus et eos ac eorumquemlibet extunc sententiam huiusmodi incurrisse declaramus ita quod ab alio parte quam a romano Pontifice nisi in mortis articulo absolvi non possunt neque debeant.

(Reg. Vat. 374, fols. IOV; IIV-I2)

2. SALVETTI'S COMMENTARY ON THE CASE:
DE CONDEMNATIONE FACTA SALAMONI
EBREI

Et Nullus Ebreus:

In 1441 tempore Nicholai de Portinariis de Aquila, potestatis Florentie, fuit condemnatus Salamone Bonaventure pro viginti pignoribus et sic XX mutuis non cantante licentia de fenerando in eum sed in filios. E re vera, ex titulo libri aparebat invocatio facta in

favorem ipsius Salamonis et sic suo nomine, licet licentia esset nomine filiorum emancipatorum. Et sic in XX milia Florinorum cum quarto pluri[s] si non solverit, et non solvit. Ex quo postea fuit facta executio quia captus. Et quia habuit plura pignora in diversis banchis, tam in bancho et fenore Florentie quam Prati et Pistorii que ut plurimum vendita fuerunt. Et ista fuit rigidior condemnatio et maioris summe quam facta fuerit Florentie temporibus hominum et rigorosa nimis maxime quia bancho manifesto et aperto tento pro filiis pro quibus erat licentia prestum ipsum Florentie erigendi. Et arbitrabatur ipse potestas habere solidos duos per libra secundum statutum. Sed quia tempore suo non fuit exacta, nichil habuit, licet postea obtinuerit represalias in civitate Aquile, que tamen fuerunt abolite, atento statuto quod dicit exegerit ita quod Comune proveniat.

An potestas qui condemnavit Salamonem ebreum debet habere solidosii pro libra et de quibus bonis:

Videbatur tamen, cum dicat "ex bonis delinquentis", quod ultra condemnationem debeant solvi solidi duo ex bonis que supersunt. Reformatio tamen unde scriptum est statutum nil dicit ex bonis delinquentis.

Et de ipsa pecunia fuit facta solutio pape Eugenio tunc Florentie pro XXIII milibus ducatorum de Camera, pro habendo terram burgi ad Sanctum Sepulcrum pro Comuni Florentie et pro eodem anno. Et vere solutio fuit facta per ipsum Salamonem cum multis expensis ultra XXX milia Florenorum.

[*Expositiones libri secundi Statutorum Florentinorum domini Tome de Salvettis . . . incepte in 1441, 8a de mense augusti, fol. 52, #19: Quomodo procedatur quando instrumentum dicitur usurarium, at fol. 53-v. Biblioteca Nazionale Centrale, Ms. 2, 4, 434 (vecchia collocazione: Magl. 29, 135)*]

3. THE POPE'S INTERVENTION ON BEHALF OF SALOMONE'S SON (25 APRIL 1441)

Sedes apostolica, pia mater, pro facultate sibi diviniter demandata, ad ea libenter contendit (prout) que fructus passionis domini nostri Jesus Christi in redemptionem humane generis et salutem invocata a deo incrementa suscipiant, ut hereditatem incorruptibilem, incontaminatam, conservatam in celis tempore novissimo revelandam, ac illis operam exhibet auxilii et favoribus oportunis.

Sane sic ex fidedignis assertionibus intelleximus quidam Salomone Bonaventure de Prato hebreus, ex certis causis in magna pecunie summa (a) fisco seu Camere dilectorum filiorum Comunis Florentie applicanda per. . (sic) Officiale ipsius comunis sententialiter fuit condemnatus, ac demum pro executione dicte sententie ac pene, quam ob non partitionem eidem sententie incurrisse dicitur, carceribus mancipatur, in quibus etiam de presenti detinetur.

Post novum, annuente divina gratia, dilectus filius Benedictus Paulus, unus ex dicti Salamonis natis, Isac tunc nuncupatus, relictis iudaice cecitatis erroribus, ad sanctam veramque religionem Christianam devenire, ac sacro baptisinate purificari promeruit, ex qua re nos, pro pastoralis officio desuper nobis iniuncto, prefatum Benedictum Paulum, a veri pastoris grege dudum aberrantem, veluti novellum agnum in spiritualem filium in Christo suscipientes, in nostra et dicte sedis protectione collegimus. Dignum qui(ppe) fuerat, ut quem omnipotens deus de tenebris vocavit in admirabile lumen suum, ut esset filius adoptionis, ac consors regni celeste spiritualibus auxiliis et favoribus iuvaretur.

Quod quidem inter alia fore debitum arbitramur ut sibi in vite necessariis consulatur, presertim in his que iure nature ex paterna substantia eidem competere possunt. Cumque ut accepimus omnia et singula bona mobilia et immobilia iura et actiones dicti Salamonis ex dicta sententia ac pene adiectione, in fiscum prefatum ita ut nihil superesse credatur, devenire dicantur, Nos dicto Benedicto Paulo pie compatientes, dicteque sententie et pene tenorem et omnia inde secuta ac bonorum, iurium et actionum qualitates et quantitates, ac dicti Salamonis et filiorum conditionem, qualitatem et numerum habentes pro sufficiente expressis de bonis, iuribus et actionibus predictis ac sententia condempnat. et pena huiusmodi summam,

Duorum millium Flor. auri de camera presentium tenore detrahimus ac etiam reservamus, ipsamque summam quam omnibus attentis satis congruam arbitramur veluti iure nature seu Romane alimentorum, aut emencupationis (sic) de dicto Benedicto Paulo, tunc hebreo, dudum facte vel . . . donationis propter nuptias, aut alias inter vivos, seu quovis alio iure, modo, vel titulo sibi competentis, de plenitudine apostolice potestate in fidei favorem ipsi Benedicto Paulo pro se ac heredibus et successoribus suis perpetuo damus et concedimus, ac etiam assignamus, dilectis filiis prioribus, ac Vexillifero dicti Comunis, ac regi. et comuni predictis districte precipiendo mandantes, quatenus infra tres dies, a presentium

litterarum presentatione computandos, prefatam duorum millium Flor. summam de dicte sententia ac pena detractam veluti catholice fidei zelatores memorato Benedicto Paulo seu ei legitimo procuratori, pro se ac heredibus et successoribus Benedicti Pauli predicti ut premittitur realiter et cum effectu tradant et assignentur.

Non obstantibus dicta sententia cum pene adiectione et aliis inde secutis emencipatione [*sic*] ac dicti Benedicti Pauli baptismi susceptionem de predictis bonis, iuribus et actionibus iure quolibet in eis sibi competenti quocumque . . . o, via vel causa renuncia . . . pacto et solemnī stipulatione seu iuramento . . . [*sic*] vel quamvis pro (?) dispositione paterna, nec quibuscumque privilegiis etiam apostolicis iuribus ac dicti Communis statutis pro iuramento in allatis consuetudinibus ordinationibus, et aliis quibuscumque in contrarium facientibus, etiam si de eis de verbo ad verbum facienda esset mentio specialis, quibus omnibus, etsi (?) nihil quatenus ad presentem disportionem pertinere dignoscitur, auctore et tenore presentium expresse et specialiter derogamus. Nulli ergo omnino hominum liceat hanc paginam nostre detractionis, reservationis, concessionis assignate mandati ordinationis, et derogationis infringere vel ei ausu temerario contrare. Si quis autem hec tempestare presumpserit, indignationem omnipotentium dei et Beatorum Petri et Pauli apostolorum eum se noverit incursum.

(Reg. Vat. 360, fols. 65–66)

4. FLORENCE TO THE MAGISTRATES OF AQUILA (7 APRIL 1441)

Intellectis litteris Vestre Magnificentie scriptis in favorem spectabilis militis domini Niccolai de Porcinariis, olim potestatis civitatis nostre, deprehendimus non veram informationem vobis traditam fuisse. Nam statutum nostrum solummodo illis rectoribus qui exigunt condempnationem concedit solidos duos pro libra earum pecuniarum quas ipse rector exigit, non earum in quibus condempnavit, alioquin inextricabilis quedam confusio esset si condempnationum que iam decem vel quinque annis facte fuerunt a rectoribus nostris, portio sua foret illis conservanda. Et expediret unus quisque rector procuratores suos hic relinquere et ad recipiendum illa que hinc ad multos annos exigerentur. Quod foret ridiculum. Itaque statutum nostrum aperte loquitur ut exigenti condempnationem competat lucrum, non autem condempnanti. Hec

sunt luce clariora et per omne tempus ita observatum fuit in civitate nostra.

In Iudeo autem illi qui condempnatus fuit a domino Niccolao, hoc plus est: quod de illo cognoscere non poterat sine commissione officialium nostrorum qui Octo Custodie appellantur. Hi autem officiales commissionem fecerunt eidem domino Niccolao cum hac reservatione: ut nihil ex huiusmodi condempnatione penitus recipere deberet. Quare nullum protinus vis eidem domino Niccolao competit, primo quia non exegit, deinde quia non exegisset secundum formam commissionis sibi facte nihil poterat accipere.

Hec enim materia Iudeorum in civitate nostra aliter ordinata est quam ceterae controversie ceterique excussus. Rectores enim nostri se intromittere de illis non possunt neque cognitionem eorum habent nisi in quantum Octo Custodie Officiales illis commiserint.

Quocirca non conqueratur dominus Niccolaus, quoniam in ipsius querela nulla ratio existit. Nam, ut diximus, exigenti solummodo rectori particula quedam lucri concessa est secundum statutum nostrum, non autem condempnanti. Ipse autem non exegit. Deinde si etiam exigisset, quod non fecit, tamen vigore commissionis particulariter sibi de Iudeo facte percipere nihil debebat. (BNC, PAN, 151V-52)

5. FLORENCE TO ANTONUCCIO DE CAMPONESCHI
AND TO THE MAGISTRATES OF AQUILA
(15 JULY 1441)

Miramur, Magnifici Domini, de eo quod scribit Magnificentia Vestra circa concessionem represaliarum per vos faciendam domino Niccolao de Porcinariis, dudum potestati civitatis Florentie. Primum enim postulatio illius nullam iustitiam fovet. Deinde, si quid intentare vult circa materiam illam, parati sumus illum vel procuratorem suum audire, ac ius sibi breve ac summarium ministrare. Quid igitur attinet represalias intentare contra nos civesque nostros et eorum bona qui iustitiam ministrare parati sumus atque ita offerimus? Unum tamen dicimus: quod multi (iam) prestantes viri in civitate nostra rectores fuerunt; nullus tamen unquam illa postulant que postulat nunc iste civis vester. Itaque iudicio nostro potius deberitis illius novam et inauditam cupiditatem suasionibus vestris reprimere quam pro illo represalias nobis comminare.

Diximus per alias nostras litteras non condempnanti sed exigenti rectori lucrum condempnationis competere. Quod si dicere vult condempnatum illum captivasse et carceribus reliquisse, scit ipse non esse verum, cum per nos vocatus ac detentus fuerit in palatio nostro prius etiam quam ipse contra illum procedere inciperet. Denique potestas Florentie nullam contra Iudeos iurisdictionem habet, ut patet per statuta nostre civitatis. Nec procedere contra illum poterat nec illum capere aut convenire, totumque hoc negotium ad offitium octo custodie pertinebat, non ad potestatem. Quare nec maleficio seu delictum ab ipso potestate repertum et investigatum est, sed ab offitio octo custodie, et capturea sive detentio persone delinquentis non fuit a potestate facta neque in carceribus positus fuit sed a nobis et ab octo custodie. Hic in nostro palatio detentus etiam priusquam ipse potestas contra illum ex commissione offitii octo custodie procederet.

Quocirca Magnificentiam Vestram rogamus ne fidem vanis assertionibus illius civis vestri prestare velit. Quoniam a iustitia et ab equitate et a consuetudine hactenus deservata discedit. Preterea ut videatis quam iniuste represalie petantur . . . per Vestram Magnificentiam non possunt concedi nec debent, mittimus vobis copiam litterarum vestrarum in quibus promittitis nunquam concedere dictas represalias de iure vel de facto vel quouis quesito colore, super qua re litteras vestras originales cum vestris sigillis habemus et conservamus.

(BNC, PAN, 159v-60)

Bibliography

- Antoninus, Saint. *Summa Sacrae Theologiae*. 4 vols. Venice, 1581–82.
- Ammirato, Scipione. *Istorie Fiorentini*. Ed. Ferdinando Ranalli. 6 vols. Florence, 1846–49.
- Bardinet, Léon. "La condition civile des juifs du Comtat Venaissin pendant le XVe siècle." *Revue des Etudes Juives* 11 (1883): 1–40.
- Baron, Hans. *From Petrarch to Leonardo Bruni*. Chicago and London, 1968.
- Bayley, Charles Calvert. *War and Society in Renaissance Florence*. Toronto, 1961.
- Becker, Marvin. "Three Cases concerning the Restitution of Usury in Florence." *Journal of Economic History* 17 (1957): 445–50.
- . *Florence in Transition*. 2 vols. Baltimore, 1967–68.
- Bendix, Reinhard. *Max Weber*. Berkeley and Los Angeles, 1977.
- Bernardino of Siena. *Opera Omnia*. Ed. J. de la Haye. 2 vols. Paris, 1635.
- . *Prediche Volgari*. Ed. Ciro Cannarozzi. 6 vols. Florence and Pistoia, 1934–40.
- Boesch Gajano, Sofia. "Il Comune di Siena e il prestito ebraico nei secoli XIV e XV: Fonti e problemi." In *Aspetti e problemi della presenza ebraica nell'Italia centro-settentrionale (secoli XIV e XV)*, ed. idem, 175–225. Rome, 1983.
- Bonfil, Robert. "The Historian's Perception of the Jews in the Italian Renaissance: Towards a Reappraisal." *Revue des Etudes Juives* 143 (1984): 59–82.
- . "Società cristiana e società ebraica nell'Italia medievale e rinascimentale: Riflessioni sul significato e sui limiti di una convergenza." In *Ebrei e Cristiani nell'Italia medievale e moderna: Conversioni, scambi, contrasti*, 238–39. Rome, 1988.
- Brucker, Gene A. *Renaissance Florence*. New York and London, 1969.
- . *The Society of Renaissance Florence*. New York and London, 1971.
- Bruni, Leonardo. *Rerum suo tempore gestarum Commentarius*. *Rerum Italicarum Scriptores*, 19, pt. 3. Città di Castello, 1926.
- Cassuto, Umberto (Moshe David). *Gli Ebrei a Firenze nell'età del Rinascimento*. Florence, 1918.
- Chambers, D. S. "Malatesta, Sigismondo." In *A Concise Encyclopaedia of the Italian Renaissance*, ed. J. R. Hale, 196–97. New York and Toronto, 1981.
- Ciardini, Marino. *I Banchieri Ebrei in Firenze nel secolo XV e il Monte di Pietà fondato da Girolamo Savonarola*. Borgo San Lorenzo, 1907.
- Colorni, Vittore. "Prestito ebraico e comunità ebraiche nell'Italia centrale e settentrionale." *Rivista di storia del diritto italiano* 8 (1935): 1–55; rpt. in *Judaica Minora*, 205–55.
- . *Legge ebraica e leggi locali*. Milan, 1945.
- . "Autonomie ebraiche in Italia nel Medioevo e nel Rinascimento." *La Rassegna mensile di Israel* 32 (1966); rpt. in *Judaica Minora*, 491–505.
- . *Judaica Minora. Saggi sulla storia dell'Ebraismo italiano dall'antichità all'età moderna*. Milan, 1983.
- Creighton, Mandell. *A History of the Papacy*. 6 vols. London and New York, 1907–11.
- De Roover, Raymond. *The Rise and Decline of the Medici Bank, 1397–1494*. New York, 1966.
- . *San Bernardino of Siena and Sant'Antonino of Florence*. Cambridge, MA, 1967.
- Fiumi, Enrico. *Demografia, Movimento Urbanistico e Classi Sociali in Prato dall'età comunale ai tempi moderni*. Florence, 1968.
- Fliche, Augustin and Victor Martin, ed. *Histoire de l'Eglise*. 15 vols. Paris, 1934–64.
- Grayzel, Solomon. "The Papal Bull Sicut Judeis." In *Studies and Essays in Honor of Abraham A. Neuman*, eds. Meir Ben-Horin, Bernard D. Weinryb, and Solomon Zeitlin, 243–80. Philadelphia, 1962.
- . *The Church and the Jews in the XIIIth Century*. Rev. ed. New York, 1966.
- . "Popes, Jews, and Inquisition, from Sicut to Turbato." In *Essays on the Occasion*

- of the Seventieth Anniversary of the Dropsie University, 151-88. Philadelphia, 1979.
- Gregory the Great. *Sancti Gregorii Magni Registrum Epistularum Libri VIII-XIV*. Ed. Dag Norberg. Vol. 8. Turnholt, 1982.
- Griffiths, Gordon, James Hankins, and David Thompson. *The Humanism of Leonardo Bruni*. Publications of the Renaissance Society of America, Renaissance Texts, 10. Binghamton, NY, 1987.
- Herlihy, David and Christiane Klapisch-Zuber. *Les Toscans et leurs familles*. Paris, 1978.
- Hertzberg, Arthur. *The French Enlightenment and the Jews*. New York 1968.
- Hofer, Johannes. *Johannes Kapistran*. 2 vols. Rome and Heidelberg, 1964.
- Hughes, Philip. *A History of the Church*. 3 vols. London, 1934-37.
- Kirshner, Julius. "Papa Eugenio IV e il Monte Comune." *Archivio Storico Italiano* 127 (1969): 339-82.
- . "Paolo di Castro on *Cives ex Privilegio*: A Controversy over the Legal Qualifications for Public Office in Early Fifteenth-Century Florence." In *Renaissance Studies in Honor of Hans Baron*, ed. Anthony Molho and John A. Tedeschi, 227-64. Florence, 1971.
- Lewis, Bernard. "Muslims, Christians, and Jews: the Dream of Coexistence." *The New York Review of Books*, 26 March 1992, 48-52.
- Luzzati, Michele. "Dal prestito al commercio: Gli Ebrei dello stato fiorentino nel secolo XVI." In *Italia Judaica: Gli Ebrei in Italia tra Rinascimento ed età barocca*, 67-90. Rome, 1986.
- Luzzato, Gino. *I Banchieri Ebrei a Urbino nell'età ducale*. Padua, 1907.
- Machiavelli, Niccolò. *Istorie Fiorentine*. Ed. Plinio Carli. 2 vols. Florence, 1927.
- Martines, Lauro. *The Social World of the Florentine Humanists*. Princeton, 1963.
- . *Lawyers and Statecraft in Renaissance Florence*. Princeton, 1968.
- Molho, Anthony. "A Note on Jewish Moneylenders in Tuscany in the Late Trecento and Early Quattrocento." In *Renaissance Studies in Honor of Hans Baron*, ed. Anthony Molho and John Tedeschi, 101-17. Florence, 1971.
- . *Florentine Public Finances in the Early Renaissance, 1400-1433*. Cambridge, MA, 1971.
- Nelson, Benjamin N. "The Usurer and the Merchant Prince: Italian Businessmen and the Ecclesiastical Law of Restitution, 1100-1500." *Journal of Economic History* 7 Suppl. (1947): 104-22.
- Oberman, Heiko A. "Gli ostinati Giudei: Mutamento delle strategie nell'Europa tardo-medioevale." In *Ebrei e Cristiani nell'Italia medievale e moderna: Conversioni, scambi, contrasti*, 123-40. Rome, 1988.
- Panella, Antonio. "Una sentenza di Niccolò Porcinari, potestà di Firenze." *Rivista Abruzzese di Scienze, Lettere ed Arti* 24 (1909): 337-67.
- Partner, Peter. "Florence and the Papacy in the Earlier Fifteenth Century." In *Florentine Studies*, ed. Nicolai Rubinstein, 381-402. London, 1968.
- Pohl, Frederick Julius. *Amerigo Vespucci, Pilot Major*. New York, 1969.
- Poliakov, Léon. *The History of Anti-Semitism*. 4 vols. New York, 1965-85. Vol. 2: *From Mohammed to the Marranos*, 1973.
- . *Les banquiers juifs et le Saint-Siège du XIIIe au XVIIe siècle*. Paris, 1965.
- Pullan, Brian. *Rich and Poor in Renaissance Venice*. Cambridge, MA, 1971.
- Ravid, B. "The Legal Status of the Jews in Venice to 1509." *Proceedings of the American Academy for Jewish Research* 54 (1987): 169-202.
- Raynaldus, Odoricus. *Annales Ecclesiastici*, auctore Caesare Baronio. 34 vols. Lucca, 1738-1756.
- Rodocanachi, Emmanuel. *Le Saint-Siège et les Juifs*. Paris, 1891.
- Roth, Cecil. "Jewish Society in the Renaissance Environment." In *Jewish Society through the Ages*, ed. H. H. Ben-Sasson and S. J. Ettinger, 239-50. New York, 1971.
- Salter, F. R. "The Jews in Fifteenth-Century Florence and Savonarola's Establishment of a *Mons Pietatis*." *Cambridge Historical Journal* 5 (1936): 193-211.

- Salvatorelli, Luigi. *A Concise History of Italy*. New York, 1940.
- Salvetti, Tomaso. *Expositiones libri secundi Statutorum florentinorum domini Tome de Salvettis . . . incepte in 1441*. Florence, Biblioteca Nazionale Centrale, Ms. 2.4.434.
- Shank, Michael H. *Unless you believe, you shall not understand: Logic, University and Society in Late Medieval Vienna*. Princeton, 1988.
- Simonsohn, Max. *Die kirchliche Judengesetzgebung im Zeitalter der Reformkonzilien von Konstanz und Basel*. Breslau, 1912.
- Simonsohn, Shlomo. *The Apostolic See and the Jews: Documents 1394-1464*. Toronto, 1989.
- . *The Apostolic See and the Jews: History*. Toronto, 1991.
- Stern, Mortiz. *Urkundliche Beiträge über die Stellung der Päpste zu den Juden*. Kiel, 1893.
- Theiner, Augustus. *Codex Diplomaticus Domini Temporalis Sanctae Sedis*. 3 vols. Rome, 1861-62.
- Toaff, Ariel. "Gli ebrei a Città di Castello dal XIV al XVI secolo." *Bollettino della Deputazione di Storia Patria per l'Umbria* 62 (1975), fasc. 2.
- . *The Jews in Medieval Assisi, 1305-1487*. Florence, 1979.
- Todeschini, Giacomo. "Ebrei in Italia alla fine del Medioevo: Studi recenti." *Studi Medievali*, 3rd ser, XXX, fasc. 1 (Spoleto, 1989): 353-366.
- Trexler, Richard C. *The Spiritual Power*. Leiden, 1974.
- . "The Episcopal Constitutions of Antoninus of Florence." *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 59 (1979): 244-72.
- Vernet, Félix. "Le pape Martin V et les Juifs." *Revue des Questions Historiques* 51 (1892): 373-423.
- Weber, Max. *Wirtschaft und Gesellschaft*. Ed. Johannes Winckelmann. 4th ed. 2 vols. Tübingen, 1956.
- Zdekauer, Lodovico. "L'interno d'un banco di pegno nel 1417." *Archivio Storico Italiano*. Ser. 5, 17 (1896): 63-105.
- Zorzi, Andrea. *L'Amministrazione della Giustizia Penale nella Repubblica Fiorentina*. Florence, 1988.