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### Beyond the state

**Citation for published version:**

Zenobi, L 2021, Beyond the state: Community and territory-making in late medieval Italy. in M Damen & K Overlaet (eds), *Constructing and Representing Territory in Late Medieval and Early Modern Europe*. Amsterdam University Press, pp. 53-79. <https://doi.org/10.1515/9789048551804-005>

**Digital Object Identifier (DOI):**

[10.1515/9789048551804-005](https://doi.org/10.1515/9789048551804-005)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Publisher's PDF, also known as Version of record

**Published In:**

Constructing and Representing Territory in Late Medieval and Early Modern Europe

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## 2. Beyond the State: Community and Territory-Making in Late Medieval Italy

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### **Abstract**

Textbooks on the Late Middle Ages often feature the same map: a colourful jigsaw showing the respective territories of European states. While the spatial dimension of these polities is now being reassessed, it is crucial to realise that territoriality was never the state's exclusive domain. Communities of all shapes and sizes, from individual villages to federal associations, constructed territories of equally diverse form and format. Inspired by the reflections of contemporary jurists, this essay looks to challenge these assumptions by surveying different scales and processes of territory-making in late medieval Italy. In so doing, the essay seeks to shift the focus away from the supposed territory of the state and provide a more accurate picture of the spatial fabric of a late medieval society.

**Keywords:** state formation; territorialisation; jurisdiction; corporation; communalism

Open any textbook on the Late Middle Ages and you will be faced with the same map: a jigsaw of colourful areas marking the clear-cut boundaries and mutually exclusive territories of European states. In part, this is due to the necessity of presenting the spatial dimension of pre-modern polities in a way that specialists and non-specialists alike may appreciate. Equally,

\* I would like to record my thanks to the volume's editors, Mario Damen and Kim Overlaet, for their insightful comments on a first draft of this essay. I am also extremely grateful to the colleagues, friends and mentors who helped me improve its initial content: Daniele Dibello, Michele Baitieri, Andrea Gamberini and Isabella Lazzarini.

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Damen, M. and K. Overlaet (eds.), *Constructing and Representing Territory in Late Medieval and Early Modern Europe*. Amsterdam: Amsterdam University Press, 2022

DOI 10.5117/9789463726139\_CH02

however, this traditional mapping of late medieval states reflects long-held assumptions about the spatiality of pre-modern power, and particularly the notion that the degree of territoriality accomplished or even just craved by the rulers of the time was really no different from that exhibited to this day by modern nation states. Indeed, territoriality has long been upheld as one of the defining features of the process of state formation in late medieval Europe. Drawing on classic works of human geography, this could be defined as the capacity to 'affect, influence, and control people, phenomena, and relationships, by asserting control over a geographic area'.<sup>1</sup> Narratives vary across regions and disciplinary traditions, but they all share an appreciation for the ability of late medieval rulers to coalesce diverse political and social bodies into a spatial whole, and ultimately to exert their authority with a certain degree of uniformity over it. To name but one example, in his search for the 'medieval origins of the modern state', Joseph Strayer saw the 'natural conclusion' of the process of state formation as the turning of 'scattered islands of political power' into a 'solid block of territory in which one ruler had final authority'.<sup>2</sup>

This points to an inescapable fact: territories define states and their formation. Better still, they define our understanding of the process through which they came into being. They do so physically, by embodying the spatial dimension of state authority – by reifying the interface through which the relationships between the rulers and the ruled were articulated; but they also do so symbolically, in our collective imagination, to the point that we have no qualms about adopting the same modes of representation to map both modern and pre-modern polities. This is neither the place to question whether the spatiality of late medieval power should be reassessed, nor the appropriate platform from which to call for a new mapping of pre-modern states. Rather, this is to note that the opposite of what has been said above is also true: just as territories give shape to states in our imagination, states shape our conception of what territories should be. To start, by positing that territoriality is the exclusive domain of the state, we fall into what geographers call 'the territorial trap', which is the assumption that the spatiality of power comes down only to its highest level.<sup>3</sup> When looking at late medieval Europe, this translates into the notion that all territories

1 For this essay's purposes, I have adopted the definition of Sack, *Human Territoriality*, p. 19. More recent developments and alternative definitions from the same field are discussed in Johnston, 'Out of the "Moribund Backwater"'.  
2 Strayer, *On the Medieval Origins*, p. 31.  
3 The term was famously coined by Agnew, 'The Territorial Trap'; for more recent reflections, consider Shah, 'The Territorial Trap'.

were constructed in the same way, that is, from above and by the same sort of dominant actor (a duchy, a kingdom, an empire – in a word, by states) and, by extension, that only ‘sovereign’ polities were truly ‘territorial’. The first few pages of Thomas Ertman’s ambitious account of the ‘birth of the leviathan’ provide a vivid illustration of such tendencies. Here, a preliminary distinction is drawn between what the author calls small ‘nonterritorial’ polities (including city-republics, private estates and confederal entities) and large ‘sovereign’ – and thus properly ‘territorial’ – states.<sup>4</sup>

While equivalent convictions inform much research into processes of polity formation, late medieval thinkers would have found them rather restrictive. Unlike us, they did not associate the word ‘territory’ with the idea of the state, but with that of community. In truth, the very word *territorium* was used only sporadically in the Early and Central Middle Ages.<sup>5</sup> Between the thirteenth and the fourteenth centuries, however, the revival of Roman law at the hands of generations of Italian jurists established *territorium* at the very heart of the intellectual discussion surrounding the nature of power over space, where it arguably has remained ever since. More than on *territorium* itself, the debate centred around the idea of *iurisdictio*. Originally understood as the authority of the judge, the ability to state principles (*ius dicere*) which could settle legal disputes, *iurisdictio* was later redefined by medieval jurists as the capacity of exerting power over a defined space. At first, they only adopted *iurisdictio* to qualify the degrees of authority wielded by different power holders: from the emperor (the theoretical owner of the highest jurisdiction) to the range of magistrates and institutions nominally ruling in his name.<sup>6</sup> Soon, though, they went on to make the case that the emperor was not the ultimate source of jurisdictional power, but rather just one of several subjects with legitimate authority. In their view, all communities of people (*universitates*) capable of making their own laws and electing officers who could then enforce them were the true owners of a bundle of jurisdictional rights over their respective territories.<sup>7</sup> As with the magistrates and institutions once understood to be wielding different degrees of the emperor’s power, the place of *universitates* in the political and legal order could be defined by the degree of *iurisdictio* they exerted within their spaces. Thus, just as territories are now imagined as

4 Ertman, *Birth of the Leviathan*, p. 5.

5 An early history of the concept and its uses has been traced by Khan, ‘Territory and Boundaries’; and, more extensively, Elden, *The Birth*, pp. 97–210.

6 On these first developments, see Perrin, ‘Azo, Roman Law’; and broadly Costa, *Iurisdictio*.

7 On these later developments, see Canning, ‘The Corporation’; and generally Najemy, ‘Stato, comune e “universitas”’.

the embodiment of state sovereignty, *territoria* were then conceptualised as the jurisdictional spaces of communities of people.<sup>8</sup>

It is widely acknowledged that jurists formulated these theories to make sense of the ‘realities’ of their time – to provide an intellectual platform everyone could use to frame the relationships between the many political and social bodies featured by their society.<sup>9</sup> As such, they not only contain valuable clues as to how people conceived territories and territoriality at this time, but also a number of methodological pointers as to how we should write their history. The first is that, prior to becoming the tangible attribute of state formation, territoriality was seen as a predicate of communal agency. It is thus at communities, rather than states, that we should first look when studying processes of territory formation in the medieval period. The second is that unlike the territories of modern states, which are nothing but vast homogenous spaces subject to a supreme legislator, one who can freely subdivide them into provinces in order to mould a population’s duties towards them, medieval territories were inseparable from the prerogatives of their communities – they were the products of people’s inveterate rights over their spaces. It follows that we should not think about the territorial landscape of the time as singular and monolithic, but as plural and multiform. To put it simply, we should write the history of ‘territories’, not ‘territory’ in late medieval Europe. The third and final pointer is that the foundational notion which held a territory and its maker together was not sovereignty, but jurisdiction. This means that power over space was not understood as exclusive and self-contained, but as layered and distributed. Jurisdictions could overlap and communities coexist; we should therefore expect territories, too, to overlap and coexist within the same society.

Taking its cue from these pointers, the rest of this essay will survey different processes of territory-making in late medieval Italy. In keeping with the jurists, territory-making could be defined as the ensemble of actions and interactions through which a community built a space to call its own, one over which it could unequivocally claim its jurisdictional rights. Specifically, the essay’s aim will be to expand the focus of the analysis horizontally, by means of looking at territories made by actors other than the state, while still retaining a sense of verticality – a basic grasp of the hierarchical

8 Specifically for the relationships between *iurisdictio* and *territorium* in these writings, consider Vaccari, ‘Utrum iurisdictio cohaeret territorio’, alongside Quagliani, ‘Giurisdizione e territorio’.

9 I purposely borrow the expression used by Canning, ‘Italian Juristic Thought’.

relationships which tied together different forms of territorial organisation. In treating the history of territory-making as integral but not exclusive to the process of state formation, the essay seeks to achieve two goals. One is to populate our physical as well as mental maps with territories of different shapes and sizes. By surveying the full range of territory-makers found in Italy, the essay hopes to provide a more inclusive sketch of the spatial fabric of a late medieval society. The other is to investigate the place of smaller territories within larger polities, while also examining the part played in their development by the state itself. In other words, if communities were the real drivers of territorialisation, what role was left to states in these processes?

More broadly, this essay is an opportunity to examine how medieval territories have been studied in relation to medieval Italy, and to reflect on the variety of approaches, focuses and scales employed by historians of the peninsula over the last few decades. In actual fact, Italian scholars have seldom engaged directly with the concept of territory.<sup>10</sup> Yet their work has always included a careful look at what this volume, with Stuart Elden, calls simply 'territorial practices': practices that related people and power to space. These famously include the expansion of cities into the surrounding countryside and later the creation of the so-called territorial states in the peninsula. Less known, outside of Italy at least, are studies highlighting the practices through which non-dominant bodies became territorial: from rural communes and lordships, to townships and federal associations. It is to these practices and bodies, and to their place alongside more noted processes of polity formation, that we shall now turn. Following accepted chronological spans, this survey will look in turn at an Italy of local powers (eleventh-twelfth centuries), an Italy of cities and *contadi* (twelfth-fourteenth centuries), and an Italy of territorial states (fourteenth-fifteenth centuries).<sup>11</sup>

## 1. An Italy of local powers (eleventh-twelfth centuries)

Decades before jurists began writing on the nature of power over space, even centuries before the polities now filling our maps were born, Italian

<sup>10</sup> Two notable exceptions are Somaini, 'Territory, Territorialisation, Territoriality', and Luca Mannori, 'La nozione di territorio'.

<sup>11</sup> Among others, these terminologies can be found in some remarkable overviews, including Provero, *L'Italia dei poteri locali*; Vitolo, *L'Italia delle altre città*; and Lazzarini, *L'Italia degli Stati territoriali*.

society had already experienced a first wave of territorialisation. Its protagonists were not large states, but what was then the smallest and yet most fundamental unit of political and social organisation: the rural commune. People had gathered and worked together in agrarian settlements long before the eleventh and twelfth centuries, but it is only at this time that they began developing more defined organisational structures in the countryside. Historians of the peninsula have traditionally focused on the formalisation of institutional customs, including the practice of assembling heads of household in regular meetings, the procedure of electing executive officers and ad hoc committees, and later the drafting of statutes inscribing a community's ways of life.<sup>12</sup> As time went by, these institutions came to regulate more and more facets of a settlement's affairs: from the resolution of quarrels and the collection of duties among residents to the management of common goods, local infrastructures and charitable enterprises. More recently, following Chris Wickham's work on northern Tuscany, attention has been paid to the role of social interactions in the structuring of rural communities and especially in fostering a shared sense of identity among their members.<sup>13</sup> Examples include friendships and family ties, the bonds between patrons and clients, the negotiation of internal tensions, collective agency against external interference (notably in the case of seigneurial and then urban powers) and generally all the acts and relationships which may both divide and bring together a community of people.

While structuring their everyday activities, these developments came to give shape and substance to defined spaces within which a *universitas* of people could be identified. To begin with, only residents could take part in assemblies and run for office; in other words, political participation was not based on personal membership, but on territorial belonging.<sup>14</sup> The same applied to the right of accessing common goods, such as woods and grazing lands, or facilities owned collectively by a commune, as was sometimes the case for mills and furnaces. Indeed, claiming and then policing local resources was another way in which rural communes constructed their spaces. As Riccardo Rao has demonstrated for eastern Piedmont, it was not unusual for certain communities to argue that ownership of common goods was not just a by-product of established customs but an integral

12 To name but two representative works with an institutional and legalistic focus: Schneider, *Die Entstehung*; Bognetti, *Studi sulle origini*.

13 Wickham, *Community and Clientele*. On these developments more broadly, see Provero, 'Forty Years of Rural History', pp. 161-164.

14 On the nexus between residential status and political participation, see Provero, 'Abitare e appartenere'.

feature of their jurisdictional rights.<sup>15</sup> *Communia*, as they put it, were liable to the *iurisdictio* of the *territorium loci* – they were a constituent part of a commune’s territory. In the south, local resources were more commonly controlled by lords or simply labelled as royal assets. Yet the allocation of their rights of usage to specific communities arguably contributed, in its own way, to structure their spaces.<sup>16</sup> Simultaneously, a number of repeated practices helped perpetuate the association between a *universitas* and its *territorium* across generations. In many areas of northern Italy, it was common to give natural children a surname based on the place in which they were born, thus linking their individual identity with the collective identification of a community with its territory.<sup>17</sup> Similarly, the practice of attending religious services at the local church contributed to fostering a collective sense of space. It is in this period, in fact, that parishes themselves emerged as territorial districts within which residents supported a priest and paid their share of one of the first instances of a tax levied on a territorial basis: the papal tithe.<sup>18</sup>

More than anything else, however, the process of making a community’s territory was driven by continuous interactions with other forms of political and social organisation, starting from rural lordships. At this stage, the range and basis of seigniorial powers varied considerably across Italy, though they were broadly built upon the same features: a fortified residence offering refuge to local dwellers and a series of estates owned directly by a lord. In addition, nobler, wealthier or simply more resourceful individuals were able to appropriate prerogatives once pertaining to royal officials, including the control of roads and water streams, or the right to administer justice in the area – all prerogatives which allowed them to extend their influence well beyond the limits of their properties.<sup>19</sup> Still, no matter the degree of power exerted by lords over nearby areas, it seems that their presence alone was enough to spark a dialectic process through which the territories of rural communities were validated. While their outcome was similar, the interactions between lordships and communities unfolded in a variety of ways. In places where lords were especially strong, their fortified residences

15 Rao, ‘Risorse collettive’.

16 Carocci, “Metodo regressivo”.

17 Different traditions are found in central and southern Italy, as discussed in Collavini, ‘I cognomi italiani’.

18 For these developments, consider the field-defining works by Violante, *Ricerche sulle istituzioni ecclesiastiche*.

19 The essential references are now Cortese, *L’aristocrazia toscana*; Fiore, *The Seigneurial Transformation*; and Carocci, *Lordships of Southern Italy*.



(*castra*) became the centre of a defined area (*territorium castris*) within which their power was localised (*dominatus loci*). This often overlapped with the spaces of one or more communities, showing, as Cinzio Violante first pointed out, that lordships and communes reinforced one another's spatial dimension.<sup>20</sup> Where lords were weak, on the other hand, communities were able to protect their territories from outside interference. Disperse settlements can sometimes be found acting for the first time as a single *universitas* precisely in order to defend their spaces from lordly intrusion. Otherwise, long-standing solidarities among residents were reactivated in an effort to stop lords from meddling with their affairs – sometimes permanently, as when communities managed to obtain a charter sanctioning their territorial immunity (franchise).<sup>21</sup>

Regardless of the direction in which the balance of power tilted, negotiating their rights with nearby lordships compelled rural communities to define spaces to which those entitlements could be unequivocally applied. The same could be said for their interactions with neighbouring *universitates*. These typically took the form of quarrels over the exact extent of a commune's territory – in short, border disputes. Archives are full of records documenting the investigations, trials and written testimonies produced on the occasion of territorial settlements. As Luigi Provero has convincingly argued, these texts are a clear indicator of a mature 'culture of borders': a shared understanding of how the territories of rural communities should be claimed, marked and disentangled.<sup>22</sup> Elements of this culture are evident in documents drawn up explicitly to record the proceedings through which a community delimited its borders. These were largely performed on the move, with a number of deputies walking from one marker to the next one and finally returning to the marker from which they started – almost tracing an invisible polygon around the community, while a notary took note of their positions and specific traits. These markers were mostly landscape features, such as memorable stones or noticeable trees, sometimes inscribed with crosses or other signs, but could also be man-made landmarks, such as crossroads, fences and even buildings. As has been widely discussed, these proceedings were partly an attempt to distinguish the territory of a commune from those of its neighbours,

20 Violante, 'La signoria territoriale'.

21 Among a myriad of other studies, a varied sample of these dynamics for the north-west of Italy can be found in the works by Guglielmotti, *Comunità e territorio*. Regarding the south, the interactions between lords and rural communities, and indeed rural communities in general, are relatively less studied, though we can now refer to Loré, 'Signorie locali e mondo rurale'.

22 Provero, 'Una cultura dei confini'.

so as to ascribe its assets unequivocally to local residents and hopefully prevent future disputes. At the same time, however, they were also an act of possession: a powerful commemoration of a community's jurisdictional rights over its territory.<sup>23</sup>

## 2. An Italy of cities and *contadi* (twelfth-fourteenth centuries)

Between the twelfth and thirteenth centuries, a different kind of community set in motion a further wave of territorialisation. Though here we will simply use the term 'cities', contemporary records referred to them as 'communities of citizens' (*universitates civium* or *civitates*). They were arguably borne of the same factors as their rural counterparts: the growth of social interactions among residents (via the participation in religious ceremonies or civic militias, for instance), the formalisation of institutions of self-government (and with that the fostering of a collective political will) and ultimately the forging of a shared sense of identity.<sup>24</sup> As in the case of rural communes, these developments drove cities to shape defined spaces within which their influence could be wielded, their assets exploited and their people identified. Unlike rural communes, however, cities benefitted from the existence of delineated horizons within which their territories could be constructed. They were the ancient *comitatus*, the area where a count exerted their authority during the Carolingian period, and the *dioecesis*, the ecclesiastical district headed by a bishop. Both counts and bishops used to reside in major urban centres, therefore it was only natural for cities to inherit both their spheres of action and the very terms previously employed to describe them. Twelfth- and thirteenth-century records are replete with phrases such as *civitas cum comitatus* or *in comitatus et episcopatus*, though it was not long before *territorium* itself made an appearance. In truth, the territories built by cities could sometimes diverge and even go beyond the spaces after which they were originally named, but the appropriation of words charged with an enduring spatial significance did certainly have

23 Similar conclusions and a consistent sample of these proceedings for northern Italy (Friuli, Piedmont and Lombardy, respectively) can be gleaned by collating Degrossi, 'Dai confini dei villaggi'; Bordone, 'I confini delle comunità'; and Della Misericordia, 'Significare il confine'.

24 The exact mix varied considerably across the peninsula, as did the contribution of different strata of Italian society (notably new-born urban patriciates versus well-established feudal aristocracies, among which were the bishops' own networks of vassals). For a discussion of the literature, see Vallerani, 'La città e le sue istituzioni'; and Coleman, 'The Italian Communes'.

a role in framing the process through which a city created its *contado* (as *comitatus* was later translated into Italian).<sup>25</sup>

Another variable was the breadth and especially depth of the territory-making process. Thanks to their flourishing economies, booming populations and fierce opposition to imperial interventions, the cities of Lombardy, Tuscany and eastern Veneto were generally quite successful in claiming a space which they could unquestionably call their own. The same cannot be said for the cities of Lazio and for part of the south, where the relatively limited mass of urban centres, combined with the proximity of higher powers (notably the pope and the southern kings, not to mention several long-lived lordships) posed greater challenges to the creation of *contadi*. This is not to say that size was a prerequisite to territory-making, as proved already by the accomplishments of rural communes. In much of Piedmont and Umbria, but also in Abruzzo and certain areas of the south, modest centres were able to take full advantage of the remoteness and sometimes mere absence of other powers to carve themselves small but well-delineated territories. It must be noted that, in general, southern centres enjoyed far less autonomy than those of the north and centre: the monarchy saw cities as part of their estates, and was even known to award them as fiefs to some of its vassals. But as recent studies have shown, that did not stop southern cities from attempting to make a territory to call their own – often by devising unique tools and techniques in close collaboration, rather than confrontation, with the kings themselves.<sup>26</sup>

The one strategy which seems to have been common across the peninsula was the adoption of rural communes as the fundamental units around which the *contadi* were organised. Scholars used to interpret these developments in terms of ‘conquest’ or outright subjugation; these days, however, it is far more common to emphasise the dialectic nature of the process.<sup>27</sup> To begin with, a community could accept the superior authority of a city over its spaces in exchange for special rights and privileges, including fiscal exemptions or some form of immunity from the influence of local lords. The list of duties, on the other hand, was generally much longer, mainly due to the growing power imbalance between urban and rural communes. Within their territories, rural communities were expected to preserve public order,

25 Further on these terminologies, see Banti, “Civitas” e “Commune”; and, for a case study, Francesconi, ‘Diocesi, comitatus’.

26 An overall picture can be drawn by considering, for the north and centre, Chittolini, ‘A Geography of the “Contadi”’; and for the south, Vitolo, *Città e contado*.

27 One needs only to compare influential works of old, such as De Vergottini, ‘Origini e sviluppo’, with more recent studies, such as Chiappa Mauri, *Contado e città*.

maintain roads and infrastructures, provide authorities with a portion of their products and, of course, collect all that was owed to the city by rural taxpayers.<sup>28</sup> Conversely, other forms of territorial organisation were progressively marginalised. This was notably the case for minute settlements, such as farmsteads, hamlets and communal neighbourhoods – all aggregations filled with strong horizontal solidarities between people, but which would now need to present their requests to a city through the vertical mediation of a commune. Lords, for their part, were often deprived of their power or forced to exercise it within parameters dictated by cities, starting from the notion that their jurisdiction applied not to individuals but to territorial communities.<sup>29</sup>

Following an initial period of pacts and negotiations around the rights and duties of the respective parties, the role of rural communes in the making of the *contadi* was inscribed in two complementary bodies of law. The first were local statutes: collections of customs and regulations which cities took great care to reissue in their name. In so doing, they were asserting their superior authority over these spaces, while also acknowledging the long-standing relationships between a community and its territory. The second were the statutes written by the cities themselves, whereby the territories of rural communes were elevated even further.<sup>30</sup> Mantua's statutes, for instance, ruled that all settlements should form a 'comune et universitas' to which the city could univocally direct its demands.<sup>31</sup> The pressure was such that sometimes, as in the case of Siena, rural dwellers were forced to declare their communities 'broken' in an effort to evade the city's requests – something which confirms, almost *ex negativo*, the centrality of rural communes in structuring the territorial landscape.<sup>32</sup> Indeed, while policies of this kind were clearly part of a strategy for territorial control, they also celebrated the spatial dimension of rural communes as the most basic and reliable form of territorial organisation. So strong was the cities' reliance on the territories made by rural communes that at times they prompted the foundation of brand new communities, as in the case of Piedmont's *borghi franchi* or

28 These dynamics have been closely studied in relation to Tuscany and Lombardy: Taddei, 'Comuni rurali'; Nobili, 'I contadi organizzati'.

29 For these aspects, see Milani, 'Lo sviluppo della giurisdizione'; and broadly Castagnetti, *Le comunità rurali*.

30 For an overview, consider Cortonesi and Viola, *Le comunità rurali e i loro statuti*; alongside Chittolini and Willoweit, *Statuti, città, territori*.

31 *Statuti bonacolsiani*, p. 191.

32 Celata, 'La condizione contadina'.

Tuscany's *terre nuove*.<sup>33</sup> Reasons varied – to offset lordly influence, to relocate workers to less exploited lands, or to build new settlements on the frontier with one's enemy – but they all responded to the same idea: communities were needed to control territories.

At the same time, cities put a tremendous effort into gathering and later acting on information regarding the territory to which they lay claim. As early as the twelfth century, they were already compiling lists of all the communities they had come to control. As Gian Paolo Francesconi has noted, these 'listed *contadi*' were often prepared in order to obtain an imperial or royal charter endorsing urban jurisdiction over such spaces, but they were also a programmatic expression of a city's overarching claim over its territory.<sup>34</sup> As urban communes grew and tightened their hold over the countryside, their lists and censuses became more sophisticated. In Tuscany, cities regularly produced detailed ordinances designed to spread the upkeep of roads and riverbanks among their subject communities.<sup>35</sup> Other examples include the famous *estimi* and *catasti* compiled to distribute tax burdens on a territorial basis.<sup>36</sup> Siena employed a whole body of land surveyors (*mensuratores*) charged with gauging the extent of rural communes, while other cities assembled entire registers to record the precise arrangement of local boundaries.<sup>37</sup> As well as being cognitive, most of these measures were instrumental in actively transforming a city's territory. A prime example are the *inquisitiones* conducted by centres looking to take stock of their assets in the countryside, including natural resources (pastures, rivers, forests) as well as customary rights (such as that of collecting duties by fords or mountain passes). While sometimes it was just a matter of appropriating assets once controlled by local lords or communities, many cities went on to establish new rules of access and even to sell portions of those assets to the highest bidder, thus showing their willingness and capacity to take direct action regarding their territories.<sup>38</sup>

As lists were compiled and enquiries conducted, cities began subdividing their territories into new districts run by urban officials (*podestà, vicari*).

33 Panero, *Comuni e borghi franchi*; Pirillo, *Creare comunità*.

34 For this custom and the expression 'contado elencato', see Francesconi, 'Scrivere il contado', p. 520.

35 Szabo, *Comuni e politica stradale*, pp. 83-89 and 125-135.

36 Pinto, 'Estimes et cadasters'.

37 Redon, *Lo spazio di una città*, pp. 147-149 and 154-155; Francesconi and Salvestrini, 'La scrittura del confine'.

38 Rao, 'Le inchieste patrimoniali'. For the fate of *communia* in this period, see the special issue edited by Vigueur, 'Beni comuni'.

While many of the day-to-day responsibilities remained with rural communities, the new officials exercised tasks which derived from a city's higher claim over its territory, including enforcing urban laws and, whenever possible, preventing controversies among local communities. Some cities put them in charge of whole areas, such as a valley or mountainous plateau (Siena's *Montagna*, Lucca's *Valdinievole*); others sent them to oversee a certain number of communities, so as to spread the administrative and fiscal burden more equally.<sup>39</sup> In fact, the new districts were never designed to equate to a single community. They were not territories themselves, but mediums to control them – they were merely the rural extension of urban institutions. In some cities, such as Bologna and Venice, this was encoded in the practice of naming new districts after sections of the urban environment, notably neighbourhoods and gateways.<sup>40</sup> In the south, things were complicated by the fact that, in theory at least, the responsibility of overseeing the territory of a city lay with the *capitano*: a royal officer appointed directly by the crown or, in the case of enfeoffed cities, by one of its vassals. But again, that did not stop southern centres from devising new districts to suit their needs, and sometimes even taking it upon themselves to nominate the captain of their territory.<sup>41</sup> In brief, no matter their local constraints, cities across the peninsula were determined to leave their mark on the spaces around them.

### 3. An Italy of territorial states (fourteenth-fifteenth centuries)

Over the course of the fourteenth century, the political and social system built by the communes evolved in new directions. In some cases, a period of internal tensions resulted first in the progressive marginalisation of long-standing opponents (a faction, a family, a class) and later in their reintegration into the foundational structures of urban society. United, for better or worse, under the same party, lord or social group, these communes began expanding their sphere of influence outside the boundaries of their *contadi*. In other cases, cities were severely weakened by tensions and left to fend for themselves while other actors occupied the stage. Take Reggio, a city 'besieged', as Andrea Gamberini put it, by the aristocratic clans of

39 A more representative sample of Tuscan cases can be found in Taddei, 'L'organizzazione del territorio'.

40 Pini, *Le ripartizioni territoriali*; Orlando, *Altre Venezie*.

41 Corrao and D'Alessandro, 'Geografia amministrativa'.

its countryside.<sup>42</sup> Of course, conflicts were far from rare in the Italy of cities. But this time, their repercussions were bound to be profound: urban institutions became more authoritarian, so as to ensure continuity of power between members of the same party or family, while the ruling classes became less accessible to other urban groups.<sup>43</sup> More importantly, for our purposes, these developments paved the way for the creation of dominions which extended over the territories of multiple cities. While communes that managed to retain a republican profile, like Florence, were not far behind, the most striking examples of territorial expansion can be found in cities where a single lord or faction leader had risen to power. This was famously the case of the Visconti dynasty, which from humble beginnings in the Milanese countryside came to expand their influence across what is now Lombardy, Emilia (including Reggio itself) and briefly even parts of Tuscany and eastern Veneto.<sup>44</sup>

These developments were once celebrated as Italy's first steps on the path of state formation, mainly due to the new bureaucracies and tools of government created around a centre – a prince or a small oligarchy, where communal institutions survived – to rule over their new peripheries. Furthermore, these actors claimed to exercise a higher form of power over their competitors: princes sought charters granting them the title of imperial or papal vicar and later of duke, while some republican regimes justified their jurisdiction over neighbouring cities by proclaiming themselves to be hierarchically superior to other communes (*civitates potentes*).<sup>45</sup> Though they were once hailed as a definite indication of the rise of 'modern states' in Italy, these developments have recently been reassessed by specialists in light of practices of the opposite sign. It is now accepted that state-like dominions were constructed not by imposing their structures to the detriment of others, but by negotiating novel forms of allegiance with older powers, including cities, lordships and all sorts of communal organisations.<sup>46</sup> In short, new states were built not by obliterating pre-existing entities, but by reaching some sort of agreement with them. A well-known example is the type of pact through which a community bargained its rights and duties within a larger polity (*deditiones, capitula*). These were typically struck upon a

42 Gamberini, *La città assediata*.

43 Further on these developments, see Jones, *The Italian City-State*; and now De Matteis and Pio, *Sperimentazioni di governo*.

44 Somaini, 'L'età della signoria'.

45 Chittolini, 'Dominant Cities'.

46 The origins of this reassessment can be traced to seminal works by Guarini, 'Gli stati'; and Chittolini, 'Stati padani'.

community's subjection to a higher power, and later renegotiated whenever new circumstances challenged the existing agreement between the two: a change of rulership, for instance, or the need to introduce new legislation (for the state) or present new demands (for the community).<sup>47</sup> In keeping with equivalent developments across Europe, the very term 'modern state' was eventually replaced by scholars of the peninsula with more descriptive terminologies, including 'composite' or 'mosaic state' (in reference to the contractual nature of their power base) as well as 'regional' or 'territorial state' (to emphasise the fact that they extended well beyond the territory of a single centre).<sup>48</sup>

Still, terminology alone should not warrant the assumption that territorial states were also territory-makers. Like the cities before them, they began by adopting pre-existing territories as the jurisdictional units upon which their authority was exerted. This was accomplished through similar strategies: the stipulation of repeated pacts between a dominant power and a subject body, the confirmation and sometimes partial revision of local statutes, the deployment of magistrates in charge of administering the ruler's justice in the whole of the dominion, and even the drafting of lists recording the units on which policies were articulated (such as registers of taxable centres or directories of all the officers stationed in the peripheries).<sup>49</sup> Unlike the communes, however, the new republican or princely regimes did not impose a territory of their own onto the existing landscape. To put it differently, their territoriality did not apply directly to all the individuals residing within their dominions; rather, it was enforced through the mediation of territories already in existence.<sup>50</sup> Taxes, for instance, continued to be levied first among the residents of a rural commune and then among all the communes traditionally attached to a *contado*.<sup>51</sup> The same went for the granting of community membership, which remained an exclusive

47 Another practice which, in different shapes and fashions, can be found across Italy: O'Connell, 'Voluntary Submission'; Chittolini, 'Models of Government'; Corrao, 'Negoziare la politica'.

48 To name but two recent discussions: Ferente, 'Stato, stato regionale'; Lazzarini, 'I nome dei gatti'.

49 The relevant bibliography is simply too vast to be summarised here. In addition to the literature on *capitula* and *deditiones* referenced earlier, a good start may be, respectively, Dondarini, Varanini and Venticelli, *Signori, regimi signorili*; Isaacs, 'Changing Layers of Jurisdiction'; and Lazzarini, 'Scritture dello spazio', pp. 148-161.

50 The point has been made extensively by Varanini, 'Governi principeschi'; and now Somaini, 'The Collapse of City-States'. Based on remarkable new studies, similar conclusions could be drawn for the south: Terenzi, *L'Aquila nel Regno*; Senatore, *Una città, il Regno*.

51 For the tension between a state's fiscal policy and the persisting prerogatives of urban communes, see especially Chittolini, "Fiscalité d'Etat".



prerogative of each commune, and also for citizenship. Significantly, the only way a prince or ruling oligarchy could turn someone into a citizen of their dominion was to make them *cives* of all the *civitates* they controlled.<sup>52</sup>

That is not to say that all Italian states were unable to fully territorialise their power. A notable case in point is the Florentine dominion, possibly the one polity in the peninsula which might deserve the appellation 'territorial state'. There, the republican regime managed to extend the organisation of the city's old *contado* to the entirety of its new dominion, typically by breaking down territories built by rival cities.<sup>53</sup> In other cases, such as Mantua, a dynasty inherited the established relationships between a city and the communities of its countryside, and was later able to sustain them using similar devices, starting from the custom of demanding oaths of fealty.<sup>54</sup> Yet neither of these strategies turned the Florentine and Mantuan regimes into territory-makers: both were still operating within the conceptual as well as physical frameworks developed by urban communes – something exemplified by the use of words such as *districtus* and *comitatus* in descriptions of their dominions. Equally, what has been said above about the frequency with which new states relied upon older territories to exert their authority should not conceal the fact that certain regimes were at least claiming to possess a territory of their own, though not always with much success. An example much quoted by scholars is that of Gian Galeazzo, the first Visconti able to call himself duke of Milan. In line with similar tendencies in other parts of Europe, he tried to foster a close association between the princely family and the region to which they laid claim. In 1397, having failed to obtain the title of 'kings of the Lombards', he ordered the forging of an imperial charter making him duke of the whole of Lombardy (*dux Lombardiae*).<sup>55</sup> Gian Galeazzo died a few years later; to his post-mortem chagrin, the chroniclers recording the event never mentioned the title, opting instead to present a 'catalogue' of all the cities he had come to control.<sup>56</sup> He left behind an enduring legacy as well as a dynastic claim of legitimacy to much of the region, but certainly not a territory worthy of the name.

Nonetheless, it would be erroneous to assume that new territories were ultimately not made in this period. Worse still, it would be nothing less than falling into the territorial trap: just because states were not at the forefront

52 An illustrative example of these 'global citizenships' has been recently analysed by Covini, 'La patente perfetta'.

53 Connel and Zorzi, *Lo Stato territoriale fiorentino*.

54 Lazzarini, *Il linguaggio del territorio*.

55 Black, 'The Emergence of the Duchy'.

56 For this custom and the expression 'catalogue of cities', see Ricci, 'Cataloghi di città'.

of a new wave of territorialisation does not mean that society as a whole failed to become more territorial. On this occasion, instead of rural or urban communes, change was driven by communities which sat right between them in the spatial hierarchy of the time. The first were townships: urban settlements which did not hold the status of a city but were still able to extend their jurisdiction over the surrounding countryside. Beyond actual size, their lesser status was generally due to their lacking one of the defining features of a *civitas* (a bishop and/or an encircling wall) or simply caused by the proximity a more established centre.<sup>57</sup> The second were rural federations: consortia uniting the communes of the same valley, lakeshore or tableland in an effort to advance their common interests. While these were especially common in the Alps, recent studies have shown that comparable associations could be found also in the south.<sup>58</sup> Both townships and federations had long existed alongside rural and urban communes, and some had already surpassed the latter as the chief form of territorial organisation in their area. Two noted examples are the federal *universitas* of Frignano, located in the Apennines south of Reggio and Modena, and the *villenuove* which arose in Piedmont outside the sphere of influence of nearby cities.<sup>59</sup> In most cases, though, urban communes were able to marginalise or simply thwart the establishment of alternative forms of territorial organisation, so as to consolidate rural communes as their sole interlocutors in the countryside.

Things changed rather drastically as soon as the two-way dialogue between a city and its *contado* became part of the larger conversation initiated by a prince or republican oligarchy around the region. In an effort to curb the influence of subject cities and secure the loyalty of other bodies within their dominion, the new regimes pursued an opposing set of policies. They created new jurisdictional districts to fit the territories of townships and federations, often by stationing a representative of the state in the locality where the wider community used to assemble. They gave them privileges of separation, in the form of charters sanctioning their autonomy from the *contado* to which they once belonged (or were supposed to belong, in the case of cities which never managed truly to control them). Finally, they entitled them to exercise both rights and duties once restricted to the *civitates*, such as the collection of taxes among rural communes or the

57 Further on these centres and their categorisation, see Folin, 'Sui criteri di classificazione'; and broadly Svalduz, *L'ambizione di essere città*.

58 For an overview, consider Della Misericordia, 'La comunità sovralocale', alongside Senatore, 'Distrettuauzioni intermedie'.

59 Santini, *I comuni di valle*; Guglielmotti, 'Territori senza città'.

upkeep of military fortifications.<sup>60</sup> In essence, the new regimes raised the territories of townships and federations to the status once enjoyed by the *contadi* alone: as the spaces through which their territoriality was mediated. In so doing, they coupled independent traditions of self-governance with new public responsibilities, thus legitimising from above territorial practices originating from below. In this sense, by elevating them among the units around which their dominions were organised, the new regimes were once again observing the role of communities as the most accomplished territory-makers of the time.

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Overall, this survey confirms the initial indications found in the works of medieval jurists, as well as the broader methodology inspired by them. First, communities made territories far more often than states in this period. They did so by combining a variety of territorial practices. Some were nothing but the sort of social relationships and cultural activities which may foster a collective sense of space: living, working, praying, and generally doing things together within the same locality. Others were conscious strategies for territorial control: appropriating assets, marking boundaries, fighting disputes, drawing districts, commemorating possession, compiling lists, making and confirming bodies of law, and even hampering alternative forms of territorial organisation. In essence, territory-making was driven as much by interactions between people as by political interventions; as befits communities more than states, it was a social as much as an institutional practice. There is no question that many of these strategies were advocated and put in place by specific segments within those communities: wealthy landowners, artisans using natural resources in their work and groups who could generally profit from a firmer hold over the surrounding spaces. The fact remains that their actions were bound to shape more consistent territories for the entirety of their respective *universitates*.

Second, the territorial landscape of late medieval Italy cannot be reduced to a single form of territorial organisation, and certainly not to states alone. Different communities built different territories. Though they were never as vast as those of modern nations, they could range in size from the locality associated with a single settlement, through a valley or mountainous plateau, to the area headed by a town or city. As a rule, the more they expanded,

60 Many of these dynamics were first highlighted by Chittolini, *Città, comunità e feudi*. For a recent case study, I take the liberty of referring to Zenobi, 'Nascita di un territorio'.

the less cohesive they became; the looser the links between a community and its spaces, the harder it was to tell them apart. The presence of other territories – or of powers menacing their territories – was also conducive to more defined spaces. Regardless of whether they were bitter or benign, some form of interaction was arguably behind each and every stage of territory-making: between rural communes, between communes and lords, between cities, between cities and higher powers (the pope, the emperor, the southern kings), between cities and princes or republican oligarchies, and finally between the new regimes and new intermediate communities (townships and federations). In brief, the politics of territory-making were fundamentally interactive.

Finally, these interactions were both vertical and horizontal. Much like the communities which made them, territories could exist alongside each other but also overlap. In keeping with the notion that jurisdictional rights were distributed rather than centralised, all territories could find a place in the spatial hierarchy of a late medieval society. At first glance, one could be forgiven for thinking that the territorial landscape of the time became progressively more uniform and simplified, as fewer polities took control of larger spaces. But as we have seen, such a reading would be, at best, superficial. As the period unfolded, more and more territories were made and came to supersede one another, yet only a handful of them were ever truly erased. States themselves shaped their spatial dimension not by imposing one exclusive territory in place of those which already existed, but by accepting them as the fundamental units around which society was organised. The larger they got, the more mediated their territoriality became. Despite what certain maps may suggest, their footprint on the spatial fabric of the peninsula was a shallow one.

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