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*Aspects of the local reaction to the reorganization of criminal justice in the Tuscan Romagna, 1579-1609*

Over the last twenty-five years a great number of social and legal historians have turned their research efforts to the study of crime and criminal justice in early modern Europe. Not surprisingly, the interpretations and methodologies produced by these scholars have been just as numerous and even contradictory<sup>1</sup>. A particularly interesting aspect of this scholarship, however, is the focus on violence and criminal justice in the peripheral areas of some of the Italian city states, such as Florence, Venice and Genoa. In these studies the exploration of rural violence provides a local perspective on the process of statebuilding<sup>2</sup>. This paper reflects on experiences with material collected in the archive of Castrocaro

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<sup>1</sup> The historiography is too vast to be adequately summarized here, but see the important review article of A. ZORZI, *Giustizia criminale e criminalità nell'Italia del tardo Medioevo: studi e prospettive di ricerca*, «Società e storia», XII (1989), pp. 923-965, on the polemic surrounding the various approaches to the history of crime and uses made of criminal documents; see also A. DE BENEDICTIS, *Stato, comunità, dimensione giuridica: una riflessione su recenti dibattiti*, in «Società e storia», XI (1988), pp. 379-393, on the orientation of this material to new conceptions of the early modern state in recent Italian historiography.

<sup>2</sup> On Italy see the essays collected in, *Potere e società negli stati regionali italiani del '500 e '600*, a cura di E. FASANO GUARINI, Bologna, Il Mulino, 1978; for Florence see E. FASANO GUARINI, *Alla periferia del granducato Mediceo: strutture giurisdizionali ed amministrative della Romagna toscana sotto Cosimo I*, in «Studi romagnoli», XIX, (1968), pp. 379-407, and J.K. BRACKETT, *Criminal Justice and Crime in Late Renaissance Florence, 1537-1609*, New York, Cambridge University Press, 1992, Chapter 5, *The Otto and its role in the centralization of criminal justice in the Florentine state*; for Venice see, G. COZZI, *Repubblica di Venezia e stati italiani politica e giustizia dal secolo XVI al secolo XVIII*, Torino, Einaudi, 1982, and *Crimine, giustizia e società veneta in età moderna*, a cura di L. BERLINGUER - F. COLAO, Milano, Giuffrè, 1989; and on Genoa and Liguria, O. RAGGIO, *Faide e parentele lo stato genovese visto dalla Fontanabuona*, Torino, Einaudi, 1990.

Terme-Terra del Sole for the period 1579-1609, which reveals the operation of criminal justice, elucidates the impact of the Florentine system on the violent behavior of residents of the Tuscan Romagna, as it provides us with insights into their perceptions regarding the coercive power of the Medici patronage state<sup>3</sup>.

Cosimo I de' Medici established the province of the Romagna in 1542 with the medieval village of Castrocaro as its administrative center, complete with criminal jurisdiction over the towns and villages of the entire region. By 1579 the new fortress-town of Terra del Sole, one of Cosimo's two «ideal» cities (Porto Ferraio was the other), displaced Castrocaro as the provincial capital, beginning to function with the dual purpose of administrative center and military deterrent to those who might be tempted to infringe upon Medici territory<sup>4</sup>. Much of the Renaissance city still stands, including the pretorial palace, the seat of criminal justice, complete with its system of prison cells. Very near that impressive edifice, in that part of the fortress which faces Forlì to the east, is located the communal archive that today houses an extraordinary collection of documents concerning criminal justice in the province, covering the late fifteenth to the mid-nineteenth centuries<sup>5</sup>.

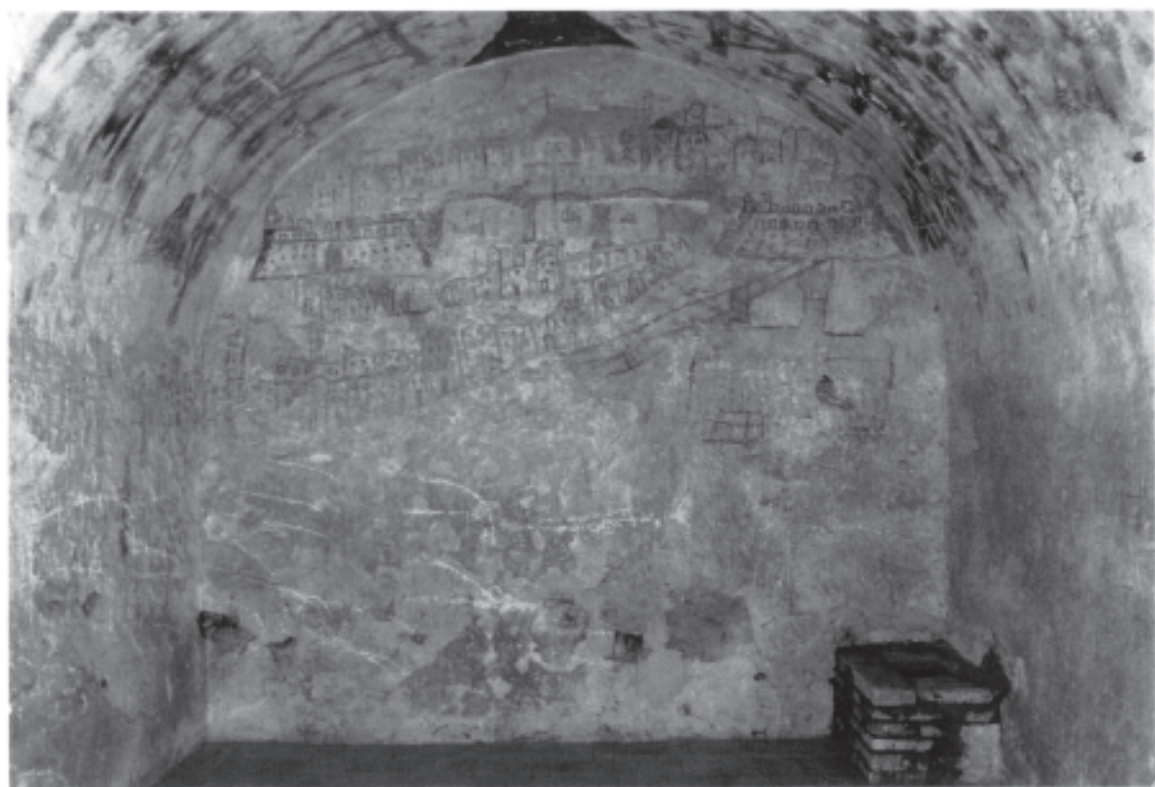
Thanks to the extraordinary efforts of Paola Zambinelli and Claudio Torrenzieri this rich collection of criminal records has been organized and made available to historians, along with a photo archive that preserves the images of the prison cells in Terra del Sole's pretorial palace. Among the written documents are to be found the extraordinary and ordinary books of the commissars (which treat separately serious crimes of violence, and violations of civil regulatory ordinances established by the grand dukes), who were sent by Florence to administer justice for one year terms. Florentine commissars also kept volumes dealing with the crimes of members of the ducal militia distinct from those recording the violations of commonplace citizens and subjects. This extraordinarily complete run of important registers contains the *querele* (the official statement of the alleged crime), the testimony of the accused, accusers, their *capitoli* (their written responses to each specific alleged crime), and the

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<sup>3</sup> I prefer to use the term «patronage state», rather than «absolutist state», because it seems to convey a more accurate picture of the way that power was organized and used to support Medici rule.

<sup>4</sup> E. DONATINI, *La città ideale fortezza della Romagna Fiorentina*, Ravenna, Girasole, 1979. Of concern were the Venetians, the Papal State and bandits from the territory of the popes.

<sup>5</sup> *Un archivio toscano in Romagna. Inventario dell'archivio storico preunitario di Castrocaro-Terra del Sole, 1473-1859*, a cura di A.M. DAL LAURO, Bologna, Regione Emilia Romagna Istituto per i beni artistici culturali e naturali Soprintendenza per i beni librari e documentari - Edizioni Analisi, 1989.



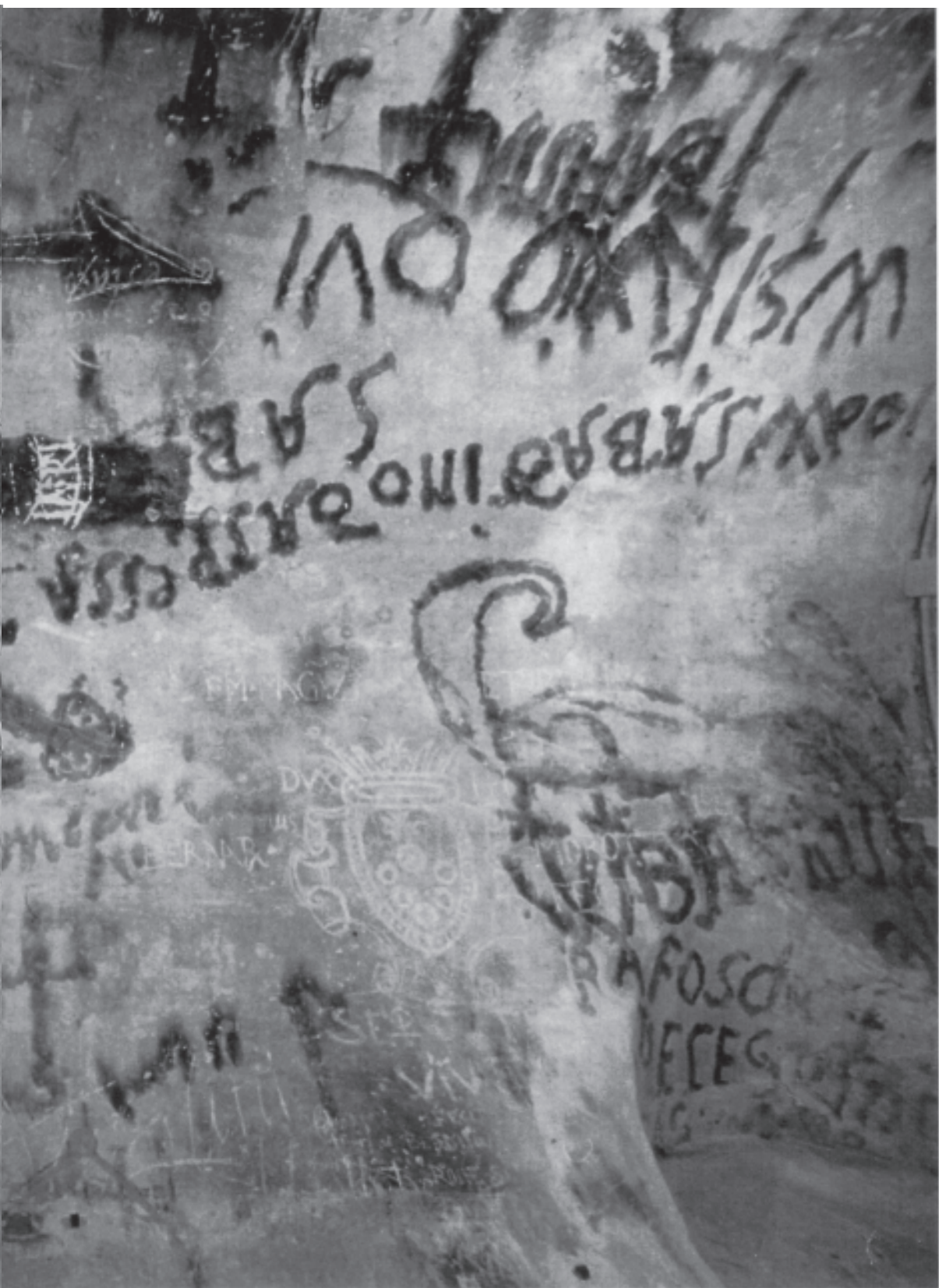








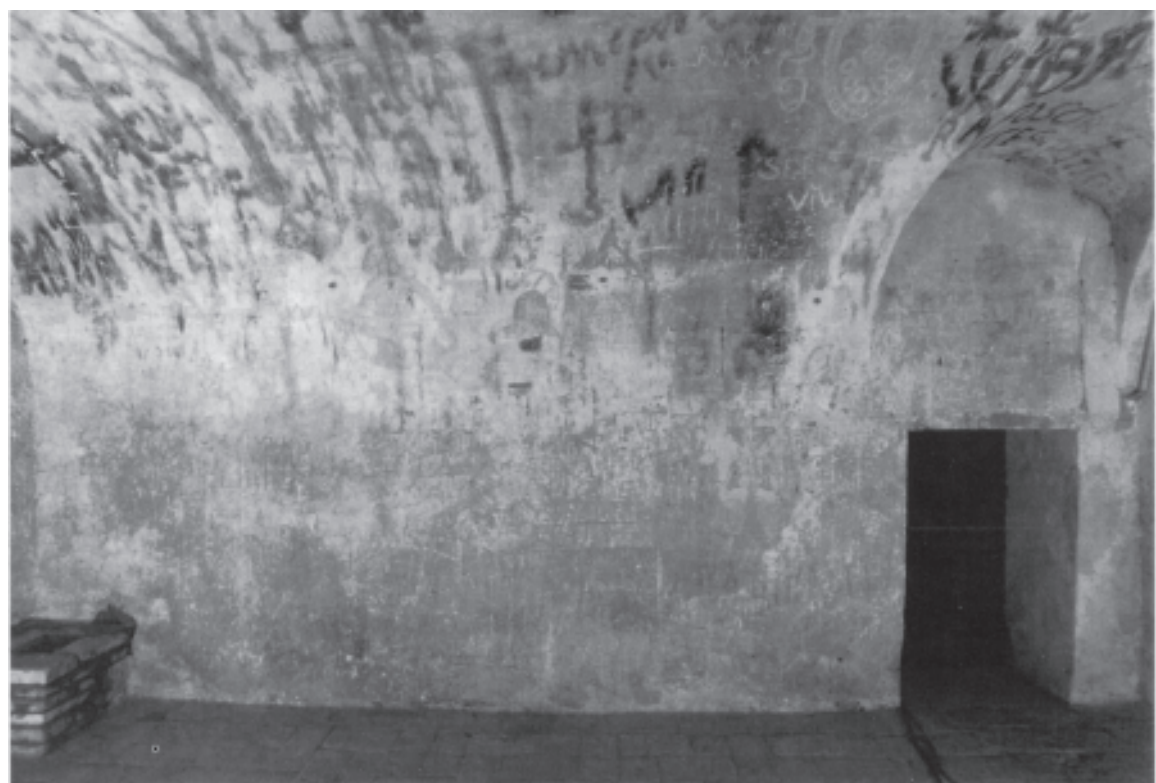












statements of witnesses for each party, as well as those summoned *ex officio* for the information of the court. Supplementing this core material are the books of sentences, from which some volumes are missing. Particularly useful in instances of violence is the collection of justifications of decisions rendered by the judges in important cases, which furnish insight into the motives of the participants and the decisions of their judges. Rounding out the categories of criminal documents are the books of *disegni* (brief descriptions of the case and the proposal of a sentence), and letters exchanged between Terra del Sole and the Otto di guardia e balia (Florence's chief criminal magistracy), the correspondence kept up with the supervisory magistracy of the Otto di pratica (after 1559 the Nove conservatori della giurisdizione), letters of the military governors, and books of the commune's statutes. The slide and photo print material most importantly preserves the images of the six surviving «secret» cells – each with its own appellation and function – including the strikingly horrific, painted graffiti on the walls and ceiling of the cell known as the «Paradiso».

Exploitation of this material yields important information about the operation of criminal justice on the fringes of the grand ducal state. At the same time we learn something concerning the changing structure of the four types of major violence – insult, assault, murder and female rape. The best chance of identifying the mutable structure of violence comes through the employment of a comparative method that contrasts interpretations of material collected in Florence with the results of research in Terra del Sole. By focussing on the four types of grave violence mentioned above, in two different societies at different stages of integration into one centralizing political state, the social concept(s) of honor emerges from a nexus of social, economic and political factors as the prime motivational factor for the commission of these acts of violence. In the more traditional setting of the Tuscan Romagna, much violence remained linked to continued factional conflict and the concept of group honor, while in late Renaissance Florence, where factional strife was no longer an issue, the same types of violence find their roots in personal and gender-based concepts of honor. At this initial stage of research, however, one must confront familiar problems of silence and distortion which the use of criminal documents, written and pictorial, present.

It is the recorded testimony of accused, accusers and witnesses that holds out the greatest promise of meaningful interpretation, while also presenting the most formidable problems of understanding. In short order the researcher realizes that despite the sheer volume of testimony, running at times to hundreds of pages, one often rises from immersion in this material with little or no increased understanding of what happened and why. The records too often do not speak because the testimoniants did not speak, or they did not articulate



the truth. Frequently it was those witnesses called *ex officio* by the court who were the most reluctant to offer information. For example, a certain Madonna Maria di Giuliano di Angelo of Premilcuore, a castle town in the Apennines to the west of Castrocaro, was called by the commissars on April 27, 1580 to give testimony regarding the murder by shooting of Giulio di Matteo Fabbri by members of the Monsignani family on 10 April<sup>6</sup>. She denied any knowledge of the shooting, cutting and beatings which had shattered the village peace that night when members of these rival clans chose to confront each other. Maria was therefore incarcerated for five days in the cells of the pretorial palace. Recalled to testify on 2 May, she again denied any knowledge of the affair. Incredulous, the judge asked her, «How can you not know when the whole thing happened in front of your house?» She replied, «I stay up in the castle while the thing was born in the borgo below.» The judge responded, «How far is it from your house to the place where the thing started?» Maria stated, «About the distance of a crossbow shot.» The judge repeated, «Say what happened between the Monsignani and the Fabbri, you were so close one presumes that you saw the whole thing.» She replied, «I did not see and I can't say anything.» Questioning continued on in this vein, after which Maria was released. Ultimately, one of the Monsignani, Ser Francesco di Horatio, was declared guilty of the crime, and is recorded as having died while contumacious<sup>7</sup>. Maria obviously knew what had happened but there are several good reasons why she did not want to get involved. Her testimony might have been interpreted by the Monsignani as support for the Fabbri; thus, she might have become a target in the next round of violence. The woman might also have resented the interference of outsiders, which is just what the Florentine officials were to the residents of this remote town; thus, a sense of honor is expressed in defense of the local community's autonomy<sup>8</sup>. Finally, Maria might actually have been a supporter of the Monsignani, and her silence an expression of honor in defense of her allies or relatives. In any case, her adherence to *omertà* had its origin in defiance of Florentine authority, not ignorance, and was thus an act of self definition established in support of her own culture.

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<sup>6</sup> ARCHIVIO STORICO DI CASTROCARO - TERRA DEL SOLE, *Archivio civile e criminale*, (hereafter, ACTS), 173, «Criminale descritti», 1580-1581, 45r-46v, and 49v-50r and 54r-v for the testimony of Maria.

<sup>7</sup> ACTS, 6, «Libro dei condannati», 1579-1582, 17v, 18r-v.

<sup>8</sup> F. DIAZ, *Il granducato di Toscana I Medici*, Torino, UTET, 1976, p. 171, note 3 (AS FI, *Miscellanea medicea*, 27, ins. 21). Cosimo received a project on the reorganization of the Romagna that advised him not to name *romagnoli* as captains and commissars because of the extensive structures of *parentado*, characteristic of this region, which inhibited the exercise of impartial judgement.

The example of Maria's behavior could be repeated many times over. To this silence we can contrast the testimony of accuser and accused, which was carefully constructed to serve their own interests. This episode of the Monsignani and Fabbri vendetta came to the attention of the commissars through denunciation by the mayor of Premilcuore, Piero di Santi, based on information supplied to him by Andrea di Renzo Fabbri<sup>9</sup>. The Fabbri alleged that after consulting together, members of the Monsignani, armed with various weapons, went to the piazza of Premilcuore in search of Vergilio di Pandolfo Fabbri. When they spotted their prey, the family leader, Ser Amadeo di Giovambattista Monsignani, was said to have shouted, «(...) you betrayer I want to kill you (...)»<sup>10</sup>. The violence that then ensued resulted in several woundings and the death of Giulio di Matteo Fabbri, allegedly at the hands of Amadeo and others of the Monsignani family. In his testimony, Ser Amadeo stated that he could not have shot Giulio because he had been armed that night only with a staff (*bastone*)<sup>11</sup>. A certain Piero d'Agostino Lanini, testifying in defense of Amadeo, stated that it had actually been the Fabbri clan that had initiated the incident by shooting at the Monsignani, who were standing, peaceably talking in the piazza<sup>12</sup>. On 7 May the Fabbri filed their *capitoli*<sup>13</sup>. One of their witnesses, Messer Giovanni di Bastiano Tassinari, member of a most numerous and powerful family with branches in many towns and villages of the Tuscan Romagna, gave the most damaging testimony, stating that he had seen Ser Francesco Monsignani fire at Giulio but that he had seen nothing else<sup>14</sup>. In addition, a Madonna Maria di Angelo di Pasquino stated that she had heard an arquebus shot, after which she had seen Giulio on the ground cradled in the arms of his crying wife, who identified Ser Francesco as the assailant<sup>15</sup>. Meanwhile, Ser Amadeo, Baccio, Girolamo and Horatio Monsignani all asked

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<sup>9</sup> ACTS, 173, «Criminale descritti», 1580-1581, 137r, 7 June 1580. The judge and commissar were frustrated by their inability to match the completely contradictory testimony of the two sides; thus, they called in the mayor, asking him who had informed him of the violence. He identified Andrea, who, in turn, identified two men, a certain Ercole and Giannone, as the source of the note that he had carried to the mayor. The Monsignani side maintained that the Fabbri version was a «big lie».

<sup>10</sup> *Ibid.*, 45r-46v, 12 April 1580, «(...) a traditore io ti voglio amazzare (...)» This phrase was most likely an insult designed to lead directly to violence, rather than an accurate expression of Ser Amadeo's motivation for the attack.

<sup>11</sup> *Ibid.*, 59v-60v, 6 May 1580.

<sup>12</sup> *Ibid.*, 61v-62v, 10 May 1580.

<sup>13</sup> *Ibid.*, 64v-66v, 7 May 1580.

<sup>14</sup> *Ibid.*, 70r-v, 15 May 1580.

<sup>15</sup> *Ibid.*, 71r-v, 15 May 1580.

for the liquidation of their charges, since the testimony of witnesses had demonstrated their innocence, and they had suffered miserably while being held for the last fifty-five days in the palace prison<sup>16</sup>. The court's decision was to ban Ser Francesco for the murder of Giulio under penalty of hanging if caught, and to ban for one year from Premilcuore the two Fabbri accused by the Monsignani of having precipitated the event by firing on their family members<sup>17</sup>.

This dossier serves to remind us of Thomas Kuehn's caution against the naive use of court processes: one cannot assume that that which is recorded is that which actually occurred<sup>18</sup>. The court succeeded in assigning what seem to be just portions of blame, no easy task, but they failed to establish exactly what had happened and why. The narratives of events were completely contradictory, and the testimony of witnesses designed to supply a lean mix of selected information and misinformation. Clearly, the vendetta – the wielding of the sword of justice by family based clans – was in a primary stage of integration into the Florentine criminal justice system in the Romagna, which substituted for the authority of every family the aggregated power of the «patrimonial state» of the Medici. An attempt was made to maintain the power and honor of the group through manipulation of the trial process, so that, in effect, the state had little choice but to support one side against its enemies.

Besides murder and assault, the commission of other types of violent crime – rape and insult, which did violence to personal and family honor – sometimes had their origins in ongoing factional disputes in the Romagna. Madonna Lorenza di Domenico di Giovanni of Premilcuore filed a charge in Terra del Sole on 15 June 1580, in which she alleged that, about a month earlier, Bernardino di Batista of Lombardy had entered her house armed with an arquebus and attempted to force himself on her. She screamed when her resistance caused the intruder to point his weapon at her and threaten to kill her; but afraid that the noise would attract attention, she stated that Bernardino then went away<sup>19</sup>. During the trial process, a Madonna Lisabetta testified for Bernardino that Lorenza was a loose woman and that all of Premilcuore knew it<sup>20</sup>. With Lorenza's reputation thus impugned, and no witnesses, Bernardino

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<sup>16</sup> *Ibid.*, 76v-77r, 20 May 1580.

<sup>17</sup> See note six above.

<sup>18</sup> T. KUEHN, *Reading Microhistory: The Example of Giovanni and Lusanna*, in «Journal of Modern History», 61 (1989), pp. 512-534.

<sup>19</sup> ACTS, 173, *Libro criminale*, 1580-1581, 165r-v.

<sup>20</sup> *Ibid.*, 2 July 1580, 195r.



was acquitted<sup>21</sup>. In the meantime, Bernardino had filed his own denunciation for insult against a certain Antonio Masini, whom he had encountered in the piazza of Terra del Sole on his way to respond to the rape charge. In obvious reference to Bernardino's case, Antonio accused him of not being a «uomo da bene»<sup>22</sup>. Antonio was found guilty, fined twenty-five *scudi* and hoisted twice publicly in front of the pretorial palace<sup>23</sup>. The connection between these events becomes clear when we realize that Antonio and Lorenza, Bernardino and Lisabetta, were allied with or related to the Monsignani and Fabbri families, respectively. Factionalism was the root cause of these apparently unconnected cases of rape and insult, which injured enemies in their honor in the arena of public opinion when large scale violence was not flaring.

Such acts may be described as manifestations of «low intensity» conflict. This was quite a different situation from that found in Florence, where rape was linked to gender based concepts of honor (groups of men proving that they could, through rape, control the sexuality of women), and insult to individual rather than family or group honor. Factionalism was not an issue in Florence where the ennobled Medici monopolized political power with the support of the Spanish<sup>24</sup>.

The trial process provides us with documents of difficult interpretation, but incarceration also presents its problematic in determining its role in punishment. The Dutch historian of criminal justice, Pieter Spierenburg, has drawn a distinction between prisons and simple jails: prisons exhibit a rehabilitative regime (prayer and-or work, and more contemporarily, psychological counselling), while jails do not<sup>25</sup>. At Terra del Sole we have as yet no evidence of the existence of a regime designed to change the characters of inmates, therefore, we must refer to the cells as having composed a simple jail where suspects, witnesses and convicts were temporarily incarcerated for a variety of reasons. Witnesses and accused were often held in the secret cells of the palace of the commissars until they had been sufficiently interrogated; occasionally, these spaces also served as a form of punishment for the guilty, and as temporary

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<sup>21</sup> ACTS, *Libro di condanne*, 24, 17v.

<sup>22</sup> ACTS, *Libro criminale*, 173, 15 June 1580, 166r.

<sup>23</sup> ACTS, *Libro di condanne*, 24, 17v.

<sup>24</sup> J.K. BRACKETT, *Criminal Justice and Crime ... cit.*, pp. 104-105 on murder; pp. 109-112 on assault and rape; pp. 101, 106, 109, 113-114, 135, 136 on insult; pp. 101-102 on honor in Florence. In Florence, men in groups raped unprotected women to demonstrate their manhood; in the Romagna, rape seems to have been carried out most frequently by individual men.

<sup>25</sup> P. SPIERENBURG, *The Prison Experience Disciplinary Institutions and Their Inmates in Early Modern Europe*, New Jersey, Rutgers University Press, 1991, pp. 8-10.

hospice for convicts bound for service in Medicean galleys at Livorno. Thus, the role of incarceration in criminal justice at Terra del Sole needs to be analyzed, but the documents, written and pictorial, present us with difficult problems of interpretation.

Information about the structure and uses of the cells comes to us from several sources. Shedding light on the structural features of the jail are two published works by amateur historians, Antonio Sassi and Enzo Donatini<sup>26</sup>. Originally, there were a total of nine cells in the palace, seven secret and two public (*camerraccia pubblica* and *carceri pubbliche delle donne*); today one can visit the six secret cells that remain. They are arranged on three levels accessed by a secret stairway, or *scala a chiocciola*, and each has its own name: at the highest level is the «Paradiso», whose walls and ceiling are covered with painted and carved designs of prisoner origin; three cells are located on the middle level – the «Inferno», «La Camorcina» and the «Secretone»; at the piano terreno are to be found the «secreti terrena della scala a chiocciola», the «Secreta da basso» or «Il Cannone» and the «Piana»<sup>27</sup>. By 1587 benches had been affixed to the walls for sitting and sleeping, and low wooden platforms (*palchetti*) could be fitted with rented mattresses for sleeping. Five face onto the inner cortile and have narrow windows that just allow some light and air to pass into them; the cell called the «Inferno» has no window – air enters from a ventilating passageway connected to the window in the cell one floor below it. Apart from the «Inferno», each cell must have come equipped with at least one table, candles and a source of water located in a corner. Let us now turn our attention to the functions which the individual cells served.

Broad distinctions in use can be drawn between the public cells, which held those suspected of misdemeanors or who could not pay assessed fines and-or expenses, and the secret cells which held those believed guilty of more serious offenses<sup>28</sup>. Although it is unlikely that prisoners were allowed outside to take

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<sup>26</sup> A. SASSI, *Una triste pagina di storia del comune di Terra del Sole e Castrocaro*, Forlì, Bordanini, 1905, pp. 12-18; E. DONATINI, *op. cit.*, pp. 182-183.

<sup>27</sup> These nicknames may help us to understand the function of each cell: «Secretone», a large cell for holding those suspected or convicted of serious crimes; «Il Cannone», from its Tuscan usage, refers perhaps to its verisimilitude to a tube; «La Camorcina», probably comes from the name of a cheese, *camorcina*, which was round in shape but with a short narrow tube at the top, thus the nickname refers to the shape of the cell; «Piana», a flat circumscribed area. The «Paradiso», «Secretone» and «Inferno» are discussed in the text.

<sup>28</sup> A misdemeanor offense may be defined as a theft of money or goods of less than forty *soldi* in value, or violation of any statute that did not carry a sizeable fine or capital penalty. I base this conclusion on my reading of the «Statuta et Ordinamenta Terrae Castrocarii», from 1513.

the air and sun, judging from the graffiti carved in the passageways between the cells, they must have been able to spend some time free in the corridors. Inmates seem to have been completely cut off from the outside world; the jail at Terra del Sole was viewed as the most secure in the region<sup>29</sup>. The source that may best aid us in determining the specific use of each cell is composed of the criminal registers of the commissars, but thus far exploration of these volumes leaves us with many more questions than answers. It can be established that the «Secretone» held prisoners condemned by Ferrara to galley service at Livorno<sup>30</sup>. The «Inferno» may have served as a place of isolation where the unending darkness and lack of air were intended to cause prisoners to confess more readily; or, it may have securely held those suspected of «political» crimes. These last could be safely hidden away in the only space with no access to the outside; escape from the «Inferno» was unlikely. Still remaining is the challenge of sifting through the documents in search of information on the uses of three other cells. The «Paradiso», however, requires extended treatment here.

In this remote prison, administered however by literate men from Florence and its territory, the imagery associated with Terra del Sole's jail was certainly Dantesque, and not by accident. The «Paradiso» was found at the highest level of cells, while the black hole of the «Inferno» was literally at the center of the jail arrangement. The famed Florentine architect, Bernardo Buontalenti (1536-1608), was likely the designer of the palazzo pretorio, and thus of the cells, but it cannot be said that he was necessarily responsible for the resultant play on Dante's *Divine Comedy*<sup>31</sup>. Nonetheless, the image and reality of the *carcere* was very much a part of the imagination of influential Italians of the early modern period. Exemplary of the enlightened critics of the penal system are the vaulting, labyrinthine fantasies engraved by the eighteenth century Roman artist, Giambattista Piranesi (1720-1778), in which the subterranean world of imagined prisons interpenetrates and often encompasses the world above. The dominant images are those of stunned inmates, clothed in tatters, wandering dark prison corridors (and in some cases affixed to instruments of torture), and the apparati of torture – the *fune* (hoisting the guilty or accused on a rope drawn over a pulley by a wheel), oversized chains, spikes, gallows and a *crocifisso di*

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<sup>29</sup> AS FI, *Mediceo del principato*, 795, cc. 477r-v and c. 498v, letters of Giovanbattista Picchenesi (shortly to be military governor of the province) indicating this assessment to the president of the Papal Romagna, Giovanni Pelicano.

<sup>30</sup> ACTS, 218, *Libro criminali, non descritti*, 1589-1590, 16 March 1589, 81v-84r. Here is recorded an attempted escape of condemned men from Ferrara (18 to 23 of them).

<sup>31</sup> A. SASSI, *Una triste pagina di storia ... cit.*, p. 3.



*supplizio* (a version of the X-shaped cross used to martyr Sant'Andrea)<sup>32</sup>. In earlier times, Florentine writers, such as Giovanni Villani, Niccolò Machiavelli and Benedetto Varchi, all spent time within the dark and dank confines of Le Stinche or the Bargello, the Florentine jails<sup>33</sup>. We have already seen how three Monsignani men complained bitterly of their fifty-five days of misery in the cells at Terra del Sole; many common people shared their fate, either because they were debtors to the state for non payment of fines and fees, or because they owed money to private persons. In addition to convicts, Florentine jails were filled with these sorts of unfortunate persons. Patrician or commoner, Florentine or rustic, artist or artless, the horror of incarceration was an ever present possibility, or all to vivid memory (Machiavelli never forgot the «fat vermin» which he had encountered in Le Stinche) lurking at the edges of the popular imagination.

Inmates of the «Paradiso» have left us yet another kind of memorial dedicated to their suffering. In it exist some of the most elaborate graffiti yet found. As one straightens from stooped passage through the low doorway (seen in fig. 5), vision and sensibilities are immediately shaken by images painted in red and black (red from the crushed brick used in the cell's construction, and black from the lampblack of candles) presented on the walls and ceiling (figg. 1-5). On the wall to the far right, at the back of the cell, is depicted a panorama, symbolic or real, of the port city of Livorno complete with its symbols of power and authority – a church and the new fortress-prison – grouped together (fig. 1). This rude «fresco», executed without the polish or the preparation of the professional artist, nonetheless displays a knowledge of renaissance composition. It is organized on three levels or planes: the church forms a high centerpoint, flanked by houses drawn in red on the left and black on the right; just below the church is a bridge that is being crossed by men and donkeys which attracts the eye down and through to a waterway and boats (possibly representations of galleys); on either side of the bridge more balance is added by the presentation of the new fortress (*il bagno nuovo*); lower still, rows of dwellings stretch out to the left, and are continued on to the wall opposite the entrance (Fig. 4). In the right foreground is a bizarre red structure, outlined in black, which may be a

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<sup>32</sup> G. PIRANESI, *Carceri d'invenzione* [Roma, presso l'autore, 1761 (?)], 14 double plates of etchings of imaginary prisons.

<sup>33</sup> When the Stinche was torn down in the nineteenth century, the remains of 200 corpses were discovered within its walls (J.K. BRACKETT, *Criminal Justice and Crime ... cit.*, p. 47). It was not for nothing that some supplicants cited as justification for their contumacy, fear of dying in jail while waiting for the trial process to play itself out.

church, except for the strangely shaped tower rising from its middle and the crooked appendage at its end. There is also a rough attempt at the use of scientific perspective in the rendering of this cityscape, since water flowing under the bridge seems to provide a vanishing point.

At the front of the cell, next to the modified window, there is a drawing in red of a what seems to be a *crocifisso di supplizio* similar to the type drawn by Piranesi, but without the «legs» at the bottom. Instead of a normal crossbar a gallows (*patibolo*), of the double bar type used for hanging several persons at one time, is substituted<sup>34</sup>. Hovering over the cell like a giant black spread-winged bat is a similar cross of grand proportions, drawn on the ceiling (Fig. 3). It has been in place since at least 1587, because that date can be seen scratched into the black on the left hand side of the upright beam (seen from a position facing the wall of the Livorno «fresco») near the intersection of the beam leading up to the crossbar. Like the red cross below, it also has a cross beam which is a *patibolo*, complete with stands at either end to support the apparatus, but it has been colored in to make it appear more like a normal crossbeam. Pictured in both crosses, at either end of the crossbeams, are two protruberances – one more or less circular in shape, the other more or less pointed – which cannot yet be identified. This motif is not repeated anywhere among the multitude of similar crosses (along with a number of Latin crosses), in red and black, that cover the ceiling and walls, except that which displays the Livorno cityscape.

The «Paradiso» itself remains largely an enigma. Many important questions that would help us to «read» it completely lack answers that must come from further research. But, we can broadly decode the discourse expressed in this cell. The iconography of punishment present in the interplay between the scenes of Livorno and the two crucifixes is not the vision of one person. The quality of the rendering of the black cross makes it clearly superior to the red one, despite the greater physical difficulty of drawing a cross on the ceiling. There clearly is an iconography of punishment – execution, imprisonment and slavery (since Livorno was also a place for relegation of convicts and galley service) – but it seems to be the work of more than one inmate with, perhaps, cross purposes. That is, it seems likely that the red cross was drawn to mock the black one, thus, meaning is expressed in the tension existing between threat and defiance. One would like to know whether the scene of Livorno was executed by the same person who crafted the overhead cross. Was the artist a soldier or

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<sup>34</sup>The Latin word *patibulum*, origin of the Italian *patibolo*, denotes the crossbar of the Roman cross of crucifixion; thus the gallows was, in form, a modified cross of crucifixion.

sailor proud of having served the Medici at their new port city? or was he warning his peers of what might lay ahead for them if execution, relegation or galley service were their punishment? Clearly, the number of smaller and cruder crosses were drawn over the years (centuries?) by different prisoners; the gallows crosses in mockery of the large, black crucifix, the Latin crosses as sincere devotional images designed to aid prisoners in coping with the possibility of capital punishment through the representation of salvation made possible by Christ's suffering and martyrdom. In some sense they are all defiant mockeries of the state's power to exact capital penalties, to elicit human suffering. This is the subject of the iconography of the «Paradiso», expressed in the form of dialogues conducted among inmates, and between inmates and the state.

Key to answering the questions above is understanding the purpose served by this cell. We know from Sassi that there was a chapel where those condemned to death spent their last night at an altar, above which was a painting of the Virgin; the same was true of the Florentine Stinche. Why, then, this horrific imagery *only* in the «Paradiso»? It was, in fact, the antechamber to the chapel, the place where the guilty received their terrible sentences and gave visual expression to their anxieties. The surviving documents of the criminal justice system of ancien regime Tuscany, written and pictorial, can provide us with some fascinating insights into the changing forms of some types of violent behavior and mentality among a broad spectrum of the population. Revealed are some aspects of the value of honor based on defense of the family, clan, faction and community in the Romagna, as well as the fears, suffering and defiance of *romagnoli* as they attempted to come to terms with the impact of changing relationships of power with Florence.