This is a repository copy of *Penitential themes in 14th-Century Sienese petitions for amnesty: how can they contribute to the debate on the 'voices' of medieval court records?*.

White Rose Research Online URL for this paper:
https://eprints.whiterose.ac.uk/205860/

Version: Published Version

Article:

Part of the Ubiquity
Partner Network

Open Library of Humanities

New Approaches to Late Medieval Court Records

Peer Review:

This article has been peer reviewed through the double-blind process of *Open Library of Humanities*, which is a journal published by the Open Library of Humanities.

Copyright:

Open Access:

Open Library of Humanities is a peer-reviewed open access journal.

Digital Preservation:

The Open Library of Humanities and all its journals are digitally preserved in the CLOCKSS scholarly archive service.

NEW APPROACHES TO LATE MEDIEVAL COURT RECORDS

Penitential Themes in 14th-Century Sienese Petitions for Amnesty: How Can They Contribute to the Debate on the 'Voices' of Medieval Court Records?

Lidia Luisa Zanetti Domingues
University of Oxford, UK
lidia.zanettidomingues@stx.ox.ac.uk

In the last twenty years historians have focused their attention on the relationship between the practice of confession, in both sacramental and judicial contexts, and discourses of identity and selfhood produced by the confessing subject and their listeners. A detailed analysis of the influence of sources in which penitent attitudes were promoted (sermons and hagiographies) on the production of judicial confessions could therefore enrich the debate on the 'voices' that can be identified when reading medieval court records. In this article, two collections of Sienese petitions created on the occasion of general amnesties promoted by the commune in 1321 and 1329 are used to investigate this issue. Making use of a social interactionist approach, the article analyses examples of petitions in which penitential themes feature prominently. It argues that the idea of confession, or of penance, as practices through which a subject creates an identity, that of sinner, that individuals however immediately set aside in favour of a new, sublimated, sense of selfhood is an effective strategy interiorised by some Sienese petitioners. This complicates the landscape of 'voices' and concepts of selfhood identified so far by scholars analysing medieval court records. It also challenges the dualism often proposed by historians of late medieval Italian judicial systems between models of justice based either on vendetta or on an ideology of public order, by suggesting that there were other prominent ideologies that contributed to the development of deviance disavowal strategies and to central concepts of jurisprudence such as those of justice and mercy.

Introduction

In March 1321 the General Council of Siena, the main political assembly of the Tuscan commune, decided to call for a general amnesty. In order to benefit from it, prisoners and *exbanniti* (criminals who had fled the territory of the commune in order to avoid financial or corporal punishments) had to present a petition to the financial officers of the commune, the *camerarius* (treasurer), and the four *provisores* (officers) of the Biccherna (the Sienese accounting office). In their petitions, they tried to excuse their actions and offered a financial compensation to the government. After a first assessment by the *camerarius* and *provisores*, the final decision on the suitability of a candidate for having their sentence remitted lay in the hands of the General Council, which had to express a vote on each and every petition presented to the commune. Only those that received at least two thirds of positive votes were eventually accepted (Kumhera, 2017: 104). The reasons for calling for an amnesty are expressed very clearly in the minutes of the assemblies of the General Council, a source of paramount importance for the history of late medieval Siena, since they are preserved with few gaps from 1249:

> 'Ad providendum et inveniendum viam et modum quomodo introytus dicti communis augeantur et crescant (…) ad hoc ut negotia dicti communis possint fulciri et salubriter exerceri'. (ASS CG 95, f. 133v, 28/03/1321)

> (To find a way and a means to enhance and increase the revenues of the said commune (…), so that the affairs of the said commune be upheld and carried out profitably.)

The commune wished to collect extra money in a moment of economic stagnation and political instability: 1318 had seen the most serious revolt to the regime then in power, that of the Nine, until its fall in 1355; shortly after, the city had found itself involved in the expansionist politics of Castruccio Castracani, lord of Lucca (Bowsky, 1981: 101). Economic motivations probably lay behind all the ten amnesties known to have been enacted by Siena from 1302 to 1354 (Bowsky, 1967–68: 13, n.47; Bowsky, 1970: 524). In exchange for granting a pardon, the government would receive from a

criminal a certain amount of money that had been indicated in the petition: even if generally this amounted to no more than 5% of the original fine, amnesties were still an important source of revenue for the commune in times of hardship (Kumhera, 2017: 104). Since the fines established for many types of crimes were too high to expect most people to ever be able to pay for them in their entirety, amnesties were a moment in which penalties could be renegotiated in a way that was favourable to the commune and did not make it lose credibility (Zorzi, 2001; Kumhera, 2017: 101). The 1,439 petitions from the 14th century preserved in the archives survive after all in the *Biccherna* collection, which takes its name after the main financial institution of medieval Siena and which preserves the documents related to financial gains and losses of the commune.[1]

Ideological factors, however, were important as well, as demonstrated by the fact that not all petitions were accepted. While one of the two medieval Sienese collections of petitions extant nowadays, the volume *Biccherna* 731 (from the aforementioned amnesty of 1321), consists only of the 852 accepted ones, the volume *Biccherna* 732 (from 1329) comprises 537 accepted and 50 rejected petitions.[2] Even though the rate of rejection was very low, the petitioners had a major interest in presenting to the councillors a good narrative, in which they established themselves as non-deviant individuals with no potential for recidivism or for causing dangers to the public order (Kumhera, 2017: 109). The 'literary quality' of sources like these has indeed been well-known to the field since the pioneering study of 16th-century French letters of pardon by Zemon Davis (1987).[3] In such sources the historian can find, rather than

---

[1] Petitions of amnesty in the context of general amnesties such as the Sienese ones have not been the object of systematic study by experts of medieval Italian cities. Supplications, documents addressed to the governments to ask for an *ad personam* provision, have on the other hands been analysed for signorial regimes such as Bologna under Taddeo Pepoli (Vallerani, 2009; Vallerani, 2015) or Verona under the Scaligeri (Varanini, 2002). This type of documents exists also in 'republican' regimes such as 14th-century Siena, but, despite the similarities they bear to petitions, for reasons of space they will not be addressed in this article.

[2] Glenn Kumhera (2017: 107, n. 75) has expressed the intention of conducting a detailed analysis of the fifty rejected petitions of ASS, Biccherna 732 in a future contribution.

[3] *Contra* Le Roy Ladurie, 1975; this approach has also attracted the criticism of anthropologists such as Rosaldo, 1986.

a true or false account of events, a strategic mode of discourse that uses a mixture of narratives meant to convince the audience of the non-deviant identity of the narrator (Arnade and Prevenier, 2015: 14). The methodological discussion about the 'voices' in late medieval court records has been lately enriched by new debates, which have at the same time consolidated and moved past the notion of the witnesses' (or petitioners', I would add) agency and ability to manipulate the social ideologies circulating in their own culture (see e.g. Goodich, 2006). They have for instance reminded scholars of the importance of highlighting the legal framework in which similar types of sources were produced, too (Johnson, 2014). One has to consider, for instance, aspects such as the importance of legal counsellors as the co-authors of the texts, or the influence of the demands of legal procedure in their production.

Given this interpretative framework, it seems useful also to take into account the body of research that, in the last twenty years, has highlighted the influence of the sacrament of penance on the theory and practice of criminal justice in Medieval Europe, when analysing the narratives used by 14th-century Sienese petitioners and the legal context in which they operated (for an example, see Théry, 2009). The growing importance that penance acquired in sermons and other types of pastoral literature, as well as in the life of laypeople, was a sign of the move of the ecclesiastic hierarchy from a conception of the laity as an illiterate and undifferentiated mass (Arnold, 2001: 19–47). They started being conceived instead as a body of autonomous, 'confessing subjects' required to produce narratives of their own selves both in sacramental and in judicial contexts (not least, inquisitorial depositions).

In this article, I will analyse cases of petitions from the two extant Sienese collections of *Biccherna* 731 and *Biccherna* 732 in which penitential themes feature prominently. The aim is that of testing Arnold's conclusions and investigating in which ways the discourse of the 'confessing self' finds its role in the narratives deployed by the petitioners and their counsellors to present a non-deviant identity to the members of the General Council. I will argue that the penitential ideal is an effective strategy interiorised by some Sienese petitioners and recognised by councillors and officials. By 'penitential ideal' I mean the idea of confession, or of penance, as practices through which a subject creates an identity, that of sinner,

that they nonetheless immediately set aside in favour of a new, sublimated, sense of selfhood. This complicates the landscape of 'voices' and concepts of selfhood identified so far by scholars analysing medieval court records. In particular, I will argue that the new identity engendered by penance does not cancel the 'rights' or the existence of the old self in Sienese sources. In late medieval court records, a type of source in which scholars have recognised a form of 'heteroglossia' (coexistence of multiple discourses, see Arnold, 2001: 12), individual voices themselves can be heteroglossic, that is, they can present different, sometimes seemingly contradictory, facets of their identity at the same time. This idea can allow us to shed new light on the concept the of voice itself when examining this type of source. As it will be seen later in this article, analysing this multiplicity of voices can provide new insights on the 'legal consciousness' (Musson, 2001) of late medieval petitioners, and their strategic use of learned reflections on the rhetoric of legal argumentation. At the same time, it can show how a penitent identity could endow previously deviant individuals with special charisma not only in pastoral texts, but also in the eyes of the institutions. In this article, the expression 'pastoral texts' will refer in particular to sermons, to be disseminated among lay audiences during religious rites, and to hagiographies, also meant to be diffused among laypeople. Furthermore, I hope to challenge the dualism often proposed by historians of late medieval Italian judicial systems between 'personalised' and 'depersonalised' models of justice (for example Rubin Blanshei, 1983; Rubin Blanshei, 2010: 9ff.), based on the conflict between 13th-century ideologies of public order and older models of behaviour based on the centrality of revenge.[4] I hope to show that there were other prominent ideologies that contributed to the development of strategies of disavowal of deviance and of

---

[4] By dualism between the ideology of public order and what Zorzi (2002) calls the 'culture of revenge', I mean the ideal opposition as end points of a spectrum which models of criminal justice based on them express. This antinomy, however, was often present only at an abstract level, that is, in programmatic documents describing how 'things ought to be'. In judicial practice, on the contrary, abstract models were normally combined: for instance, private agreements between parties involved in a violent conflict could be integrated in public justice (Kumhera, 2017). New research in late medieval criminal justice has however shown that the boundaries between models were sometimes more rigid than it had been assumed. The recognition of the legality of vendetta by city-states has been for instance challenged by Dean (2002), Smail (1998: 203) and Kumhera (2017: 12).

central concepts of jurisprudence such as those of justice and mercy. In particular, the model of *cura animarum* (pastoral care) implemented by the Mendicant orders after the Fourth Lateran Council is an influence that should be taken more into account when analysing lay court records from the late Middle Ages.

Deviance disavowal strategies: an interactionist approach for 14th-century Sienese petitions

The manner in which individuals express identity formations in particular judicial contexts has been the subject of research in a number of different disciplines, including not just history, but sociology and criminology (to name but two). These disciplines have developed one approach, in particular, that appears to be useful when analysing late medieval and early modern supplications and depositions, that is, the sociological theory known as social interactionism (Becker and McCall, 1990: 3–4; Sandstrom et al., 2010). One of its central tenets is the idea that an individual identity exists only in the context of his or her social interaction with others, so that our self-concepts are reflections of others' conceptions of us. In this article, however, it will be assumed that individual identity exists above all in the context of social interaction, but not exclusively; the philosophical idea that there cannot be identity without interaction will not be approached here. The individual is of course not a passive element in this process, but possesses the agency to negotiate their identity in their relationships with the others. The criminological repercussion of this theorisation postulates that every social group creates its norms and then applies them by labelling those who do not conform to them as 'deviant' (most recently, Akers and Sellers, 2004: chapter 7). Once an individual has been attributed a deviant identity, it becomes their most important characterisation, so that they are then pushed to the margins of society as outcasts. However, it is possible to counter the process of attribution of deviance through the use of various strategies that renegotiate the identity of the individual and the perceived motivations behind their actions. This is the reason why social interactionism can be a good framework to analyse the influence of the penitential ideal on court records. This ideal assumes indeed that the change in the penitent's identity and internal sense of self must be exteriorised and communicated to others (God, the confessing priest, or other members of the community, through practices

such as pilgrimages and restitution of illicit gains: see Mansfield, 1995) to become valid. It has to become a 'voice' in society that adds to the existing voices that scholars have examined in judicial sources.

The use of the category of deviance for medieval societies has however been criticised in the past (Zemon Davis, 1979: 67), on account of their lack of a coherent system of norms meant to define who belonged to this category. This might make an interactionist approach not appropriate for the pre-modern periods. Recent studies, nonetheless, have stressed how the late Middle Ages saw the development of a stricter identification of the criteria that distinguished 'infamous' people from members of the community that enjoyed *bona fama* ('a good reputation'), and to a growing number of forms of exclusion for the former, even though *infamia* remained a negotiable notion (Todeschini, 2007; for Sienese examples see Mucciarelli, 2011; Mucciarelli, 2015). The tangible but negotiable nature of medieval *infamia* has parallels in the interactionist concept of deviance, which is thus a useful heuristic tool for the investigation of medieval societies.

In Siena, the structure of petitions shows already very clearly their intent to change the perception that the councillors, as members of the community and of the government, had of the person who hoped to benefit from the amnesty. These documents start with a detailed account of the official narrative of the trial in which the supplicant has been condemned, which is however immediately challenged by another account that purports to be the 'true one', that is, the version of the supplicant or their procurator. It is possible that, as suggested by Smail (1997: 197), trials were more centred on the reconstruction of the crime than on the context in which it had happened, so that the petition could be a moment in which condemned people could integrate missing information. The simplest strategy used to challenge the veracity of the narrative of deviance attributed to the petitioner consists in asserting its total falsity, related to the inability of the judge to ascertain the truth because of his excessive cruelty in the use of torture, or because of the calumnies of enemies of the narrator (examples can be found in ASS, Biccherna 731, ff. 80r, 297r, 582r). A more common strategy consists in accepting the deviant nature of the actions a petitioner has committed, while at the same time challenging the fact

of being labelled as a deviant by offering acceptable motivations for such actions. The narrative of the trial is therefore characterised as being only partly true, and lacking the most important details that are necessary to have a full understanding of the actions of the offender. The actions which resulted in their condemnation are therefore presented as unintentional or accidental, or are characterised by attenuating factors that testify to the good nature of the petitioner, which would make his actions look excusable in the eyes of the community.

There are two main ideological reservoirs that the petitioners draw from when employing this second approach, which correspond to the two models described by historians of communal criminal justice such as Rubin Blanshei (even though the debate on their relative importance is still open: see for instance Dean, 2002; Vallerani, 2012; Zorzi, 2014). One is the 'culture of revenge' described by Zorzi (2002), or a personalised vendetta-based model of justice (Rubin Blanshei, 1983). It is characterised by the expectation that men who wished to be considered respectable in a given community had to personally pay back any offence, in order to avoid shame and maintain their honour. When resorting to this set of principles to reframe their actions as non-deviant, the supplicants are often asserting that the reason why they broke Sienese law was to protect their social status within the community. In this situation, a man excuses the insults he uttered to someone as motivated not by a desire of offending him, but by the 'moral duty' to respond to the invectives addressed to himself in the first place (ASS, Biccherna 731, f. 607r). Another man, condemned for having killed his wife, who had committed adultery with a priest, mentions in his defence the opinion of the relatives of the slaughtered woman, that recognised the necessity of this homicide to uphold the killer's reputation within the community (ASS, Biccherna 731, f. 113r). This is the reason why he carried out the homicide even though he did so 'unwillingly and almost forced by necessity' ('invitus et quasi necessitate coactus'). The other ideological construction used to pursue this strategy is typical of the popular regimes that came to power in Italian communes, including Siena, in the second half of the 13th century. Its guiding principle was the idea that public order was a greater good than the honour of individuals, families or other groups represented in the city, and that it was necessary for the wellbeing of the

community that all crimes be punished by the government (Fraher, 1984; Vallerani, 2012: 102-ff.). Loyalty to this ideology is shown by petitioners, for instance, when they justify acts of violence against an individual as the actions of a good citizen who, while performing his duty as a civic guard, had to be somewhat rough in arresting a felon, or used a certain degree of force just in order to prevent a crime from being committed (ASS, Biccherna 731, ff. 22r, 239r).

The strategies described so far do not differ much from the narratives analysed by Zemon Davis and other scholars of premodern supplications, and fit into their patterns. However, the Sienese petitions offer examples of a less common but striking approach that has not received much attention, so far, in the debate on late medieval and early modern court records. When employing this approach, petitioners do not challenge at all the truth of the official narrative of deviance told about them by the judges. Instead, they admit to having committed a wicked action, and assert that the episode has completely changed their identity and prompted them to convert to a more spiritual life. The petition of Tuccio of Licignano Val d'Arbia (a village in the *contado*, the surrounding territory of Siena), a prisoner condemned for having broken into a woman's house and beaten her brother, is a good example of this approach. He admits his fault, but claims at the same time that the penitential value of his experience in the Sienese jails (on which see Bowsky, 1967–68; Pazzaglini, 1974; Kumhera, 2017: 117; also Geltner, 2008: 76–77) has transformed him into a totally different person:

> 'Quare cum ipse Tuccius sua penitentia sit purgatus ac eundem delictorum lunge peniteat…' (ASS, Biccherna 731, f. 93r)

> (Therefore, since Tuccio has been purified by his penance and has been repenting for his crimes for a long time…)

His identity was so sublimated by the experience that he now proposes himself as a 'charismatic' intermediary between God and the community. His prayers could help the urban community to undertake a penitential journey similar to the one he has gone through, and have a protective effect on the city:

'Rogans dominum Jesum Christum quod civitati oratione dulcissime illud salutis adibeat studium quod nostrum studium inchoatum ad sui salute deveniat, et protegat et defendat atque custodiat vel vos a malis'.

(He asks the Lord Jesus Christ to convert in all sweetness, through his prayers, the city to that desire for salvation which becomes like our recent desire for one's own salvation, and to protect and defend and guard you from misfortunes.)

Another example of how violent crimes could be for some a watershed that could prompt a radical change in their personal and social identity is the petition of Mino of Bencivieni Barocci of Siena. The man became a friar (which order is not stated) after violent fights with enemies, and explicitly cited his penitential choice as a consequence of his violent past:

'Frater Jacobus, qui elapsis temporibus vocabatur Minus olim Bencivienis Barocci (...) mundo et mundano se immiscere non intendens, Deo servire proponit, pro remedio suorum peccatorum penitentiam facere. (...) De predictis que misericorditer petit se dignum non reputat, quia vere se peccatorem cognoscit'. (ASS, Biccherna 731, ff. 153r-v)

(Friar Jacopo, who in previous times was called Mino of the late Bencivieni Barocci (...) desiring not to be involved in the world and worldly affairs, proposes to serve God and do penance to atone for his sins. (...) He does not consider himself worthy of what he has requested from you hereinabove, asking for your mercy, because he acknowledges that he is truly a sinner.)

This is not the only instance in the collections of a man entering a religious order after committing a violent crime: another case can be found in ASS, Biccherna 731, f. 185r.

The strategy employed in these two examples has also been described in the interactionist theory by using the term 'destigmatisation', defined by sociologists as the replacement of the deviant identity with a positively evaluated, sometimes charismatic

one (Warren, 1980). In the context of Sienese petitions this strategy is characterised by the use of a heavily religious, penitential language that centres around the notions of sin, repentance and purification. It has to be added that petitions presenting a 'destigmatising' approach are not the only examples in the Biccherna registers that make use of religious concepts and terminology. Indeed, the idea that an amnesty is an act of forgiveness requiring an attitude of humble abasement on the part of the supplicant, and bestowing an aura of grace and mercifulness on the ruler or the community that grants the pardon, is present in this type of document since at least Late Antiquity (Ganshof, 1966; Gauvard, 1991: v.1, 903-ff.; Koziol, 1992). The Sienese petitioners who employ other narrative strategies in their petitions also make reference to Christian ideas of mercy. They often suggest, for instance, that acts of mercy towards the poor and the wretched performed by the General Council will attract the protection of God and the Virgin Mary on the community. They go as far as quoting appropriate biblical excerpts or spiritual writings to convince the councillors of their duties towards the *pauperes*, the weaker categories of society. A petitioner, for example:

> 'Humiliter et devote suplicat paternitati vestre quatenus amore Jesu Christi et sue matris Viriginis Marie, ob quorum amore quod datur dupliciter ab eisdem remuneratur, dictam condempnationem cancelletis'. (ASS, Biccherna 732, f. 281r, reference to Deut 21, 17; 1Sam 1, 5; 2Kings 2, 9; Is 61, 7; Job 52, 10)

> (Begs humbly and devoutly Your Paternity that for the love of Jesus Christ and his mother the Virgin Mary, for the sake of whom what is given is rewarded in double measure, you cancel the condemnation.)

In this way, they show the high degree of acquaintance that late medieval inhabitants of northern Italian cities had with religious texts and concepts in the late Middle Ages (Thompson, 2005; examples in the Sienese petitions can be found in ASS, Biccherna 731, f. 251r; ASS, Biccherna 732, ff. 278v, 286r, 317r).

It is hard to discern patterns in the use of religious motifs or lack thereof. Women, whose good social standing in Mediterranean societies has often been linked to their devotion (Herzfeld, 1985: 66), frequently draw upon religious motifs while

acting both as petitioners and as procurators. Self-professed *pauperes* demonstrate the same tendency since in this way they can, as mentioned above, make reference to the special status granted to them in religious texts. Sienese petitions however include many cases of aristocratic or middle-class citizens who presented documents imbued with religious content, and of poor labourers who decided to exclude any reference to it. Patterns that link specific types of crime to the use of religious motifs in petitions seem also to be absent. Most of these sources refer to cases of assault and homicide, whereas non-violent crimes (mostly theft, perjury and giving hospitality to banished individuals) are a minority. This distribution seems to reflect the data about persecuted criminality in Siena at the end of the 13th century, which can be harvested through an analysis of the lists of condemnations issued during the tenure of various *podestà* (the main magistrate of a commune) preserved in the city archives (for instance, ASS, Biccherna 725). The majority of references to religious concepts appear in documents concerning violent crimes, which reflects the fact that these represent the majority of surviving petitions, and possibly also that these offences were quite common in late medieval Siena. It is not a strong indication that penitential themes were seen as more appropriate to ask for forgiveness for specific types of crime rather than for others. It is likely therefore that personal sensibility played a great part in petitioners' choices about which ideologies to use. As for quantitative data, the wealth of petitions preserved in Siena from the 14th century does not allow me to offer a complete breakdown of those making reference to religious motifs linked to penance and mercy. The importance of the latter can however be gauged through the detailed analysis of a sample of 161 petitions from *Biccherna* 731 (corresponding to ff. 1r–85v; 531r–606v; 1000r–1031v). Among them, those which make an extensive use of penitential themes, so that Christian spirituality becomes the centre of the narrative strategy used in the petition, represent 21% (that is, 33). In addition to these, a further 15% of the documents (24 in total) integrate religious motifs with other ideological constructions in order to convince the councillors to reintegrate them. Ideas of penance, mercy and forgiveness have therefore a not at all negligible role in Sienese petitions.

Crime and penance in Sienese pastoral texts and lay sources

In the examples analysed above (all regarding cases of assault or homicide), however, there is also a much deeper internalisation of a model of behaviour proposed by the Church, and in particular by the Mendicant Orders, after the 'pastoral revolution' of the Fourth Lateran Council (Bériou, 2000; Delcorno, 2000). In Siena, the 13th and 14th centuries represented a period of particular spiritual fervour for the Mendicant Orders (Benvenuti and Piatti, 2016: viii). At least one local member of all the major Mendicant Orders obtained a saintly status within the community in this period, and confraternities associated with them flourished. They received constant financial support by the Sienese government, and many friars participated, in various capacities, in the political life of the city state (Szabò-Bechstein, 1977; Vauchez, 1977).

In the pastoral texts produced by the friars in the 13th century, penitential themes became central, on account of the obligation to confess at least once a year expressed in the conciliar canon *Omnes Utriusque Sexus* of 1215 (Murray, 1998; Delcorno, 2000: 451). The importance of the sacrament of confession, focused more and more on the internal contrition of the sinner as a precondition to obtain absolution (Tentler, 1977: 161–62; Mansfield, 1995: 34–35), made being a late medieval Christian, according to Arnold (2001: 71), a more demanding task than it was before. Laypeople came to be considered as 'interiorised subjects capable of self-reflection' (Arnold, 2001: 73) and were asked to acquire the habit, in the confessional but also in daily life, of producing narratives of their identity and selves. It is not surprising that in the same period metaphors used by the clergy to describe confession saw a shift from the traditional semantic field of medicine to that of justice (Bériou, 1986). The legal image of the 'internal forum' used by canonists to describe sacramental confession (Goering, 2008) appeared more often also as a result of the growing importance of judicial confession in the late medieval law of proof (Fraher, 1989). The latter was influenced in turn by the adoption of an inquisitorial model of trial – in which judges could initiate inquiries and were directly involved in investigating the facts of the case – which had its origins in different traditions, including canon law. The

commingling of theological and legal languages can also explain why in pastoral texts from late medieval Siena the main paradigm through which religious people reflected on violence and justice was the sacrament of penance. In these types of sources of this period, confession and incarceration were often compared as experiences able to change one's sense of selfhood, as in a sermon on Mt 11, 2 by the Sienese Dominican Blessed Ambrogio Sansedoni (BCS, Ms. T.IV.7, ff. 7v–10v). Conversely, when talking about problems of conflict and crime in the communal society, Sienese mendicants prescribed the adoption of a contrite and penitent demeanour as a way of overcoming one's deviant tendencies.

The petitions analysed above bear a striking resemblance, indeed, to the models offered by Sienese hagiographies of mendicant origins from the 13th and the early 14th centuries. Among the local figures that acquired veneration in this period, the lay penitents Andrea Gallerani (*Vita A.G.*) and Giacomo of Montieri (BCS, Ms. K.VII.24, ff. 455–464) started their religious life after a criminal past, and possibly so did the Franciscan tertiary Pietro Pettinaio (*Vita P.P.*, p. 5; Pellegrini, 2015). Even the Dominican Ambrogio Sansedoni, described in his hagiography as an example of sanctity since his childhood, seems to have harboured feelings of repentance for an unspecified involvement in violent vendetta practices during his youth (*Summarium*, col. 211). Not only the protagonists of these hagiographies, but also many other secondary characters too, underwent a radical change in their identity following a penitential experience. This is described in terms of a sacramental confession, related to a committed, attempted or planned crime. To provide a brief example, Mino Luglioli, one of Pietro Pettinaio's companions of charitable activities, started his career as a man of God by going to the church to commend himself to the Almighty on the day in which he planned to kill one of his enemies (*Vita P. P.*, pp. 61–62). There he had a confrontation with Pietro, who had been miraculously alerted by God to Mino's evil intentions. It is this encounter that turned the potential criminal into a new person. This experience is described in terms that echo central tenets of the discipline of confession, such as the idea of the friendship between God and men established by the sacrament (Mansfield, 1995: 36) or the notion of internal peace as the emotional outcome of the ritual (Bériou, 2005). The hagiographical *topos* of

crime as a turning point in the path to sainthood is not a late medieval novelty. The life of the 11th-century founder of the Vallombrosan Order Giovanni Gualberto, who became a monk after renouncing the taking of revenge on his brother's killer (*Vita Iohannis Gualberti*, coll. 2–5; discussed in Wickham, 2000: 358), is a case in point. This *topos* can be considered a subtype of the commonplace that attributes a dissolute youth to a saint before his conversion, and was revived in the 13th century especially due to Thomas of Celano's lives of St Francis of Assisi (Merlo, 2003: 13–14). Despite the somewhat conventional nature of this characterisation of sainthood, the choice of Mendicant, Sienese hagiographers to present so many cases of reformed criminals (and not just individuals previously characterised by worldly aspirations such as partying, hunting and squandering money) as models for their flocks cannot be disregarded as a simple homage to tradition. The disappearance, revival and variations of *topoi* are considered by current hagiology as indications of the sociocultural climate in which the texts that present them were produced (Montanari, 1988; Powell, 2010; Zanetti Domingues, 2017). In the case of Siena, moreover, this interest in the relationship between criminal justice and spirituality in hagiographies went hand in hand with a similar concern expressed in contemporary homiletics. This aspect is shown by the case of the aforementioned Ambrogio Sansedoni, but also of the Franciscan Bindo Scremi, active at the end of the 13th century (for instance BAV, Ms. Vat. Lat. 7697, ff. 1r–63r; see also Bataillon, 1999: 99). Petitions such as the ones analysed above show how the idea of confession and penance were tools used to produce a new sense of selfhood in opposition to a deviant identity was not confined to hagiographical texts or inquisitorial depositions, but could affect the lives of laypeople also in the context of lay courts.

It must be stressed that all the examples of petitions presenting penance-based destigmatising strategies analysed in this article were accepted as worthy of granting a pardon to their authors or commissioners. On the contrary, no documents employing this approach can be found among the fifty rejections of *Biccherna* 732. This is not to say, however, that the ideological constructions elaborated by the Mendicant Orders in Siena were always successful and encountered no opposition. Firstly, these petitions represent an exiguous number of those presented to the General Council in the years

1321 and 1328 (even though, as it has been noted, references to religious concepts in the collections abound).[5] Secondly, the fact that in the hagiographies the individuals represented as able to overcome deviance through penance are elevated to the status of saints or recipients of miracles suggests that even the Mendicants were aware that very special circumstances were required for the shift to be successful (on the rarity of the process of destigmatisation see Warren, 1980: 59). The boundaries between models of sanctity to admire and to emulate were permeable but still existed in the late Middle Ages (Kieckhefer, 1984: 14; Vauchez, 1991). It would be equally incorrect to assume that these constructions had no place in the mental horizon of the political elites of Siena and the other Italian communes, or that they were used purely as a legitimising tool for governments. Occasional instances in which the regime appeared willing to reconsider the attribution of a deviant identity to individuals who displayed an adequate penitential attitude can be found in Siena since the late 1270s. One case is that of the poor prisoner Nuto Giraldi, native of the *contado* of Florence. He was selected, by the collaboration of religious counsellors, to be liberated in the course of the civic and religious rites connected to the Assumption of the Virgin Mary, patron saint of Siena, in 1279 (on these rituals see Koenig, 2001; Giorgi-Moscadelli, 2008). He had been condemned to pay the exorbitant sum of 1,000 Sienese lire for having been naïve enough to confess that he had come to Siena to kill an enemy:

> 'quem bene potuit occidere, si voluisset, sed noluit: et tantummodo propter dictum malum propositum condemnatum ut dictum est'. (ASS, CG 23, ff. 15r–17r, 13/08/1279)

> (whom he could have well killed, had he wanted, but he decided not to: and he was condemned, as it has been said, just because of the aforementioned evil plan.)

---

[5] Once again, it is not possible to give an entirely accurate figure here. An estimate for the volume *Biccherna* 731 is about six, which represents less than 1% of the total. It must be noted that this was a particularly risky strategy for petitioners, since involved confessing their crime in the first place. It was therefore worth using only if their claims could be supported by strong evidence (for example, pilgrimages or the decision to join a religious order).

Notwithstanding the opposition of the notary *ser* Cacciaconte (which shows that Mendicant ideals did not always attract unanimous consensus), the vast majority of the councillors was willing to consider the repentance displayed by Nuto, whose story is very similar to Mino Luglioli's, enough to reconcile him with society.

In the same way, the shoemaker Andreuccio was granted an extension for appearing in front of the court to answer for an unspecified accusation in 1309, on account of the penitential pilgrimage he had undertaken (ASS, CG 75, cc. 67r–69r, 19/07/1309). This case so far has been interpreted as an example of a rise in the implementation of policies based on granting *ad personam* exceptions to the legislation to Sienese citizens in Siena. Similar writs have been interpreted the same way, that is to say, not as motivated by ideas of 'common good' as communal governments often purported, but as a propagandistic attempt to meet the expectations of the citizenship (Mucciarelli, 2014: 382). However, interpreting this case as a recognition of the value of penance in renegotiating the social identity of an individual previously implicated in criminal affairs is an equally valid approach.

A final, striking example of the same attitude displayed by the Sienese councillors is their motivation for liberating, during the festivities for the Assumption of 1301, all outlaws that had been captured while trying to elude communal justice at least five years before:

'Qui tanto tempore steterunt in carceribus satis eorum contumaciam purgaverunt, et si stare et tormentare tanto tempore esset solutio condempnationis cum Deo et iustitia eorum condempnationes dici possent solvere et satisfieri'. (ASS, CG 60, f. 49r, 09/08/1301)

('Those who have been for so long in prison have already been sufficiently purged for their contumacy, and, if being in jail and subject to torments for so long is enough to atone for a condemnation, it can be said that they have expiated and atoned for their condemnations in the eyes of God and of justice'.)

Old *vs.* new moral selves: which voices appear in the Sienese petitions?

Sociological studies on destigmatisation in religious contexts, based in particular on the experience of born-again Christians in the United States, have posited that the strategy is successful when it engenders the death of the old moral self and the substitution with a new one (Katz, 1975). Historians such as Burrus (2008: 111) have also recently modified Arnold's paradigm on the creation of a 'confessing subject' in sacramental and judicial contexts by adding the idea that the interaction between confessing individuals and their audience (be it a priest, a judge or God alone) creates indeed not one but two narratives of the self. When one confesses, one creates an identity, that of sinner/criminal, which that person immediately renounces to assume a new purified and penitent identity. What does this idea offer the debate on the 'voices' distinguishable in late medieval court records? Is the old identity really substituted with a new one when an individual and/or their procurator employs a penance-based narrative strategy? A few more examples from Sienese petitions may shed light on the issue. The document presented by Vanna of Bartalino in her capacity as a procurator for her brother Andrea is a case in point. Andrea had been condemned to death for unpremeditatedly killing an enemy in a revenge-motivated aggression, after which he had spent twelve years in exile from Siena. The document describes his lifestyle in exile in this way:

> 'Istud tempus hoc modo expendit ut penitentiam ageret de peccatis et infortunio communi casus, et pro anima dicti ser Cecchi ivit ad Sanctum Iacobum bis et ad sanctum Franciscum pluries (...), suam culpam recognovit et eam procuravit per penitentiam coram Domino excusare'. (ASS, Biccherna 731, ff. 324r-v)

> (He spent this time in such a way as to do penance for his sins and the common misfortune of his situation, and he went twice to Santiago [literally, to the shrine of St James] and twice to Assisi [literally, to the shrine of St Francis] to pray for the soul of *ser* Cecco [his victim] (...), he acknowledged his guilt and tried to atone for it in the eyes of the Lord through penance.)

The document contains all the elements of the penitential approach: confession of one's guilt; reference to the idea of penance (pilgrimages were a common penitential practice in the late Middle Ages: see Mansfield, 1995: 21); and use of a deeply religious language.

However, earlier in the petition the procurator also declares that Andrea should have not been punished, since 'secundum iura parcendum est ei qui provocatus se ulciscitur' ('according to the laws he who takes his revenge after a provocation should be forgiven').[6] Vanna is probably expressing a concept she had learned from her family education (as argued by Zorzi, 2002), and that was undoubtedly shared by her brother, it is quite conceivable that he attacked his enemy thinking that he was in the right. The probably unintentional homicide of his rival caused an internal turmoil in Andrea that made him reject the model of a 'culture of revenge' described above, in favour of a penitential lifestyle centred around the opposite idea of forgiveness. In the eyes of his sister, however, it seems that the newly penitential Andrea did not completely deny his previous identification with a model of behaviour that required a willingness for male individuals to assert themselves in ways that were in opposition to Christian values.

In another petition from 1321, Cina Grassa of the *terziere* (neighbourhood) of Camollia successfully tried to obtain an amnesty for a 400 lire fine imposed on her in 1318 for having attacked her neighbour *dominus* Damiano Marchi with an iron currycomb (a type of comb made of metal, used to curry horses). In order to do so, she used one of the conventional narrative strategies already described in this article: she admitted the attack, that is, but justified her actions as a case of legitimate defence, since the man was trying to rape her, because he believed she was 'non bona' (not a respectable woman). Cina was possibly a former prostitute or a woman who for some other reason had acquired a reputation of sexual deviance in her neighbourhood, something that clearly had repercussions for her life. Her story is relevant here because in order to strengthen her claim she made reference to a

---

[6] The debate on the legality of vendetta in medieval communes is still open (Dean, 2002; Zorzi, 2014). Despite Vanna's claim, Sienese evidence, which for reasons of space is not possible to discuss here, seems to strongly indicate that revenge was not legal in the Tuscan city.

process of destigmatisation that she had undertaken shortly before the crime had been committed. In 1318, indeed, she had just come back:

> 'a visitando [sic] limina beati Francisci et esset peccatis munda, et vellet et intenderet honeste vivere, sicut est hactenus consueta'. (ASS, Biccherna 731, f. 24r)

> (from visiting the shrine of St Francis and had been purified of her sins, and wanted and intended to live respectably, as she has done up until now.)

In 1318 the judge believed the accusation of the *dominus*, probably a man of much better social standing (only judges and knights could use this title in Siena: see Giorgi, 2008: 149), and condemned her. However, the prolonged performance of her new penitential identity finally earned Cina a pardon in 1321. This circumstance highlights that fact that sending a petition was only *one* of the possible forms of symbolic interaction between individuals and authorities: public performance of one's desired concept of selfhood could be equally important to influence social perceptions and therefore manipulate the outcome of one's request for a pardon (Rudolph, 2002: 548). These interactions, indeed, necessarily also involved the community at all levels, either as procurators or as figures involved in the crafting of the petition in other capacities, or as witnesses of the display of one's identity (Blickle, 2002). Both in her case and in that of Andrea, though, it is clear that society, even when it recognised the new moral self expressed by the penitent, still retained a memory of the old one and considered it defining of the person to whom it had been attached in the past. Moreover, as in the other examples analysed above, to a certain extent, the new self-definition of the repenting individuals did not completely cancel, but was built on, their former deviant identity as 'sinners' and 'criminals', as they would still qualify themselves.

The analysis of penitential themes in Sienese petitions seems therefore to unearth another layer of the 'heteroglossia' typical of late medieval court records (Arnold, 2001: 12). This layer reflects not only the collaboration of judges and other members

of the community in the definition of the petitioner's or the witness' identity, but also the different facets of identity that cohabited in the same 'confessing subject' and emerged or disappeared depending on the context in which they operated. The idea of identity that arises from these sources is thus a multifaceted, situational one (on this concept see Rosen, 1984), in which inner dispositions often contrast with and are explicitly pitted against outer appearances and group convictions. At the same time, of course, showing different facets of one's identity in the same context can been seen as a more complex strategic choice. Using contradictory arguments could have the effect of strengthening one's case by making sure that at least one would encounter the approval of the councillors. The judicial rhetoric of late medieval courts allowed pleaders to resort to an accumulation of arguments that did not need to be linked by a stringent relation of logical necessity (Hohmann, 1998). In the case of Vanna and her brother Andrea, in particular, the judicial context in which the petition was produced made it especially advantageous to juxtapose the motivations of the 'old' and 'new' man. The 'heteroglossia' of penitent voices is however not a feature that emerges in this type of record only because of its rhetorical convenience. Making again a comparison with pastoral texts, like the hagiographies of Sienese penitent saints, it seems clear that the 'old' man (or woman) can never be completely obliterated, because their experience constitutes the foundation for the existence of the new one. Many Sienese saints, as well as the offenders whose petitions have been analysed here, could be perceived by others, as well as by themselves, as endowed with a special charisma exactly on account of their turbulent past. Here the insight of social interactionism once again be can a helpful contribution to our understanding of late medieval penitential spirituality. The old identity, to rectify the studies mentioned above, is not completely discarded but rather sublimated as part of the new one. This implies in turn that the individuals involved in crafting the petition were convinced that the majority of communal officials and judges would recognise their long-term, public embodiment of a 'heteroglossic' penitential identity as such, and as a valid legal argument. Cases like the ones described in this article, therefore, despite their rarity, make visible the deep influence of penitential spirituality on communal conceptions of crime and punishment.

Conclusions

As already highlighted by Brown (1975: 143–44), a new conception of the supernatural as the preserve of intensely personal feelings emerged around the 12ᵗʰ century and was strengthened by the increased popularity of penitential discourse in the 13ᵗʰ century. The miracles that came to be associated with the Virgin Mary are, according to Brown, an excellent example of this attitude. Due to her intervention, the rigour of human judgement was often exposed as mistaken and the hidden good nature of someone labelled as deviant was uncovered; the ambiguities of human identity became a central theme of these exemplary stories. The impact of pastoral texts, in particular those originating in the Sienese Mendicant milieu, in reflecting these ambiguities in the context of criminal justice, has been at the heart of this article as well.

This article's contribution to historiographical debates aims to be twofold: on one hand, it hopes to show that taking into account penitential themes in court records can contribute to unwrapping the complex layers of 'voices' in these texts. 'Heteroglossia' was ultimately part of both the rhetoric of legal arguments and of penitential ideals: this seems to have been another element that allowed for a dense dialogue between judicial- and penance-focused religious practices. More generally, the article advocates the necessity of analysing the influence of religious sources and ideas in studies of the development of ideologies of criminal justice in the context of late medieval Italy. As shown by the petitions analysed, Mendicant reflections on confession, penance and mercy did penetrate into the set of narratives people used strategically in courts to achieve their desired outcomes, and seem to have contributed substantially to the success of people's narrations. Despite recognising the important role that the idea of a dualism between models of justice in the Italian communes has had in the advancement of historical knowledge, an expansion of the recognised sources of influence on concepts and practices related to crime and conflict seems a promising avenue for further historical research, as it has already been shown by the few cases in which similar stimuli have been incorporated (Vallerani, 2005).

Abbreviations

ASS = Archivio di Stato di Siena

BAV = Biblioteca Apostolica Vaticana

BCS = Biblioteca Comunale di Siena

CG = Consiglio Generale

MGH = Monumenta Germaniae Historica

Competing Interests

The author has no competing interests to declare.

References
Unpublished primary sources

Ambrogio Sansedoni, *Sermones de Tempore*, BCS, Ms. T.IV.7.

ASS, Biccherne 725, 731 (1321), 732 (1329).

ASS, CG 23, 60, 75, 95.

Bartolomeo di San Mamiliano, *Legenda Beati Jacopi de Monterio, edita a D.no Bartholomeo Priore Sancti Mamiliani*, BCS, Ms. K.VII.24, ff. 455–464.

Bindo Scremi, *Sermones de Tempore*, BAV, Ms. Vat. Lat. 7697, ff. 1r–63r.

Published primary sources

Summarium = *Acta Sanctorum Martii*, III, Venetiis 1736, B. Ambrosius Sansedonius Ordinis Prædicatorum Senis in Italia, Recupero of Arezzo, *Summarium virtutum et miracula edita a Fr. Ricupero Aretino*, pp. 210–241. coll.

Vita A. G. = *Acta Sanctorum Martii*, III, Venetiis 1736, B. Andreas de Galleranis Senis in Hetruria, Anonymous, *Vita per supparis ævi scriptorem, ex MS. Conventus S. Dominici in Campo-regio Senis*, pp. 52–57. coll.

Vita P. P. = Pietro da Monterone, *Vita del B. Pietro Pettinajo sanese del terz'ordine di San Francesco volgarizzata da una leggenda latina del 1333 per F. Serafino Ferri Agostiniano da Lecceto l'anno 1508, corretta e riordinata con annotazioni ed aggiunte dal Padre Maestro de Angelis Minor Conventuale*, Siena 1802.

Vita Iohannis Gualberti = Andrea of Strumi (Andreas abbas Stumensis), F. Baethgen (ed.). *Vita Sancti Iohannis Gualberti*, in MGH *Scriptores*, XXX/2: 1080–1104. Leipzig 1934.

Secondary Literature

Akers, R and **Sellers, C** 2004 *Criminological Theories: Introduction, Evaluation, and Application* (4th ed.). New York; Oxford: Oxford University Press.

Arnade, P and **Prevenier, W** 2015 *Honor, Vengeance, and Social Trouble: Pardon Letters in the Burgundian Low Countries*. Ithaca: Cornell University Press.

Arnold, J H 2001 *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc*. Philadelphia: University of Pennsylvania Press. DOI: https://doi.org/10.9783/9780812201161

Bataillon, L-J 1999 Les sermons du Franciscain Bindo da Siena pour les dimanches. *Archivum Franciscanum Historicum*, 92: 95–116.

Becker, H S and **McCall, M M** (Eds.) 1990 *Symbolic Interaction and Cultural Studies*. Chicago; London: University of Chicago Press. DOI: https://doi.org/10.7208/chicago/9780226041056.001.0001

Benvenuti, A and **Piatti, P** 2016 Premessa. In: Benvenuti, A and Piatti, P (Eds.), *Beata civitas: Pubblica pietà e devozioni private nella Siena del '300*, pp. i–xiii. Firenze: SISMEL, Edizioni del Galluzzo.

Bériou, N 1986 La confession dans les écrits théologiques et pastoraux du XIIIe siècle: Médication de l'âme ou démarche judiciaire? In: *L'Aveu, antiquité et moyen-âge: Actes de la table ronde* (Collection de l'École française de Rome. 88), pp. 261–282. Rome, Italie: Ecole française de Rome.

Bériou, N 2000 Les sermons latins après 1200. In: Kienzle, B M, et al. (Eds.), *The sermon* (Typologie des sources du Moyen Age occidental; fasc. 81–83), pp. 363–447. Turnhout: Brepols.

Bériou, N 2005 Le sermon de Federico Visconti, Archevêque de Pise, en faveur de la paix avec Charles d'Anjou (1267). In: Dessì, R M (Ed.), *Prêcher la paix et discipliner la société: Italie, France, Angleterre, XIIIe–XVe siècle* (Collection d'études médiévales; v. 5), pp. 357–66. Turnhout: Brepols.

Blickle, R 2002 Intercessione. Suppliche a favore di altri in terra e in cielo: Un elemento dei rapporti di potere. In: Nubola, C and Würgler, A (Eds.), *Suppliche e 'gravamina': Politica, amministrazione, giustizia in Europa: Secoli XIV–XVIII* (Annali dell'Istituto storico italo-germanico. Quaderno; 59), pp. 367–40. Bologna: Il Mulino.

Bowsky, W M 1967–68 The Medieval Commune and Internal Violence. Police Power and Public Safety in Siena, 1287–1355. *The American Historical Review*, 73(1): 1–17. DOI: https://doi.org/10.2307/1849025

Bowsky, W M 1970 *The Finance of the Commune of Siena, 1287–1355*. Oxford: Clarendon Press.

Bowsky, W M 1981 *A Medieval Italian Commune: Siena under the Nine, 1287–1355*. Berkeley; London: University of California Press.

Brown, P 1975 Society and the Supernatural: A Medieval Change. *Daedalus*, 104(2): 133–151.

Burrus, V 2008 *Saving Shame: Martyrs, Saints, and Other Abject Subjects*. Philadelphia, Pa.: University of Pennsylvania Press. DOI: https://doi.org/10.9783/9780812201512

Dean, T 2002 Violence, Vendetta, and Peacemaking in Late-Medieval Bologna. In: Knafla, L (Ed.), *Crime, Gender, and Sexuality in Criminal Prosecutions*, pp. 1–18. Westport, Conn.; London: Greenwood.

Delcorno, C 2000 Medieval preaching in Italy (1200–1500). In: Kienzle, B M (Ed.), *The Sermon*, pp. 449–560. Turnhout: Brepols.

Fraher, R M 1984 The Theoretical Justification for the New Criminal Law of the High Middle Ages: Rei Publicae Interest Ne Crimina Remaneat Impunita. *University of Illinois Law Review*, 3: 577–595. DOI: https://doi.org/10.2307/743777

Fraher, R M 1989 Conviction According to Conscience: The Medieval Jurists' Debate concerning Judicial Discretion and the Law of Proof. *Law and History Review*, 7(1): 23–88. DOI: https://doi.org/10.2307/743777

Ganshof, F L 1966 La 'gratia' des monarques francs. *Anuario De Estudios Medievales*, 3(9): 9–26.

Gauvard, C 1991 *'De grace especial': Crime, état et société en France à la fin du Moyen Âge*. Paris: Éditions de la Sorbonne.

Geltner, G 2008 *The Medieval Prison: A Social History*. Princeton, N.J.: Princeton University Press.

Giorgi, A 2008 Quando honore et cingulo militie se hornavit. Riflessioni sull'acquisizione della dignità cavalleresca a Siena nel Duecento. In: Piccinni, G

(Ed.), *Fedeltà ghibellina, affari guelfi: Saggi e riletture intorno alla storia di Siena fra Due e Trecento*, 2: 133–208. Ospedaletto: Pacini.

Giorgi, A and **Moscadelli, S** 2008 In vigilia beate Marie Virginis. Omaggi processionali e religiosità civica a Siena (secoli XII–XIV). In: De Mattei, R (Ed.), *Presenza del passato: political ideas e modelli culturali nella storia e nell'arte senese: convegno internazionale Siena, 4 maggio 2007*, pp. 71–96. Roma: Consiglio Nazionale delle Ricerche; Siena: Cantagalli.

Goering, J W 2008 The Internal Forum and the Literature of Penance and Confession. In: Hartmann, W and Pennington, K (Eds.), *The History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX*, pp. 379–428. Washington, D.C.: London: Catholic University of America Press.

Goodich, M 2006 *Voices from the Bench: The Narratives of Lesser Folk in Medieval Trials.* New York; Basingstoke: Palgrave Macmillan.

Herzfeld, M 1985 *The Poetics of Manhood.* Princeton: Princeton University Press.

Hohmann, H 1998 Logic and Rhetoric in Legal Argumentation: Some Medieval Perspectives. *Argumentation*, 12: 39–55. DOI: https://doi.org/10.1023/A:1007726725140

Johnson, T 2014 The Preconstruction of Witness Testimony: Law and Social Discourse in England Before the Reformation. *Law and History Review*, 32(1): 27–47. DOI: https://doi.org/10.1017/S0738248013000618

Katz, J 1975 Essences as Moral Identities: Verifiability and Responsibility in Imputations of Deviance and Charisma. *American Journal of Sociology*, 80(6): 1369–1390. DOI: https://doi.org/10.1086/225995

Kieckhefer, R 1984 *Unquiet Souls: Fourteenth-Century Saints and Their Religious Milieu.* Chicago; London: University of Chicago Press.

Koenig, J C 2001 Prisoner offerings, patron saints, and state cults, at Siena and other Italian cities from 1250 to 1550. *Bullettino senese di storia patria*, 108(1): 222–296.

Koziol, G 1992 *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France.* Ithaca; London: Cornell University Press.

Kumhera, G 2017 *The Benefits of Peace: Private Peacemaking in Late Medieval Italy.* Leiden: Brill.

Le Roy Ladurie, E 1975 *Montaillou, village occitan de 1294 à 1324.* Paris: Gallimard.

Mansfield, M C 1995 *The Humiliation of Sinners: Public Penance in Thirteenth-Century France.* Ithaca; London: Cornell University Press.

Montanari, M 1988 Uomini e orsi nelle fonti agiografiche dell'alto Medioevo. In: Andreolli, B and Montanari, M (Eds.), *Il Bosco nel Medioevo*, pp. 55–72. Bologna: CLUEB.

Mucciarelli, R 2011 Bisogna essere molto prudenti con le voci, fanno presto a trasformarsi in realtà… Qualche considerazione su fama e publica vox nelle città comunali (metà XIII –metà XIV secolo). In: Lori Sanfilippo, I and Rigon, A (Eds.), *Fama e publica vox nel Medioevo: Atti del convegno di studio svoltosi in occasione della XXI edizione del Premio internazionale Ascoli Piceno; Ascoli Piceno, Palazzo dei Capitani, 3–5 dicembre 2009*, pp. 25–46. Roma: Istituto storico italiano per il Medio Evo.

Mucciarelli, R 2014 Casi di eccezione: Pratiche politiche, pratiche giudiziarie a Siena al tempo dei Nove. Una nota. In: Maffei, P and Varanini, G M (Eds.), *Honos alit artes. Studi per il settantesimo compleanno di Mario Ascheri, Gli universi particolari. Città e territori dal medioevo all'età moderna*, 2: 373–82. Reti Medievali E-Book. Firenze: Firenze University Press.

Mucciarelli, R 2015 Appunti sul controllo sociale nell'Italia comunale. Forme, tecniche e strumenti a Siena fra XIII e XIV secolo. *Studi Storici*, 56(1): 325–48.

Murray, A C 1998 Counselling in Medieval Confession. In: Biller, P and Minnis, A J (Eds.), *Handling Sin: Confession in the Middle Ages*, pp. 63–77. York: York Medieval Press.

Musson, A 2001 *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt.* Manchester: Manchester University Press.

Pazzaglini, R 1974 Comments on the Comparable Practices of Medieval Imprisonment. *Studi Senesi*, 86: 154–167.

Powell, H 2010 'Once Upon a Time There Was a Saint …': Re-evaluating Folklore in Anglo-Latin Hagiography. *Folklore*, 121(2): 171–189. DOI: https://doi.org/10.10 80/0015587X.2010.481149

Rosaldo, R 1986 From the Door of his Tent: The Fieldworker and the Inquisition. In: Clifford, J and Marcus, G (Eds.), *Writing Culture, The Poetics and Politics of Ethnography*, pp. 77–97. Berkeley; London: University of California Press.

Rosen, L 1984 *Bargaining for Reality: The Construction of Social Relations in a Muslim Community*. Chicago; London: University of Chicago Press.

Rubin Blanshei, S 1983 Criminal Justice in Medieval Perugia and Bologna. *Law and History Review*, 1(2): 251–275. DOI: https://doi.org/10.2307/743852

Rubin Blanshei, S 2010 *Politics and Justice in Late Medieval Bologna*. Leiden: Brill. DOI: https://doi.org/10.1163/ej.9789004182851.i-671

Rudolph, H 2002 «Rendersi degni della somma clemenza». Le suppliche della prima età moderna come strumento di interazione simbolica tra sudditi e autorità. In: Nubola, C and Würgler, A (Eds.), *Suppliche e 'gravamina': Politica, amministrazione, giustizia in Europa: Secoli XIV–XVIII*, pp. 517–553. Bologna: Il Mulino.

Sandstrom, K, Martin, D and **Fine, G** 2010 *Symbols, Selves, and Social Reality: A Symbolic Interactionist Approach to Social Psychology and Sociology* (3rd ed.). New York; Oxford: Oxford University Press.

Smail, D L 1997 Telling Tales in Angevin Courts. *French Historical Studies*, 20(2): 183–215. DOI: https://doi.org/10.2307/286888

Szabò-Bechstein, B 1977 Sul carattere dei legami tra gli Ordini mendicanti, la confraternita laica dei penitenti e il comune di Siena. *Mélanges de l'Ecole française de Rome. Moyen-Age, Temps modernes*, 89(2): 743–747. DOI: https://doi.org/10.3406/mefr.1977.2423

Tentler, T 1977 *Sin and Confession on the Eve of the Reformation*. Princeton: Princeton University Press.

Théry, J 2009 'Atrocitas/Enormitas'. Per una storia della categoria di 'crimine enorme' nel Basso Medioevo (XII–XV secolo). *Quaderni Storici*, 131(2): 329–376.

Thompson, A 2005 *Cities of God: The Religion of the Italian Communes 1125–1325*. University Park, Pa.: Pennsylvania State University Press.

Todeschini, G 2007 *Visibilmente crudeli: Malviventi, persone sospette e gente qualunque dal Medioevo all'età moderna*. Bologna: Il Mulino.

Vallerani, M 2005 Mouvements de paix dans une commune de popolo: Les Flagellants à Pérouse en 1260. In: Dessì, R M (Ed.), *Prêcher la paix et discipliner la société: Italie, France, Angleterre, XIIIe–XVe siècle*, pp. 313–355. Turnhout: Brepols. DOI: https://doi.org/10.1484/M.CEM-EB.3.237

Vallerani, M 2009 La supplica al signore e il potere della misericordia. Bologna 1337–1347. *Quaderni Storici*, 44(1): 411–443.

Vallerani, M 2012 *Medieval Public Justice*. Washington, D.C.: Catholic University of America Press. DOI: https://doi.org/10.2307/j.ctt2851hd

Vallerani, M 2015 La pauvreté et la citoyenneté dans les suppliques du XIVe siècle. *L'Atelier du Centre de Recherches Historiques*, 13. DOI: https://doi.org/10.4000/acrh.6547

Varanini, G M 2002 'Al magnifico e possente segnoro'. Suppliche ai signori trecenteschi italiani fra cancelleria e corte: l'esempio scaligero. In: Nubola, C and Würgler, A (Eds.), *Suppliche e 'gravamina': Politica, amministrazione, giustizia in Europa: Secoli XIV–XVIII*, pp. 65–106. Bologna: Il Mulino.

Vauchez, A 1977 La commune de Sienne, les ordres mendiants et le culte des saints: Histoire et renseignements d'une crise (Novembre 1328–Avril 1329). *Mélanges de l'Ecole Française de Rome*, 89(2): 757–767. DOI: https://doi.org/10.3406/mefr.1977.2425

Vauchez, A 1991 Saints admirables et saints imitables: les fonctions de l'hagiographie ont-elles change aux derniers siècles du Moyen Âge? In: Tilliette, J Y (Ed.), *Les Fonctions des saints dans le monde occidental (IIIe–XIIIe siècle): Actes du colloque*, pp. 161–172. Rome: École française de Rome.

Warren, C 1980 Destigmatization of Identity: From Deviant to Charismatic. *Qualitative Sociology*, 3(1): 59–72. DOI: https://doi.org/10.1007/BF00986780

Wickham, C 2000 *Legge, pratiche e conflitti: Tribunali e risoluzione delle dispute nella Toscana del XII secolo.* Roma: Viella.

Zanetti Domingues, L L 2017 Giustizia divina e invasioni saracene: Comportamenti 'non taumaturgici' nel *bios* di san Saba da Collesano (seconda metà X secolo). *Società e Storia*, 157(1): 581–606. DOI: https://doi.org/10.3280/SS2017-157009

Zemon Davis, N 1979 Les conteurs de Montaillou. *Annales. Histoire, Sciences Sociales*, 34(1): 61–73. DOI: https://doi.org/10.3406/ahess.1979.294022

Zemon Davis, N 1987 *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France.* Cambridge: Polity.

Zorzi, A 2001 Negoziazione penale, legittimazione giuridica e poteri urbani nell'Italia comunale. In: Bellabarba, M and Schwerhoff, G and Zorzi, A (Eds.), *Criminalità e giustizia in Germania e Italia: Pratiche giudiziarie e linguaggi giuridici tra tardo Medioevo ed età moderna*, pp. 13–34. Bologna: Il Mulino, Berlin: Duncker & Humblot.

Zorzi, A 2002 La cultura della vendetta nel conflitto politico in età comunale. In: Delle Donne, R and Zorzi, A (Eds.), *Le storie e la memoria. In onore di Arnold Esch*, pp. 135–170. Reti Medievali E-Book. Firenze: Firenze University Press.

Zorzi, A 2014 The Notion and the Practices of vindicta in the Italian City-States in the Light of the Various Juridical and Theological Traditions. In: Speer, A and Guldentops, G (Eds.), *Das Gesetz – The Law – La Loi*, pp. 123–136. Berlin: De Gruyter. DOI: https://doi.org/10.1515/9783110350081.123