Raising Claims

Justice and Commune in Late Medieval Italy

by So Nakaya

DESCRIPTION:

Ceccholo, making a claim against Nello for the payment of unpaid land rent. Jacopo, Giovanni and Turi, appealing for an exemption from tax. The long queue of claimants that formed in front of the communal palace was an everyday scene in fourteenth century Lucca. What is remarkable is the enormous ubiquity of such claims. In this Tuscan city of only twenty thousand people, an average of ten thousand claims were filed at the civil court each year. Why did local residents submit claims to the commune in such numbers? And what effect did this daily accumulation have on the development of the commune?

 In the fourteenth century, Italian communes, the established public authorities that governed the populace, underwent a shift toward becoming oligarchic regimes. The communes' character as a form of government in which power was held 'in common' by 'the public' seemed be on the verge of disappearing. At this time, political leaders and judicial magistrates began to rely on their own discretion when rendering their decisions, a practice that was recognized as legitimate even when such decisions deviated from positive law. By the beginning of the fifteenth century, this shift in the underlying logic of the legitimacy of rulings became entrenched in the jural and political character of the commune, portending the advent of the modern era. Based on the archival records from law courts and councils, this book elucidates the process of the emergence and shaping of a new form of justice and the transformation of the commune by focusing on everyday practices that unfolded in the spheres of civil and criminal justice by inhabitants who raised claims and the governors who heard them.