

PUNISHMENTS, PENALTIES AND PRISONS IN HISTORICAL PERSPECTIVE

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THE FLORENTINE COMMUNAL PRISON — *LE STINCHE* — IN THE FOURTEENTH CENTURY

The penalty of imprisonment did not hold a significant position in medieval systems of penal repression¹. At the time, the keeping of a felon under guard served predominantly two purposes: court procedure (*carcer–custodia*) and the guarantee of corporal punishment, as well as the imposition (coercive imprisonment) upon the convict of fulfilling the obligations placed upon him by the court (fines, the compensation to the victim, the restitution of seized property)². As late as the fifteenth century, the legislators in numerous Italian republics tended to share the opinion of thirteenth-century glossators as well as many contemporary commentators of *ius civile* that *ad retinendum*

¹ See the already classical study by M. Faucault, *Surveiller et punir. Naissance de la prison*, Paris 1975; historians dealing with the Middle Ages question the categorical nature of his thesis and stress the growing role of imprisonment already during that era; it did not cease to be secondary, however, even in those places where the compositional system lost its significance (i.a. in Central and Northern Italy) and the dominating punishment was a fine and outlawing. Cf. R. Pugh, *Imprisonment in Medieval England*, Cambridge 1968; J. Bellamy, *Criminal Law and Society in Late Medieval and Tudor England*, Gloucester–New York 1984; idem, *Crime and Public Order in England in the Late Middle Ages*, London — Toronto 1973; A. Poerteau–Bitker, *L'emprisonnement dans le droit laïque du Moyen Age*, "Revue Historique du Droit Français Etranger" 91 (1968); J. Chiffolleau, *Les justices du pape. Delinquance et criminalité dans la région d'Avignon au quatorzième siècle*, Paris 1984; R. Grand, *Prison et notion d'emprisonnement dans l'ancien droit*, "Revue Historique du Droit Français et Etranger" (1940); N. Gonthier, *Prisons et prisonniers à Lyon aux XIV^e et XV^e siècles*, "Mémoires de la Société pour l'Histoire et des Institutions des Anciens Pays Bourguignons, Comtois et Romands" 39 (1982); G. Ruggiero, *Law and Punishment in Early Renaissance Venice*, "Journal of Criminal Law and Criminology" LXIX (1978); idem, *Violence in Early Renaissance*, New Brunswick etc. 1980; G. Scaramello, *La pena del carcere. Aspetti della condizione carceraria a Venezia nei secoli XI–XVIII. L'assistenza e l'associazionismo*, in: *Stato, società e giustizia nella Repubblica Veneta (sec. XV–XVIII)*, a cura di G. Cozzi, Roma 1980–1985; idem, *Carcerati e carceri a Venezia nell'età moderna*, Roma 1979.

² A. Poerteau–Bitker, *op. cit.*, p. 218 sqq.

reos et non puniendum est carcer inventus. In the Late Middle Ages in many regions of Europe the *carcer-poena*, however, became a fact — secular tribunals in England, France, the Empire and Italian republics sentenced perpetrators to incarceration, frequently combined with yet another form of punishment; Church tribunals had been well acquainted with this form of penalty and had applied it in the past³. Changes in penal law and in system of violence control and penalization of criminals were one of the reasons why the authorities introduced order into questions connected with the imprisonment. Another reason was the dissemination of the practice of incarceration for debts. The consequences were overcrowded places which were, as a rule, intended originally for other purposes, and which were used for guarding detained felons. It thus became necessary to find or build new places of detention. Can we already at this stage speak about the “birth” of the prison?

Research which has been conducted in many countries for over a quarter of a century shows the place of the prison in systems of repression, in social life and even in the urban landscape of the Middle Ages, especially during its closing years. General concepts widely employed at that time for describing the prison, such as: *carcer*, *prisio*, *gaola*, had survived without changing their meaning up to this very day. This fact offers much food for thought. Undoubtedly, the penitentiary system in Europe was subject to profound transformations from the eighteenth century onwards. The isolation of the captured felon (debtors’ prisons had been eliminated from European legislation) which dominates today — and which entails the protection of society against the activity of the convict, his punishment and resocialization — are barely noticeable in the earlier eras. In my opinion, we can discover an explanation for this fact not only by analysing the significance of the penalty of imprisonment in the repression systems of the past but also, and probably predominantly, by examining prisons as places of isolating certain members of society and particularly from the point of view of the incarcerated inmates.

Le Stinche, a prison of the Florentine commune erected at the turn of the thirteenth century, provides excellent material for such analysis; it is a pity that despite the availability of this material, such research had not been performed before 1966 when the archive suffered great losses owing to a flood. Additional arguments in favour of embarking upon such a task include the development of law, the degree of the institutionalization, and “bureacra-

³ I. Mereu, *La morte come pena*, Milano 1982, pp. 19–31; L. Zdekauer, *Statuti criminali del Foro Ecclesiastico di Siena*, “Bulletino Senese di Storia Patria” VIII (1901), pp. 239, 243, 247; A. Porteau-Bitker, *op. cit.*, p. 390 sqq.; N. Sarti, *Appunti su carcere-Custodia et carcere-Pena nella dottrina civilistica dei secoli XII–XVI*, “Rivista di Storia del Diritto Italiano” LIII–LIV (1980–1981).

tization” of public life in the urban republics of north–central Italy, the size of Florence itself, the nature of its economy — the intensity of monetary circulation, the legal protection of creditors, the harsh persecution of debtors reflected in the prison registers and, finally, the copiousness of the source material and the absence of a detailed study dealing with the medieval history of the prison.

In the thirteenth century municipal republics of north–central Italy, the communal prison became one of the institutions subjected to legal regulations and permanent state surveillance (or even direct supervision). It was possible to introduce this new order when the commune decided to realize a serious investment — the erection of a new communal prison. In Florence, such a step was made at the beginning of the fourteenth century by opening the *Stinche* in 1302⁴.

The construction was based on useless fragments of the old town walls whose thickness, height and massive nature endowed the building with the features of a fortress and a characteristic appearance. Seen from the street, *Le Stinche* seemed to be an island completely separated from the town (up to this day, the street is known as *Isola delle Stinche*); here, a tall “bunker” was raised on a plan of a rectangle (89–111–53–105 ells) in the shape of a windowless building with a medium–height turret (33 ells) over a very low entrance to the inner courtyard overlooked by the barred windows of the prison. The architecture of the Florentine penitentiary did not arouse the admiration of John Howard, an Englishman who visited European prisons at the end of the eighteenth century. He regarded the walls — 23 ells high and 3 ells wide — as much too high and placed too closely to the prison itself, making it difficult for air to reach the interiors⁵.

The original project foresaw the erection of five completely separate prisons on a plot confiscated from the Uberti. The ultimate design, however, included a single complex of buildings divided in such a manner as to facilitate the isolation of particular categories of prisoners, especially male and female as well as those imprisoned for debts and sentenced for other

⁴ The name of the prison — *La Stinche* — comes from its first inmates who were the rebels from the Stinche castle in Val di Greve; see: F. Becchi, *Sulle Stinche di Firenze e su' nuovi edifi zi 'in quel luogo brevicenni*, Firenze 1939, p. 3. Prior to the erection of *Le Stinche* there was a number of prisons and detention places in the offices of the Florentine tribunals (as a rule–towers), as well as prisons of the *Arte della Lana* and the *Mercanzia* (commercial tribunal); see: H. Manikowska, *Nadzór i represja. Władza i społeczeństwo w późnośredniowiecznej Florencji (Control and Repression. Power and Society in Late Medieval Florence)*, Warszawa 1993, p. 272 sqq, including pertinent literature.

⁵ P. J. Fraticelli, *Delle antiche carceri di Firenze denominate Le Stinche or demolite e degli edifi zi in quel luogo eretti l'anno 1834 illustrazione storica*, Firenze 1834, pp. 18–20; F. Becchi, *op. cit.*, p. 3.

misdeeds. It was also necessary to take into consideration juvenile prodigal sons who were incarcerated at the request of their parents in the hope that they would grow wiser, become mature and, above all, not cause further harm to their families⁶.

In the second half of the fourteenth century, after the reconstruction of *Le Stinche* which was carried out due to a fire that took place during the disturbances witnessed by the town in 1343 (the ousting of the tyrant Gualteri de Brienne), the whole complex was composed of 7 prisons:

1. *de'Grandi* (intended for the legally underprivileged group of Florentine magnates)⁷,
2. *la Nuova* (the new prison),
3. *la Vecchia* (the old prison),
4. *Mulierum* (the women's prison),
5. the so-called *Mallevalo di sopra*,
6. the so-called *Mallevalo di infra*,
7. the *dei Macci*⁸.

The division into different prison was not a specific feature of *Le Stinche*. In the Late Middle Ages, the recognition and, whenever possible, the application of the principle of separating criminals from debtors and felons from persons guilty of petty misdemeanours was rather universal⁹. Further-

⁶ Archivio di Stato di Firenze (further as *ASF*), Provisioni Registri (further as *PR*) 8, f. 51: ... *provisum et ordinatum est quod de novo fiant et construantur et fieri et construi debeant carceres in quibus condemnati (...) in quodam carcere per se, ac etiam debitores specialium personarum in quodam alio carcere per se, et mulieres in quodam alio carcere per se. Nec non iuvenes et male se gerentes qui aliquando ad eorum correctionem ad petitionem eorum parentum carcerantur et custodiuntur*. More attention was devoted to this issue by G. Magherini, and V. Biotti in: *L'Isola delle Stinche e i percorsi della follia a Firenze nei secoli XIV–XVIII*, Firenze 1992, pp. 29–35; it is quite well evidenced in diaries (*ricordanze*), chronicles and treatises of the period. In registers of prisoners, the *iuvenes male se gerentes* constitute a small group although they included people who had spent a long time there such as Dominico Sandri from the powerful Tornaquinci family *homo male conditionis* — who, however, found himself behind bars for debts; cf. *ASF*, Soprastanti alle Stinche (further as *SS*), p. 90.

⁷ The *Ordinamenti di Giustizia* were published at the end of the thirteenth century; restrictive towards the feudal clans, they limited their political right and intensified their responsibility for crimes committed against the *popolani*, the disturbance of public order, activity aimed against the authorities (the binding principle was that of group responsibility of members of a family listed among the *magnates*). In the fourteenth century, the *grandi* (in other words, the *magnates et potentes*) constituted predominantly a legal group and it was possible to have this degraded status without being a nobleman — it was granted for crimes against the authorities, for escaping with the money of creditors etc. Many families which were given this status in the thirteenth and at the beginning of the fourteenth century later became members of the *popolani* (something as a form of a reward).

⁸ *ASF*, Atti dell'Esecutore degli Ordinamenti di Giustizia (further as *AE*), f. 26; *AE* 589, f. 21; *AE* 633, *passim*; *AE* 674, *passim*, cf. also *Le Stinche* before it was pulled down, F. B e c c h i, *op. cit.*, p. 10.

⁹ R. P u g h, *op. cit.*, pp. 45, 334. The Siena Statutes declared: *In primis statutum et ordinatum est quod in civitate Senensi sint et esse debeant tres carceres in uno quarum detineantur condemnati pro enormibus malefittis*, quoted according to: P. R. P a z z a g l i n i, *Comments on the Comparable Practices of Medieval Imprisonment*, "Studi Senesi" LXXXVI (1974), p. 165.

more, it was considered necessary to isolate criminals from the poor who were unable to pay their debts and to whom a considerable part of the alms offered by charity fraternities was addressed¹⁰. The enormous Châtelet prison in Paris had 14 departments: beginning with spacious and well-lit ones at the top, the large and, as a rule, overcrowded cells in the central part of the building, down to the terrible Fossés intended for the poorest¹¹. Fleet, one of the many London prisons, was much smaller than Châtelet, and included six departments none of which, however, was subterranean¹².

The earliest division introduced in the prisons of the Italian communes during the first half of the thirteenth century was the separation of women from men (in the laws of Padua prior to 1236, and in Bologna no later than 1250). The fundamental purpose of this type of regulations was the prohibition of sexual intercourse, as well as the prevention of prostitution and the exploitation of women forced by guards and governors to pursue prostitution (the penalty was death)¹³. In Milan and many other large towns, women of honour and higher social rank were separated from others. The Florentine statutes do not contain such a legal regulation but fifteenth-century sources make it obvious that in *Le Stinche* women *honeste et nobiles* were not placed together with those of *debilis conditionis*. The wife of Francesco Gianfigliuzzi, imprisoned in 1440, was kept in “shameful interiors intended for dishonourable women”¹⁴. The women’s prison had its own three gates¹⁵ which were guarded by penitential brethren from the *pinzocheri* order¹⁶.

¹⁰ Cf. more extensive information in: R. Trexler, *Charity and the Defense of Urban Elites in the Italian Communes*, in: *The Rich, the Well Born and the Powerful*, ed. F. Jaher, Urbana (Illinois), 1973, p. 72; A. Pertile, *Storia del diritto italiano dalla caduta dell'impero romano alla codificazione*, Padova 1876–1887, 2nd ed. Milano 1896–1902, vol. 5., p. 290.

¹¹ L. Battifol, *Le Châtelet de Paris vers 1400*, “Revue Historique” LXII (1897), pp. 42–55.

¹² M. Bassett, *The Fleet Prison in the Middle Ages*, “University of Toronto Law Journal” V (1943–1944), p. 393.

¹³ A. Pertile, *op. cit.*, V, p. 290. The San Miniato prison had no division between the male and female sections; cf. M. S. Mazzi, *Cronache di periferia dello stato fiorentino: reati contro la morale nel primo Quattrocento*, “Studi Storici” III(1986), p. 618. On the Siena prison see: W. Bowsky, *A Medieval Italian Commune: Siena under the Nine. 1287–1355*, Berkeley and Los Angeles 1981, p. 118; cf. also A. Poerteau-Bitker, *op. cit.*, p. 413 sqq., A. Bertolotti, *Prigioni e prigionieri in Mantova dal secolo XIII al secolo XIX*, “Rivista di discipline carcerarie”, 1889–1890.

¹⁴ F. Becchi, *op. cit.*, p. 4.

¹⁵ *Statuti della Repubblica Fiorentina*, ed. R. Caggese, vol. II: *Statuto del Podestà dell'anno 1325* (further as Caggese, *Statuto del Podestà*), Firenze 1921, L. 1, R. 18.

¹⁶ This was an order of penitent brethren who were involved i.a. in the control of prostitution. On the connections between this order and public morality see: A. Benvenuti Papi, “*In domo bighittarum seu viduarum*”. *Pubblica assistenza e marginalità femminile nella Firenze medievale*, in: *Città e servizi sociali nell'Italia dei secoli XII–XV*, Centro Italiano di Studi di Storia d'Arte Postoia, *Dodicesimo Convegno di Studi* (1987), Pistoia 1990, p. 33.

It follows from certain source material that attempts were made to isolate particularly dangerous felons from other prisoners. This was particularly the case with people threatened with the death sentence and the confiscation of their property; those who had been already convicted were usually led to the execution site on the day itself of the court verdict. Many of the prisoners were manacled; they probably included all those whose names were recorded with the adnotation *bene custodire*. These criminals were placed in cellars (dungeons)¹⁷. The decision concerning the location of the inmate was made by the tribunal which relegated the captured to *Le Stinche* but, as a rule, it was the governors of the prison who divided the inmates into separate categories¹⁸.

Some of the prisoners were treated in an extremely cruel manner. In 1378 one of the chaplains of the S. Lorenzo church was condemned for taking part in a conspiracy; although he did not share the fate of the coorganizers (who were executed), life imprisonment was tantamount to being sentenced to prolonged agony. The captain of the people decided that a clergyman sentenced for giving the signal for the pro-imperial uprising “was to be enclosed for always in an iron cage, placed on the roof of the prison (*sopra le Stinche*) and shall remain there night and day, without a roof over his head and supplied only with bread and water”¹⁹. Both such cages (nowadays displayed in museums of torture and containing a skeleton dressed in tattered rags) as well as illustrations and paintings depicting them hanging outside the Bargello palace have survived up to this day.

In the functioning and organization of late medieval prisons, the division into prisoners whose subsistence was paid for and those who lived thanks to alms, remained of prominent significance. In the Florentine *Le Stinche* the latter group filled the lower, totally dark recesses of the building, *cieco carcere*, to cite the words of Dante. It is also they who were the most frequent inmates of the prison hospital intended not so much for the sick as for the dying²⁰. Care over this group of inmates and those who were

¹⁷ R. Davidson, *Storia di Firenze*, vol. 8, Firenze 1956–1968 (German edition, *Geschichte von Florenz*, vol. 4, Berlin 1896–1927), vol. V, p. 622.

¹⁸ Raffaele Fulgosio even wrote about the bribery of prison guards by private accusers who wished the accused to be subjected to intensified suffering: *...et etiam saepe illud vidi defacto, quia accusatores dicunt custodibus: accipe duos ducatos et pone talem in tali putrido loco carceris*, Fulgosius Raphael, *In D. Justiniani Codicem commentaria*, Lugduni 1547, *De custodia reorum*, f. 233v—234.

¹⁹ *Cronaca prima d'Anonimo*, in: *Cronache e memorie sul tumulto dei Ciompi*, ed. G. Scaramella, *Rerum Italicorum Scriptores XVIII*, p. 3, Città di Castello 1917—1934, p. 93.

²⁰ ASF, SS 82 *passim*: at least 12 prisoners died in hospital, some after a very brief stay in *Le Stinche*; 70 prisoners died between 1 October 1347 and 31 March 1348.

mutilated owing to the court verdict was assigned to a medical physician financed by the treasury of the republic²¹.

When at the end of the fourteenth century it was decided to build *carcere grande et idoneo* in Milan, the latter of the descriptions could have referred to conditions created for inmates who paid for their sleeping quarters and food²². In Florence, the so-called *agevolati* and *mallevati* filled the *mallevato* prison. Statutes from 1322–1325 do not describe accurately the place intended for prisoners “with amenities”, and only mention that it was to remain *intra muros*; they also prohibited *agevolare extra carceres et muros*²³ which probably signified that incarceration was not to be supplanted by house arrest. The statutes of 1355 already contain the statement: *nelle dette carceri e massimamente nel agevolato*; finally, the codification of 1415 resolves that the *agevolati* should be detained in *mallevato vel granaio*²⁴. Neither the extant sources or the few studies on the Florentine prison provide any information which would make it possible to treat both the above mentioned places jointly or separately. Quite possibly, the *carcere mallevato* also served as a granary; in such a case, it would offer dry quarters and thus be additionally comfortable. On the other hand, it is just as feasible that the prisoners who paid for their upkeep could have been placed in interiors which were also used as a grain storehouse.

At any rate, the existence of prison known as *mallevato* which was, in addition, divided into two sections located on various storeys, seems to be unquestionable. The tribunal of the executor of justice who carried out regular inspections of *Le Stinche* and who conducted enquiries there, plied his trade *sub volta mallevatis superioris*²⁵. In 1389 a successful escape was

²¹ The payment of the very low fee to the physician in: ASF, Camera del Comune, Camarlinghi Uscita (further as CCCU) 146, 197, 198 etc. The account book of 1422 shows that he received 40 lire every semester in addition to his basic wage. Much better paid was the physician of the poor, employed, according to F. Caraballese (*La peste del 1348 e le condizioni della sanità pubblica in Toscana*, Rocca San Casciano 1897, p. 39) from 1366 on wards. The prison physician was described as: *medicus pauperum captuorum ac illorum quibus aliquod membrum incidetur vel extrahetur seu ducti fuerint ad Justitiam*, see: ASF, CCCU 244.

²² A. Pertile, *op. cit.*, vol. V, p. 294.

²³ Caggese, *Statuto del Podestà*, L. I., R. 18.

²⁴ ASF, Statuti del commune di Firenze (further as *Statuti*), 19 (1355), L. I., R. 52, f. 39v sqq. and *Statuta Populi et Communis Florentinae collecta, castigata et praeposita a MCCCXV*, vol. 3, Friburgi 1778–1783 (further as *Statuta* 1415), L. I., R. 73. The word *mallevato*, according to *Vocabolario della Crusca* denotes a person for whom a pledge has been given, from *mallevaria* = *fedeliussio* (quite possibly, prisoners who received better treatment were compelled to present some sort of guarantee of solvency) but in Du Cange we come across another explanation which is also suitable for the prison, namely that it was applied when describing a chamber or a bedroom. Both dictionaries cite the Florentine *Le Stinche* because in Florence it became the synonym of prison in general while the verb *stinicare* signified imprisonment for debts and the noun *mallevato* denoted a certain standard. Cf. also M. E. Wolfgang, *A Florentine Prison: Le Carceri delle Stinche*, “Studies in the Renaissance” VII (1960), p. 162 sqq.

organized by three Florentine patricians: Sir Johannes Cecchi (a notary), Binguccio di Bartolomeo dei Rossi and Papiro di Boccaccio. We learn about the existence of the *carcere mallevato* and the fact that in it *consueti sunt ut plurimum stare homines eius qualitatis cuius sunt predicti pro similibus recommendationibus ibidem detenti*²⁶. The higher, better lit, warmer and certainly much drier storey (a fact which in the damp climate of Florence and in a building close to the Arno must have been of considerable impact on the living conditions) was therefore intended not only for those who paid — the sums did not depend on social status — but in addition held a suitably high position in society. These social and socio-legal divisions were, however, never observed as rigorously as the separation of the sexes, the inability to pay for one's keep or the dispositions as regards the conditions of imprisonment, issued by the tribunals or the authorities.

A separate prison for the *grandi* was created in Florence probably immediately after the introduction of the so-called anti-magnate legislation — the *Ordinamenti di Giustizia*; at any rate, its existence is confirmed at the end of the thirteenth century i.e. before the erection of the new communal prison²⁷. After the inaugurating of *Le Stinche*, one of its parts was designated for the condemned according to the *Ordinamenti di Giustizia* as well as for political prisoners. In the second half of the fourteenth century, the *carere de Grandi (nobilium)* was also intended for the *popolani* and even for foreigners²⁸.

Scholars have also assumed that already in the fourteenth century there was a special prison for the mentally ill; sources, however, do not confirm this supposition. Of course, *Le Stinche*, similarly to its counterparts all over Europe, also housed the mentally ill who were frequently kept manacled and served life sentences²⁹. Not always did his situation denote the repression of an innocent man whose illness gave rise to anxiety or fear on the part of his environment. Life sentences were also served by criminals found guilty of their felony and recognized as mentally unstable. Manacles and lifelong imprisonment were in this case a salvation from death. The abnormal behaviour of an inmate (*fatuus et demens et irrationalis*) at times opened up a path towards freedom because such people were simply much too trouble-

²⁵ ASF, AE 540, 17 March. One of the inmates who served his term in the old prison *debet ascendere a dicto carcere in mallevatis quod est de supra dictum carcerem*. This sentence confirms the fact that the author had in mind facilities which were located on the upper storey; ASF, AE 609, f. 32v.

²⁶ ASF, PR 78, f. 5. Two of them were incarcerated for debts, and one was sentenced to a fine worth 300 *lire*.

²⁷ R. Davidsohn, *op. cit.*, vol. III, p. 247.

²⁸ ASF, AE 647, f. 3.

²⁹ F. Becchi, *op. cit.*, p. 11; G. Magherini, V. Biotti, *op. cit.*, p. 34 sqq.

some for the other inmates³⁰. We do not know where those prisoners were kept. The *de'Macci* prison which, according to some historians, was supposed to play this role, was planned more for people of an appropriate social status. Its name originated, in a rather typical manner, from that of a prominent Florentine family whose representatives were the inmates of *Le Stinche*. We also come across the wrong form *matti* (madmen)³¹. Nonetheless, the States of 1415 clearly state that it was possible also to detain there *illos caceratos populares florentinos, quos cognoverint dignos stare in dicta carcere*³². The inmates, therefore, included people of high social rank and probably without a criminal record. They behaved in an orderly fashion, did not break the law in prison and sometimes *in carcere de Maccis nemo erat*³³.

Undoubtedly the most overcrowded, dangerous and inferior conditions existed in the two prisons known as New and Old. The latter name was used with reference to a building which was not burnt down in 1343; the former name shows that this was the main part of *Le Stinche*, erected already after the reconstruction.

Le Stinche, similarly to other medieval prison, observed the following principles of financing costs: 1. the upkeep of inmate did not affect the town (republican) treasury; 2. under certain conditions and in accordance with their capabilities, the prisoners had the right to assure themselves of an existence better than the biological minimum; 3. the debtors were financed by their creditors³⁴. All the expenses, even those for the manacles and chains, were to be covered by the prisoners or those who placed them in prison. The income of the governors, therefore, depended on the talents of the treasurers and the governors themselves; the same held true for the income of the authority to whose jurisdiction the prison belonged. The communal treasury which paid the wages of the guards, governors etc., was to receive, in the form of a sui generis tax (*nomine gabelle*) payments for each prisoner, made in accordance with a precisely determined rate³⁵. The highest were established for those who paid all their expenses — the *agevolati*. The size of those sums, calculated for every day spent in better conditions (*agevolatura*) depended on the fine to which the inmate was sentenced. In the first half of the century, this sum was determined in the following fashion: a fine up to

³⁰ *Ibid.*, p. 56.

³¹ For instance in: *Statuta* (1415), L. I., R. 82.

³² *Ibid.*, L. I., R. 72.

³³ *ASF, AE 674, f. 3.*

³⁴ Cf. also M. Gonthier, *op. cit.*, p. 21; A. Porteau-Bitker, *op. cit.*, p. 418.

³⁵ Such a tariff was used already at the end of the thirteenth century in the old prisons known as *burelle* or *paliazze*; see: *ASF, Micellanea Repubblicana 8, nr 240 (Ordinamenta... super Pagliaççe e burelle e supersitibus et custodibus earum et super carceratis et carcerandis in ipsis)*, f. 213v.

100 *lire* — 3 *soldi*, from 100 to 500 *lire* — 4 *soldi* and from 500 *lire* — 10 *soldi*³⁶. Furthermore, the creditors paid the communal treasury half a *denarius* for each *lira* of the debt; if the arrest was performed by the police, the rate was 1 *denarius* for each *lira*.

In the middle of the fourteenth century, these fines paid to the commune were nominally reduced two—or threefold, and considering the depreciation of money — much more. We are unfamiliar with the reasons for this state of affairs. Two causes could have come into play: in the first place, the excessive income of the governors of the prison and ensuing abuses unfavourable to the communal treasury; in the second place, and this is more probably — the impossibility of collecting such high sums which, instead of providing the governors with an income, threatened them with losses. After all these officials were compelled to pay taxes and were obliged to cover expenses connected with feeding and accommodating those prisoners who wished to be regarded as *agevolati* but had not yet paid the whole sum³⁷.

Not every prisoner, however, was capable of improving his lot. A debtor who had not paid his dues was also expected to have insufficient money to cover the cost of his stay in *Le Stinche*, and especially for assuring himself better conditions. In order to be regarded as an *agevolato*, he was compelled to obtain the permission of his creditor. The right to enjoy improved conditions was enjoyed by the sick while convicts sentenced to death and the confiscation of property (whose stay in the prison was rather brief anyway) or those condemned to mutilation, were deprived of such an opportunity.

The extensive losses caused in the Florentine archive by the flood of 1966 make it impossible to answer a question concerning prisoner who paid for their incarceration and enjoyed superior conditions. The register of *Le Stinche* from that period, which I was able to examine, is a record of expenses and incomes for a period of six months, from 1 July 1421 to December 1422³⁸. It registers 240 persons who were *agevolati* but only 50 of them are recorded together with the number of days when they held their status. Half of that number enjoyed better conditions for only a single day, three persons — for two days, and a further six persons — for up to a week. The infrequent “record holders” paid for over 100 days of their imprisonment. Since the municipal treasury had already collected the highest at that time rate of 5 *s.* from almost all the *agevolati* (in instances of fines or debts larger than 1 000 *lire*), the prevailing practice entailed serious sums to be paid by prisoners to

³⁶ C a g e s e , *Statuto del Podestà*, L. I., R. 18, *soldo* further as *s.*; *denarius* further as *d.*

³⁷ ASF, Statuti 19, L. I., R. 52, f. 40v–41.

³⁸ ASF SS, 397 bis.

the governors both for their maintenance and for the charges. The highest payment mentioned in the register in question amounts to 51 *lire* 1 *s.* and 8 *d.* and thus covered a total of at least 205 days. All told, the revenue provided by the *agevolati* during this period amounted to almost 500 *lire*.

We know even less about the expenses. In the *uscita* part of the register we come across only three items which could be connected with meeting the prisoners' needs: 10 *lire* paid monthly to the watercarrier, 21 *lire* and 4 *s.* for the *pizzicaio* and 3 *lire* for repairing clothes. Probably, the prison governors kept their own account books where they noted down all the income obtained from the prisoners and the costs connected with their maintenance — supplies of food, clothes, beds etc. The money which made its way to the hands of the treasurer of the prison was divided between the communal treasury (it is only this which is recorded in the account book under examination) and the prison administration which covered all the costs³⁹. A note can be additionally made of the wages of the lower functionaries and the physician, payments for burial (made to the prison chaplain) and costs connected with the maintenance of the buildings — the joint sum amounted to merely 11 *florins* and 295 *lire*. Meanwhile, in the second half of the fourteenth century, the wages of the governor, guards and notary obtained from the communal treasury amounted to 1700 *lire* annually.

The second source of revenue for the communal treasury were payments made by the creditors for the *stangimento* of their debtors and their arrest, as well as the 5 *s.* paid by every inmate for *uscita* (release). Our account book noted 242 persons whose imprisonment signified such sums; 64 paid only for *uscita*⁴⁰, and 97 persons were incarcerated at the request of their creditors for debts worth from several *lire* up to 200 *florins* (for which the communal treasury took 33 *lire*, 5 *s.*, 8 *d.*). About one-third of the inmates paid the obligatory 5 *s.* themselves simply in order to be able to leave the prison walls well behind them.

The account book in question does not enable us to recreate the expenses involved in maintaining the inmates or the manner in which they made accounts with the governors. One cannot also exclude the possibility that imprisonment was credited by the governors themselves, as was the case in the other prison. Upon the basis of discovered information concerning conditions of sale contracts i.a. of landed property and conducted *in carcere Stincarum*, Davidsohn assumed that in this way the prisoner rid themselves of their obligations towards the governors⁴¹. It is not by accident that the

³⁹ ASF, PR 33, f. 6v-7.

⁴⁰ ASF, SS 397 bis, the income totalled 746 *lire* 10 *s.*

⁴¹ R. Davidsohn, *op. cit.*, vol. V, p. 621.

statues determined that the released inmate could not be re-entered in *Le Stinche* for debts owed to the governors and incurred during his imprisonment⁴². The inmates, and in particular those who were owners of some sort of property, were treated as a source of revenue at least as long as it was possible to exploit them.

The best conditions in *Le Stinche* were enjoyed by young people placed there by their families who regarded the prison as a reformatory institution. This custom was certainly practiced at least from the end of the twelfth century and described in sources of the period as *pro amendare* or *pro correctione*⁴³. The upkeep of the young inmates was guaranteed by the family which provided them with food, clothes, bedding, fuel, and probably some sort of furnishing. At times, the supplies were so ample that were sufficient for feeding the other cellmates, the winning of their favours and the organization of *sui generis* bodyguards⁴⁴.

A considerable number of the prisoners who were condemned to subsist on bread and water, a diet only at times supplemented with meat, who slept at best on a bench and who suffered from the lack of warm clothing in the extremely cold interiors, could rely only on the charity of those outside the prison walls. The prisoners constituted one of the groups which composed a social category defined as *pauperes*. This is why we should perceive the assorted ways of fulfilling their needs, accepted in the Middle Ages, as a fragment of a more general attitude of the society of that period towards the poor. In the first place, care for prisoners was supposed to be the duty of all Christians (one of the seven acts of charity) although the burden was rather early on transferred to special institutions and brotherhoods or placed upon secular rulers, only a few of whom were exemplary Christians. Hagiography of the period always presented the act of visiting prisoners as an argument in favour of sainthood. This obligation, included into Church law during the reign of the emperor Justinian and subsequently imposed upon bishops, was realized in the Late Middle Ages solely with reference to diocesan prisons; in *Le Stinche* a specially delegated chaplain was entrusted with the religious and to a lesser degree, the bodily needs of the inmates. An important role was also played by penitential monastic orders and brotherhoods (*pinzocheri*) in the second place, the most obvious method of feeding and clothing the prisoners was, as in the case of all the poor, alms — either obtained in the streets by the inmates themselves who permitted to beg, in special collec-

⁴² *ASF, Statuti* 19, L. I., R. 52.

⁴³ In the prison registers *ASF, SS* 82.

⁴⁴ Giovanni Cavalcanti, *The "Trattato Politico-Morale" of G. C. (1381-c.1451)*, ed. M. Grendler, Genève 1973, p. 142 ...*si come a figliuolo di cavaliere, tanto che, oltre alle sua vita, ne viverono piu persone.*

tions or provided by testaments. When in the Late Middle Ages the municipal authorities became engaged in “social care” — a very distinct fact in the Italian republics — the supply of food, clothes, fuel and furnishing to the prisoners became the object both of their concern and legal regulations. The poor were now classified into various categories in order to solve the problem of insufficient alms and excessive poverty; they were divided into the less and more need, strangers and locals as well as those inmates who despite their dire straits, did not deserve assistance. In accordance with the Status of Mantua (1403) *non detur (de elemosinis) hiis qui in carceribus existerent qui in civitate Mantue proprium habent, unde comedere sibi subvenire possint et victum percipere neque illis a quibus quotidie victualia ad eorum domibus vel coniunctis personis seu eorum amicis coniunctis portarentur*. Legal regulations initiated the influx into the prisons not only of alms; heads of confiscated animals, either illegally slaughtered or traded, as well as smuggled salt etc. made their way to the prisons. In sixteenth-century England, already in a Reformation atmosphere, part of the fines were established *a priori* for the needs of the convicts. In the fifteenth century, the prisoners began working and could pay for their incarceration. Finally, guilds became engaged in supplying the prisons⁴⁵. In critical moments, assistance was provided by the authorities which tried to prevent, above all, the threat of death due to famine and illness. During an extremely severe winter in 1396, many prisoners in Milan died or suffered from frostbite; the governors were requested *dare omnibus carceratis paleas aut lectos pro iacendo ad sufficientiam*; orders were also issued to keep the prison dry⁴⁶. The most important, however, was to guarantee food for those whose upkeep remained unpaid.

Originally, the division of the alms in the Florentine Communal prison was entrusted to the *pinzocheri*, supervised by the so-called *boni viri*. Subsequently, a special functionary, the *podestà* of the prisoners was selected, and held responsible for the organization of the collection and the division of its outcome among the inmates. Special *accattatores et questores* were supposed to collect alms at customary times of the day *tam per civitatem quam per comitatem, et ubicumque locorum*⁴⁷. They also dealt with the purchase of food in return for the collected money. During a trial held against a prisoner who was accused of blasphemy, a witness of the event testified that “he saw and was present when *caritas carnium* was given and divided, a task involving Bartolomeo Belfratelli, the *podestà* of the prison”.

⁴⁵ A. Bertolotti, *op. cit.*, p. 60; R. Pugh, *op. cit.*, p. 328 sqq.

⁴⁶ A. Pertile, *op. cit.*, vol. V, p. 279.

⁴⁷ *Statuta* (1415), L. I., R. 82.

The latter was attacked by the accused who, by resorting to force, robbed him of the meat and the alms⁴⁸. As much as possible, attempts were made to provide the poorest prisoners not only with bread and water but also other victuals, including meat which was the most expensive item in the prison diet. Mention of only this particular article in the confession made by the co-prisoner demonstrates visibly that it was a great rarity in the meals of the inmates⁴⁹.

The organization of charity intended for prisoners was entrusted in Florence to two brotherhoods: the Or San Michele and, from the second half of the fourteenth century, the Neri, whose name was derived from the colour of their garments and whose confraternity — the Societas S. Marie de Cruce ad Templum — served prisoners condemned to death. This was by no means an easy task. The late medieval society of Tuscany revealed a clearly different attitude towards criminals who were regarded as unworthy of support, and towards debtors who, as the true poor, deserved alms⁵⁰. In one of the Sermini's novels, a clergyman (although himself not overly exemplary) teaches the faithful that he who assists prisoners — who by definition are criminals — commits a deadly sin⁵¹.

The desirable attitude towards the poor was that of support, predominantly material, in the form of alms which were most frequently granted through the intermediary of charitable fraternities⁵². The statutes of the Or San Michele brotherhood (1333) resolved that at least once a year, in August, all the prisoners of the Florentine commune would be granted alms⁵³. In reality, care was bestowed only upon some of the inmates, although on a yearly basis. The regular supply of daily bread to the prisoners remained the constant concern of the brotherhood which also took all measures to meet

⁴⁸ ASF, AE 589, f. 29 sqq.

⁴⁹ Cf. ASF, Notarile Antecosimiano M 481, f. 255 (9 I 1384) a testament bequest: *Item reliquid, iussit, mandavit dictus testator [Fruosino di Cino] quod fiat una pietantia carceratis in Stincis dicte civitatis, qui vivunt de elemosina, de pane, vino et carnibus prout et quemadmodum deliberabitur, per infrascriptos executores (...) in qua pietantia expendantur libre decem fp.* See also C. Bonanno, M. Bonanno, L. Pellegrini, "I legati pro anima" ed il problema della salvezza nei testamenti fiorentini della seconda metà del Trecento, "Ricerche Storiche" XV (1985), fol. 1, p. 190.

⁵⁰ F. Cardini, *Misericordia e assistenza nella novellistica toscana del Trecento*, in: *Stato e Chiesa di fronte al problema dell'assistenza*, Roma 1982, reprint in: i d e m, "De Finibus Tuscie". Il Medioevo in Toscana, Firenze 1989, pp. 45–69.

⁵¹ Gentile Sermini, *Le novelle*, a cura di C. Vettori, vol. 2, Roma 1968, Nov. XXIX.

⁵² Scholars have drawn attention to the very rapid expansion of the property of the largest Florentine fraternity, the Or San Michele during the Black Death (thanks to bequests). For more extensive information see: F. Cardini, *op. cit.* and J. Henderson, *Piety and Charity in Late Medieval Florence*, Oxford 1994, p. 178 sqq.

⁵³ S. La Sorsa, *La compagnia d'Or San Michele ovvero una pagina della beneficenza in Toscana nel secolo XIV*, Traini 1902, p. 92; F. Carabelliese, *op. cit.*, p. 3.

the requirements of the largest possible number of prisoners at the lowest possible expense. Bread was not purchased on a retail basis but flour was bought directly from the *ufficiali del Biado* the officials responsible for the grain turnover in the republic; then, the flour was handed over to bakeries⁵⁴. According to calculations made by La Sorsa, an historian of the brotherhood, in 1358 when *Le Stinche* was not so overcrowded as in the first half of the century, over 600 pounds of bread were handed out among the inmates⁵⁵. The extent of the help rendered by the brotherhood during the dramatic famine of 1347, described by the same scholar, does not, however, appear to be true⁵⁶. In June, the 500 loaves of bread delivered were a grossly insufficient amount. Following the Easter amnesty which in *Le Stinche* affected 173 prisoners and the prohibition of imprisonment for debts lower than 100 *florins*, introduced in March of that year⁵⁷ which restricted the acceptance of new inmates, their total number could have reached around 300⁵⁸. The bread during that period must have been of rather inferior quality although it was not as bad as the kind which was “rationed”. Bakers, millers and suppliers of flour tried to make a good profit and added bran; sometimes, the bread was baked entirely without flour and the terrible taste of the bran—chalk—sawdust dough was masked by dillweed⁵⁹.

Apart from supplying bread, the brotherhood also came to the assistance of the families of the inmates to whom they offered modest sums of money⁶⁰. This aid was used for the improvement of the living conditions in prison, while persons helped in this manner included members of patrician

⁵⁴ ASF, Capitani di Or San Michele (further as *OSM*), I bis, f. 16v — the purchase of 50 loads of grain.

⁵⁵ S. La Sorsa, *loc. cit.*

⁵⁶ He cites the ASF, *OSM* 245, f. 66–67 and declares that in the course of not quite a month the inmates received 9,240 loaves of bread, and about 100,000 loaves in the course of the year, worth some 2,500 *lire*. According to the quoted register, the bread granted to the inmates on a weekly basis was calculated singly and not in dozens as La Sorsa would have it (*a prigioni poveri delle stinche cento venti pani* which cost the fraternity 2 *lire* and thus 4 *d.* for every loaf, a price which was established by the municipal authorities and thus was lower than in the market where it was 6 *d.*).

⁵⁷ G. Pinto, *Firenze e la carestia del 1346–1347. Aspetti e problemi delle crisi annonarie alla metà del 300*, “Archivio Storico Italiano” CXXX (1972), reprint in: *idem*, *La Toscana nel tardo medio evo. Ambiente, economia rurale, società*, Firenze 1982, p. 359.

⁵⁸ ASF, SS 82. More on the number of inmates in *Le Stinche* in: H. Manikowska, *op. cit.*, p. 306 sqq.

⁵⁹ G. Pinto, *op. cit.*, pp. 355, 392.

⁶⁰ ASF, *OSM* 146, f. 31. La Sorsa described the lavish supplies made to the prisoners by the fraternity (meat, wine, oil etc). The register which he referred to (*OSM* 208) found itself in the *OSM* section only by chance it is actually an account book of the *podestà* of Colle and at best could testify to the eating habits of that official and his functionaries. This is not to say that, as was cited above, there were no grants for the inmates who obtained meat and wine. Cf. also N. Gonthier, *op. cit.*, p. 22.

families⁶¹. The brotherhood purchased cloth which was used for making garments for the poorest and in particular for the *inferni abandonati delle Stinche*⁶². The largest sums were spent on releasing people from prison and their size — 5 or 10 s. — indicates that they were paid for “release”⁶³.

The medieval prison universally granted the inmates the right to beg; it seems that in Florence individual begging was replaced by an organized campaign which, on the one hand, was conducted by the brotherhoods, and on the other, by the *pinzocheri* and then by special functionary. The penitential brethren were selected for service in prison by rectors of the Or San Michele brotherhood. Not always, however, was it possible to obtain volunteers for this type of work especially when famine and pestilence signified the direct threat of illness or death⁶⁴. In 1348 they simply refused to serve the prisoners, fearing the plague. The authorities then replaced volunteers with the rector of the nearby San Simone church and the one of the local parishioners⁶⁵. The traditional duty of the rector was to nominate a suitable chaplain for religious work among the prisoners, the provision of holy sacraments, the daily celebration of Holy Mass, and the burial at his own expense of the poor inmates who died in prison. For this purpose he received 100 *lire* annually and payment for each burial in turn⁶⁶. At a time when Florence was the scene of the Black Death, the chaplain was forced to assume many of the duties normally fulfilled by the penitential brethren⁶⁷. The latter were supposed to collect alms and assist women prisoner; they were also take care of the sanitary state of *Le Stinche* and were responsible for regularly cleaning the prison amenities⁶⁸. The connection between concern for physical and moral purity appears to have been not accidental. About the middle of the fifteenth century, Michele di Piero de’Mangioni was sentenced for sexual intercourse with a nun to a year’s work in the prison — he was to supply the inmates with water and clean up⁶⁹.

The *pinzocheri* were burdened with yet another duty — to a certain degree they were to supervise the conduct of the prison governors, wardens and all other functionaries as well as the behaviour of the prisoners themselves. All cases of breaking the law were to be immediately brought to the

⁶¹ ASF, OSM 248, f. 12v, 51v.

⁶² *Ibid.*, f. 17v, 22, 44v.

⁶³ ASF, OSM 244, 245 *passim*.

⁶⁴ ASF, PR 32 (2 VI 1342), f. 22v.

⁶⁵ ASF, PR 36 (6 IV 1349), f. 72.

⁶⁶ ASF, SS 397 bis.

⁶⁷ Cf. also ASF, PR 75, f. 13; PR 79, f. 238.

⁶⁸ ASF, Statuti 19, L. I., R. 52, f. 41v.

⁶⁹ G. BRUCKER, *The Society of Renaissance Florence. A Documentary Study*, N. York 1971, Italian ed.: *Firenze nel Rinascimento*, Firenze 1980, p. 364 sqq.

notice of the executor of justice. This service was remunerated by the prison treasurer⁷⁰.

About the middle of the fourteenth century another group of functionaries — the so-called *boni viri* — was established; four men, one from each district, were called upon for a two-month term of office in order to solve the problem of the rather imperfect administration of the prison⁷¹. The newly nominated functionaries began to replace the *pinzocheri* as regards control over the relations prevalent in the prison, and took over their mediatory functions. In the Statutes of 1415, they appear to enjoy a stable position with a longer, four-month term of office (they are also called provisors). Originally selected from among three major guilds, the provisors were subsequently chosen from among a brotherhood which provided services for the condemned to death; in this fashion, they totally replaced their predecessors, i.e. the penitential brethren⁷².

In critical situations of famine or pestilence, the charity work conducted by the religious fraternities and the collections performed by the almoner, from *Le Stinche* proved to be insufficient. The tidal waves of famine witnessed in Tuscany for about thirty years in the first half of the fourteenth century, the most dangerous being the 1346–1347 period, and the recurring epidemics during the second half of the century and throughout the whole fifteenth century, compelled the municipal authorities to embark upon extraordinary interventions without which the majority of the prisoners would have been doomed to inevitable death. The most significant way of preventing a catastrophe was the exploitation of traditional acts of mercy which took place at Christmas, Easter and during the feast day of St John the Baptist, the patron saint of Florence, in order to carry out a mass-scale release of the inmates of *Le Stinche*. In more peaceful times, these were the occasions for freeing from a few up to several score of the prisoners (rarely, however, more than twenty); in dramatic circumstances, the prison released more than 100 inmates. In the years 1343–1344 (famine) all debtors with obligations up to 25 *lire* as well as all those imprisoned for having transgressed police regulations, were released⁷³. In 1347, it was forbidden to incarcerate people with debts below 100 *florins*, an amnesty was proclaimed as regards all women with fines up to 150 *lire* and, finally, it was made

⁷⁰ ASF, *Statuti* 19, L. I., R. 52.

⁷¹ ASF, *PR* 43, f. 28v.

⁷² *Statuta* (1415), L. I., R. 72; G. Rondoni, *I giustiziati a Firenze (dal secolo XV al XVIII)*, "Archivio Storico Italiano" XXVII (1901), p. 212.

⁷³ ASF, *PR* 32 (22 XII 1343) and f. 144v. In 1328 a total ban on imprisonment for debts from 5 may to 15 June, ASF, *Carte di Corredo* 38, f. 89. A. G. Carmichael, *Plague and the Poor in Renaissance Florence*, Cambridge UP 1986, p. 17

possible to discharge even the most dangerous criminals: homosexuals, murderers, conspirators and rebels, under the condition of obtaining the permission of the *podestà*⁷⁴.

At this time, the prison was overcrowded: prior to the Christmas act of mercy in 1346 *Le Stinche* housed over 600 persons; several months later (when 173 prisoners were released) the number of inmates once again rose to ca. 500⁷⁵. Since at that time *Le Stinche* admitted on average 150–180 persons monthly⁷⁶, the data found in resolutions concerning acts mercy appears to be reliable. Another very important manner of protecting the prisoner from hunger was the restriction of imprisonment for debts. The threshold of 100 *florins* introduced in March 1347 was the most effective of all measures up to that date. The percentage of debtors among the inmates of *Le Stinche* (both private debtors and various Florentine magistrates) exceeded 50 per cent; in the autumn of 1347 and at the beginning of the following year it was even higher (65 per cent) since limitations of incarceration as punishment for debts ceased to be binding⁷⁷.

Medieval municipal and royal prisons were frequently leased — for several centuries the London Fleet was leased by a single family⁷⁸. In the fourteenth century, *Le Stinche* was a communal institution and its governors (*soprastanti alle Stinche*) were city officials selected by the supreme authorities for a year-long term of office⁷⁹. In 1345, the term of office was reduced to 4 months (in connection with abuses), and then semestral rotation, customary for many magistrates, was introduced. In the statutes of 1415, 4 governors from among the *popolani* (3 from the major guilds and 1 from the minor) were accompanied by a fifth one, chosen from the Florentine *grandi*.

The assumption of the office of the governor was connected with a very high guaranty — 30,000 *lire* a sum which in the first half of the century corresponded to 10,000 *florins* in gold and at the end of the century — to 7,500 *florins*. Since the single guaranty could oscillate between 100 and 500 *lire* each of the *soprastanti* was compelled to recruit at least 60 guarantors⁸⁰. The intention of the authorities (and legislators) of the commune appears to

⁷⁴ ASF, Provisioni Duplicata, 6. f. 156; PR 34, f. 112v; G. P i n t o, *op. cit.*, p. 359.

⁷⁵ ASF, PR 34, f. 116.

⁷⁶ ASF, SS 82.

⁷⁷ ASF, SS 85. For more extensive information see: H. M a n i k o w s k a, *op. cit.*, p. 306 sqq.

⁷⁸ M. B a s s e t t, *op. cit.*, p. 386 sqq.; the prison in Mantua was also leased, A. B a r t o l o t t i, *op. cit.*, p. 53.

⁷⁹ R. C a g g e s e, *Statuto del Podestà*, L. I., R. 18.; ASF, *Statuti* 19, L. I., R. 52. In a certain sense, the payments made by each inmate to the treasury of the commune could be recognized as a sort of lease. Already at the end of the thirteenth century, the governors of the old Florentine prisons, the *paliazze* or *burelle* were also elected for annual terms of office, ASF, Misc. Rep. 8, no 240, f. 211.

⁸⁰ R. C a g g e s e, *Statuto del Podestà*, L. I., R. 19; cf. A. P o r t e a u - B i t k e r, *op. cit.*, p. 425.

have been quite clear — they were concerned not only with insuring themselves against the loss of money due to the treasury of the republic but also with winning for this office reliable people, wellenrooted in municipal society (the condition being several year-long residence and guild membership) and quite celebrated since only such candidates guaranteed suitable concern for the state of the prison and the condition of the inmates.

The governors of *Le Stinche* were held responsible, above all, for an appropriate guarding of the criminals, defaulters, and debtors of the commune and its citizens. The escapee became the debtor of the governor since it was the latter and his guarantors who were then compelled to pay the creditor or the treasury of the commune the sum with which the escapee was *recommendatus* or *stangitus*. It is not strange, therefore, that after each escape a petition was addressed to the authorities asking for the release of the governors from this particular responsibility, with the argument that eventual pursuit would be ineffective⁸¹. The entire procedure of dismissal from prison (even if only upon the occasion of interrogation) was formalized, and each of its stages was recorded in special register⁸². In this fashion, the governors safeguarded themselves from accusations of an intentional release of the prisoners — either due to bribes or in order to avoid further costs of keeping the inmates in prison⁸³.

We are unable to assess the income of the prison governors in the period under examination. The sums involved were noted down and to a large degree they were the outcome of loans and credits given to the inmates at a very high percentage, the supply of the prisoners with assorted commodities (not without reason did the legislation of Florence constantly remind governors about the prohibition of selling wine in the prison), services (i. a. the availability of prostitutes) and, finally, the informal (and illegal) lease of functions. D. Davidsohn assumed that bail often concealed a partnership — in return for the *fideiussio* presented before the authorities, the guarantor was to receive his part of the profits⁸⁴. The data collected by this historian about the financial gains of a certain Bianco Alfani (fifteenth century)

⁸¹ ASF, PR 22, f. 23v; PR 26, f. 70v; Atti del Podestà (further as AP) 273, f. 7 — a petition of the prison governor who requested that be granted *licentiam capiendi et sequestrandı personaliter et in rebus* of a prisoner who escaped from *Le Stinche* with the assistance of a bribed guard.

⁸² I discovered fragments of such a register of prisoners “borrowed” for interrogations in the Biblioteca Nazionale (Firenze), Magliabechiana 1896, II. I. 343 (1378). A typical record: *Ego Damianus Angeli notarius domini capitanei recepi nomine dicti domini capitanei a suprastantibus Stincarum (...) Anechinum Spulechini de Alamania, recommendatum pro parte dicti domini capitanei, dicta die XX octobris per Damianum notarium (...) mutuo sive in prestantia, quod fuit recommendatus XV dicti mensis octobris.*

⁸³ Cf. also N. Gonthier, *op. cit.*, p. 21.

⁸⁴ R. Davidsohn, *op. cit.*, vol. V, p. 619, sqq.

demonstrate the great profitability of a governor holding such a function⁸⁵. Meanwhile, his remuneration, although by no means low, did not permit a rapid increase of wealth. In the second half of the fourteenth century and in the first half of the fifteenth, each of the governors received 6 *florins* in gold, paid monthly by the municipal treasury. At the end of the fourteenth century, the upkeep of the prison (mainly wages) cost the commune some 400 *florins* annually, a sum which probably was not equalled by the income from *Le Stinche*. This assumption is testified by the above mentioned accounts book as well as the changed tariff of payments dating from the second half of the century. In 1338 *Le Stinche* was a source of considerable profit for the republic — Giovanni Villani noted an income of 1 000 *florins* in gold and 800 *lire* as expenses⁸⁶ — everything seems to indicate that after the Black Death the prison had become a deficit enterprise. The twice as low payments made to the *camera del comune* and an equally considerable decline in the number of inmates⁸⁷ — an undoubted result of the demographic crisis — and, on the other hand, the higher wages of all the prison officials and functionaries, altered the relations between income and expenses.

In the period between the condification of the law in 1355 and the Statutes passed in 1415, the organization of the prison and its bureaucracy expanded considerably. The 4 provisors were now accompanied by the earlier mentioned *podestà*, an efficient supervisor of the collection and division of alms, as well as a prison mediator who tried to release the inmates as rapidly as possible and “who was obliged to support the prisoners and to speak in their name with those persons who were the most decisive for their release from prison; he had to support and assist them, and especially act for their sake with their creditors or those upon whose request they were incarcerated in order to attain conciliation, arrangements, release and the annulment of the debts”⁸⁸.

⁸⁵ *Ibid.*

⁸⁶ Giovanni Villani, *Cronica*, ed. F. G. Dragomanni, vol. 2, Trieste 1857, Book XI, chap. 92. The payment of wages: ASF, CCCU 199 et al.: annual lists upon the basis of ASF, Camera del Comune, Provveditori Entrata e Uscita I (1384) and 10 (1394); cf. also A. Molho, *Florentine Public Finances in Early Renaissance Florence, 1400–1433*, Cambridge Mass, 1971, p. 207.

⁸⁷ Only a single register of prisoners has survived from the first half of the 14th century; it deals with the period from 1 October 1347 up to 31 March 1348, i.e. the months between the end of the famine and the culmination of the plague. At the time, 885 persons were incarcerated for a very brief duration (on 1 October 1347 there were 315 inmates) while in the second half of the century the number of prisoners was less than half the number — from 1 April 1366 to 30 September 1366 there were 329 inmates (a similarly smaller number of prisoner was accepted each six months by the new governors — from 145 up to 242), cf. ASF, SS 82–85, 90.

⁸⁸ *Statuta* (1415), L. I., R. 82: ... *et debeat pro dictis carceratis loqui, intercedere, favere, auxilia prestare, ut ab eis carceribus liberentur cum illis personis, cum quibus vedebatur hoc posse habere effectum, de maxima procurare concordias, liberationes, transactiones, remissiones cum eorum creditoribus, vel ad quorum petitionem in carceribus detinentur.*

The statutes resolved that *Le Stinche* should employ 12 guards but the Florentine accounts show wages for 3 to 7 *custodes Stincarum*⁸⁹. The choice of the treasurer was made by 5 major guilds — the guild whose candidate was elected for the annual term of office offered bail. All the prison officials and functionaries had the right to patrol the prison armed. This fact, however, did not guarantee them sufficient superiority over the inmates some of whom were permanently in possession of knives. Notes of escapes show that the Florentine prison, like many others in the Late Middle Ages — was not escape-proof⁹⁰. The simplest way to flee was to bribe the prison authorities or guards but it was also possible to make one's way across the prison walls if outside assistance provided suitable tools. An excellent occasion for escaping was provided by the revolts and disturbances in the city, so frequent in the fourteenth century. The rebellious crowd seized *Le Stinche* upon several occasions (and, as in 1343, set fire to the prison archives)⁹¹. The prison was captured and the prisoners freed during the second stage of the Ciompi uprising (1378), and in 1399, during the disturbances caused by the *Bianchi* movement voices were heard calling for storming the prison: *andiamo a le Stinche a trarne i prigioni*⁹². In November 1333, 11 prisoners took opportunity of the upheaval caused by a flood and the evacuation from the lower storeys onto the roof⁹³.

The communal prison, together with other magistrates, was supervised by an executor of justice, one of the three most prominent court-police officials of Florence, next to the *podestà* and the captain of the people. In this instance, however, his supervision was not limited to a formalized procedure of court control but consisted of regular visitations, every 5–8 days or simply once a week, whose purpose was to discover cases of violations of the law (and for that reason called *inquisitio*)⁹⁴. The following

⁸⁹ ASF, CCCU 145, 198, 244; ASF, Camera del Comune Scrivano 58, etc.

⁹⁰ ASF, AP 273, f. 7; AP 276, f. 138; PR 22, f. 23v–24; PR 78, f. 5. Cf. also G. Bonfiglio Dosio, *Criminalità et emarginazione a Brescia nel primo Quattrocento*, "Archivio Storico Italiano" CXXXVI (1978) p. 132; N. Gonthier, *op. cit.*, p. 27; B. Guenèe, *Tribunaux et gens de justice dans la baillage de Senlis à la fin du Moyen Age (vers 1380–vers 1550)*, Paris 1963, pp. 314–316.

⁹¹ A description in: *Priorista Fiorentino Istorico*, ed. M. Rastrelli, Firenze 1783, p. 146; see also costs of reparation in ASF, PR 32, f. 90v.

⁹² Buonaccorso Pitti *Cronaca, con annotazioni*, ed. A. Bacchi della Lega, Bologna 1905, p. 111 sqq. A description of the seizure of the prison during the Ciompi revolt in: *Memorie Storiche di Ser Naddo da Montecatini*, ed. O. di San Luigi, Delizie degli Eruditi Toscani XVIII, Firenze 1784, p. 12.

⁹³ ASF, PR 26, f. 709v.

⁹⁴ The so-called *inquisitio generalis* and later *visitatio* was to be conducted on a monthly basis *contra carceratos (...) et si aliquis defectus committeretur per superstites vel alias personas stincarum (...) et quod cognoscere et determinare possit [the judge of the executor of justice] de debitis inter carceratos*. The outcome of the interrogation was to be passed on to the priors and the

crimes were persecuted: 1. blasphemy, 2. gambling, 3. prostitution and the admittance of prostitutes, 4. the imprisonment of women (as well as admission to prison) without the assistance of the *pinzocheri* or the prison chaplain, 5. sodomy (homosexuality) among the inmates, 6. illegal imprisonment, especially for debts owed to the governors, 7. the corruption of guards, 8. assault in prison against the envoy of the commune (*nunzio del comune*) who, together with the *berrovvari* (police) imprisoned debtors⁹⁵.

The inquiry and then the trial were, as a rule, conducted by the judge *collateralis* of the executor of justice, and the sessions of the tribunals were transferred from one department of the prison to another. The extant acts of the executor show that co-prisoners acted not only as witnesses but also as delators of the crimes and their perpetrators. One of the most frequently judged crimes were fights, whose number wavered from several up to twenty in a single semester. The overwhelming majority of these brawls involved two inmates while group incidents, extremely dangerous in these conditions, were a rarity⁹⁶. Nonetheless, the prison was the scene of extremely violent scenes — the parties involved were vengeful, fierce, aggressive and as a result almost all such brawls which were disclosed resulted *cum sanguinis effusione*. Only in sporadic cases, however, did they lead to a tragic finale; the lack of “good” weapons such as a sword, scythe or bow (in prisons the assailants resorted not only to kicks and fists but also to knives, benches and assorted equipment) was also of importance.

A true passion shared by the inmates was gambling which apart from the *carcere mulierum* was pursued in all the departments of *Le Stinche*. It attracted large numbers of participants and it is not surprising, therefore, that upon a certain occasion as many as 18 ardent players were tried in *mallevalo*⁹⁷.

In accordance with legal regulations, an assault committed by a prisoner against another inmate could be judged by the *podestà* on a par with all other acts of aggression. The prisoner were treated even more harshly than free people — if it fine was not paid in the course of 10 days, they faced the penalty of mutilation (applied in instances of free people only if the latter committed grave assault and, in addition, escaped the administration of justice)⁹⁸. The rather small number of conflicts, brawls etc., which took place

standard bearer of justice, *Statuta* (1415) L. I., R. 24.

⁹⁵ ASF, AE 538, f. 8v; AE 540, f. 26; AE 589, f. 2 sqq. AE 609, f. 23v, 33v, 47v.

⁹⁶ ASF, AE: 535, 538, 540, 590, 609, 633, 647, 674. Cf. also Giovanni Cavalcanti, *Trattato Politico-Morale*, p. 142 with a description of an assault committed by a young inmate, the heir of a knightly family, imprisoned for the sake of his moral reform. With the assistance of companions recruited in jail, he attacked a co-prisoner of his own social rank. The assailants laid down the unfortunate victim on a bench intended for sleeping and *allora Jacopo misse mano al cotello dal lato et in sul viso gli fece la tavola del nove con quella punta*.

⁹⁷ ASF, AE 647, f. 14; cf. also AE 590, f. 22; AE 619, f. 53; AE 633, f. 18v.

among the prisoners and were subsequently examined by the *podestà*, demonstrate together with extant documents of the executors of justice, the fact that it was precisely this official who in the middle of the fourteenth century took over control of such cases, changing in this fashion not only the procedure itself but also the sentences issued upon such occasions. The verdicts which he passed were much more lenient than those which could be expected in the instance of free persons. Even the penalty of mutilation was not applied indiscriminately as punishment for bloody fights or armed assault, and was replaced by fines of 2–25 *lire* although the prisoners, as a rule, were unable to pay them and instead faced a longer stay in *Le Stinche*, prolonged by several days, or, more rarely, up to a fortnight. In cases of penalties for gambling, the fine amounted to 10 per cent of the sum which was paid for gambling in the streets or the city squares (1 *lire* or, less frequently, 2 *lire* while the same misdemeanour committed by free people was fined with a sum of 10 *lire*). Even sodomy, a term which at that time signified, above all, homosexual intercourse, was punished very leniently (free people faced the stake). This *crimen enorme*, at that time regarded as extremely grave, became within the prison walls to a certain degree a common crime although one which was denounced very rarely (as in the case of the free people, the situation was changed in the 15th century by the establishment of a special tribunal)⁹⁹. and punished by a rather low fine (10 *lire*) or a month's imprisonment. Finally, the documents of the executor confirm the fact, well known from novels of the period, that prostitution was pursued within the prison, testifying to the ease with which prison gates were crossed. The inmates were visited by their relatives and friends, and some were supplied with food and various articles by their servants; it was even possible to conspire against the authorities of the republic¹⁰⁰.

Let us return to the question posed at the beginning of the article. Legal regulations, brought up to date in the fourteenth century as well as the documentation of the daily surveillance of the administration of *Le Stinche* and the living conditions of the prisoners make it possible to speak about the beginnings of a penitentiary policy whose increasingly important ele-

⁹⁸ ASF, *Statuti* 19, L. I., R. 54.

⁹⁹ M. R o c k e, *Il controllo dell'omosessualità a Firenze nel XV secolo*, "Quaderni Storici" 66 (1987); for a case of homosexuality in prison see: ASF, AE 540, f. 51 v, 52: *Federicus Manuelli et Christofanus Radulfi, due ex captivis existentes in carcere novo (...) confessi fuerunt quod cum dicto Polo concubuerunt et secum agere habuerunt et cum eo vivunt et crimen sodomiticum commiserunt (...) cum voluntate dicti Poli*.

¹⁰⁰ On conspiracy in prison: ASF, AE 524, 548. Since in prisons *multa enormia committantur*, women were prohibited to stay. A woman caught violating this regulation was to be punished by the lash, R. C a g g e s e, *Statuto del Capitano* L.V., R. 28; cf. also J. C h i f f o l e a u, *op. cit.*, p. 226.

ment was the prison itself. Despite the fact that already in the thirteenth century various *ordinamenti* were issued concerning the Florentine places of detention and their organization¹⁰¹, the development of that legislation, undoubtedly connected with the evolution of the political system of the republic, was also enhanced by the construction of a single communal prison complex. The assumption by the town of the administration of the prison which was performed by officials elected every six month, was a departure from the practice of leasing the prison to candidates who made the best offers, a custom observed elsewhere in Europe. A traditional element in the new organization was the personal material responsibility of the governors for the prisoners entrusted to them. The fact that the prison served for the detention of criminals who awaited their execution, felons who had not paid the fines, the accused who were unable to provide a guaranty as well as debtors, was decisive for the medieval organization of the prison system. As long as the prison was not envisaged, above all, as an independent penalty, one can say that it was possible to maintain that it was not the judge who deprived people of their freedom but that it was they who “condemned” themselves to imprisonment by not providing a reliable guaranty, by not paying the fine established by the judge or by not returning the borrowed sums of money. Hence the conviction that cost of imprisonment should not be a burden imposed upon the municipal (or any other) treasury. The fulfilment of the requirements of the inmates was not, however, left to the arbitrary decisions of the leaseholders of the prisons or, as in Florence, to the municipal officials who administered *Le Stinche*. The regulations of the law, in many cases extremely detailed, and concerning payment for imprisonment were, on the one hand, supposed to guarantee an income for the owner of the prison and, on the other, to put an end to the exploitation and abuse of the prisoners. Moreover, it became apparent that a prison could reduce the revenue of the treasury. In the middle of the fourteenth century, expenses connected with the prison physician, the collectors of alms and many other functionaries including, in the first place, the governors themselves, exceeded the income provided by *Le Stinche*.

Medieval penitentiary practice did not conceal an expanded theoretical reflection. Legal treaties written at the end of the fourteenth century restricted themselves to justifying the possibility of imprisoning criminals and debtors, and directives concerning visitations by the judge as well as the separation of female and male inmates¹⁰². Practice was moulded predomi-

¹⁰¹ ASF, Misc. Reppublicana 8, no 240, f. 211–214v.

¹⁰² Cf. by way of example *Tractatus de Carceribus* by Pseudo- Bartolus, ascribed to Baldo degli Ubaldi, in: *Tractatus illustrium iurisconsultorum*, XI, 1, Venetiis 1584; more

nantly by the tradition of isolating and guarding the most dangerous perpetrators, sentenced to death and accused of manslaughter or treason — the prison was to make it possible to mete out just punishment — and subsequently by the problems produced by the imprisonment of debtors. It became necessary to erect new large buildings (debtors were also incarcerated in the prison of one of the largest Florentine guilds, *Arte della Lana*., and the commercial tribunal, *Mercanzia*) and to limit the application of the dungeon and tower. The prison became one of the town institutions into which organizational order was introduced to a varying degree. The life of the inmates was regulated and controlled to an increasingly considerable degree. The most general and, at the same time, the simplest principles of grouping and locating them within the prison walls finally took shape. The fate of the convicts, however, remained the object of concern to themselves, their families, creditors and charity brotherhoods. The authorities penetrated this domain, above all, in extraordinary circumstances when the existence of the whole environment became endangered¹⁰³. There appeared the first, albeit extremely primitive forms of the organization of the supply and distribution of provisions; care was taken of the sanitary condition and water supply. An indubitable novelty was the extension of constant and regular court control over the behaviour of the prisoners and the observation of the law by the prison governors and other functionaries.

Studies dealing with late medieval prison legislation as well as the analysis of other sources which made it possible to recreate not only the “theory” but also the practice of the functioning of prisons, have questioned the hitherto prevailing opinion that it is impossible to detect any sort of medieval penitentiary policy or prison administration. Dungeons — *nota bene* very numerous — usually concealed underneath city or gates, and the limitless rule enjoyed by governors of the goals — those are the elements of an image which can no longer be revoked, at least with reference to the regions which are most extensively discussed in research. The numerous and quite copious regulations issued by the French monarchs, English legislation and the increasingly expanded statutes of the successive codifications of the city-states of the Apennine Peninsula which from the thirteenth century on concerned prisons and the organization of the life of the inmates — this is the best testimony that already in the Middle Ages,

extensively in: N. Gonthier, *op. cit.*,

¹⁰³ An even more difficult situation than by famine was created by pestilence. The insufficient supply of food intensified by a periodical end to alms, the lack of amenities for isolation and a deteriorated functioning of the prison officials contributed to the horror experienced in prison, cf. A. G. Cormichael, *op. cit.*, p. 17.

although probably more in the closing centuries than during the peak years, we are dealing with the “birth of the prison”.

This was, however, a prison which differed from the one that appeared in Europe on the threshold of the modern era. R. Pugh has very aptly captured the most significant differences: a much larger number of penitentiaries, i.e. places where people were kept under guard; a much larger number of prisoners present in the world outside the prison walls and vice versa; a totally different approach to the requirements of the inmates; and, finally, a different duration of imprisonment.

The court practice of the Italian city states relatively late — in the fourteenth and fifteenth centuries — the announcement of the penalty of imprisonment as independent forms of punishment with a definite time limit. The overwhelming majority of the prisoners in *Le Stinche* was composed of those persons who were to stay there until such time as they repaid their debt, paid a fine or, in the case of an unfaithful wife, whose husband would permit them to return home. This is not to say, however, that they spent long months incarcerated. In the Late Middle Ages the time spent in prison was brief¹⁰⁴. When on 1 October 1347 the new prison governors inaugurated a new register of prisoners, there were 315 persons in *Le Stinche* (including 13 women), of whom more than 45 per cent had spent less than a month there, and over 68 per cent — a period shorter than 3 months. Some 12 years later, when the prohibition of imprisonment for debts was no longer valid (the sum was, let us recall, up to 100 *florins*), the duration of imprisonment was already slightly longer — 26,4 per cent of the 197 inmates had spent less than 3 months in *Le Stinche* and 28,9 per cent — from six months to a year. Those who had been registered “on the spur of the moment”, on a daily basis, as well as those arrested by mistake, due to a foolish joke or of spite, departed from the prison extremely quickly — 50–60 per cent of those unfortunates were released after less than a month, and 80–90 per cent of the members of this group remained under the supervision of a single governor (whose term of office, let us recall, lasted six months)¹⁰⁵. The registers also include persons who were imprisoned for over ten years or even more, although the number of such felons is slight. Ultimately, creditors resigned from this form of repression applied in relation to their debtors, even more so considering that the former were compelled to cover the expenses of incarceration; the convicts were pardoned, the gamblers left prison after ten days or so, death took its toll (during a single semester, with the exception of unusual situations, up to 30 persons died in prison) and,

¹⁰⁴ Cf. J. Chiffolleau, *op. cit.*, p. 228; H. Manikowska, *op. cit.*, pp. 308–310.

¹⁰⁵ *ASF*, SS 82–85, 90.

finally, some of the inmates took the opportunity to flee when the rebellious town mob flung open the prison gates. On 1 October 1347 out of a total of 315 inmates — 51 (16,2 per cent) had been detained for more than a year; on 1 April 1359 the same could be said about 65 inmates (32 per cent of the 197 registered as detained), and on 1 April 1366 — about 51 inmates (31 per cent of 155).

A community enclosed inside gloomy and high walls, deprived of windows facing the street — although by no means as isolated from the outside world as those convicts who were kept in dungeons¹⁰⁶ — and excessively crowded was handed over to the supervision of the tribunal of the executor of justice. Thanks to the detection of crime and the sentencing of the perpetrators within this enclosed area, the prisoners were offered an opportunity to eliminate inevitable tension, to mediate and to conciliate the warring parties. The now found themselves under the protection of the law, a fact which essentially altered their situation in comparison with the outlaws deprived of such protection. The rule of the guards and governors was restricted, and the application of physical violence was controlled by the court (the same holds true for placing the inmates in stocks, and the use of manacles or shackles). This fact, obviously, did not denote a radical improvement of the living conditions. Present-day standards were completely unknown to medieval society and, in addition, practice ignored regulations. Nonetheless, already at that time, the conditions prevalent in prison were severely criticised. Lawyers described it as a terrible place; the inmates complained. Since incarceration was an experience quite familiar to many people in late medieval and Renaissance Italy — including celebrated men of letters, merchants, artists and politicians — we have at our disposal a sizeable number of such testimonies¹⁰⁷. Machiavelli complained in a letter to Giuliano de' Medici that he had been manacled, the ropes on his back were tied into six knots, and his body was covered with an innumerable host of lice so large and fat that they could be easily called butterflies; the prison was pervaded by a terrible stench and an insufferable noise of the placing and removal of iron chains; finally, the author of the letter was paralysed by the fear that the hangman would arrive at dawn¹⁰⁸.

¹⁰⁶ The first communal prison in Florence were the dungeons of the former Roman amphitheatre, the *burrelle*. The prisoners were transported into it by means of a protruding well and the food was delivered by a pulley; see: R. Davidson, *op. cit.*, vol. I, p. 983, vol. III, p. 247.

¹⁰⁷ They were used by M. E. Wałfång in: *Political Crimes and Punishments in Renaissance Florence*, "Journal of Criminal Law, Criminology and Police Sciences" XLIV (1954).

¹⁰⁸ Niccolò Machiavelli, *Tutte le opere storiche e letterarie*, a cura di G. Mazzoni e M. Casella, Firenze 1929, p. 1076.

Essentially, it took the Enlightenment — an era of reforms of penal law and the “invention”, at the beginning of the nineteenth century, of the cell prison to radically change the situation of the detained inmates.

(Translated by Aleksandra Rodzińska-Chojnowska)