

Jews, Foreigners and Christian Justice: Bologna 1380-1500

Abstract

Though Jews arrived late in Bologna, they soon came to form a considerable community, numbering several hundred by the end of the fourteenth century. The existing historiography of this community is strongly characterised by ideas of inclusion and normalisation in Jewish relations with Christian society. That scholarship failed to take account of the special and abundant records of the Bolognese criminal court, which allow a very different picture to be drawn. This paper examines fifty trials involving Jews between 1380 and 1500, covering homicide, violence, theft and sexual offences. In order to reveal the particular character of criminal prosecutions of Jews, they are here placed in a comparative analysis with those of two other groups of foreigners in the city: brothel prostitutes, students and slaves.

Keywords: Jews – criminal justice – slaves – students – prostitutes

NB This is the pre-review and pre-revision, initial version of this paper, which has been accepted by Jewish History for publication in its last number of 2017.

In his ground-breaking and still fundamental study of Jews in fourteenth-century Bologna, A.I. Pini arrived at a positive conclusion regarding the experience of Jews in this important city of Christian learning: immigration was welcomed by the government for financial, fiscal and demographic reasons; and integration was easier because Jewish immigrants were well-received by the government and by a populace long accustomed, by the presence of the University, not to distrust foreigners and to tolerate diversity. Little wonder, then, Pini thought, that the Bolognese chronicles never mention Jews: their presence had been normalised.¹ Unfortunately, this claim about the chronicles is incorrect, and this is the key to unlocking this interpretation and proposing something different. Several Bolognese chronicles do mention Jews, and always in object positions. The chronicle of Matteo Griffoni records the killing of a Jewish moneylender in a Bolognese village in 1395: four men were hanged, he records, five banished and many others fled. “Their priest was the cause of this wickedness.”² The main set of printed Bolognese chronicles records the occasion when the newly elected Pope John XXIII, Baldassare Cossa, toured the city and, among other “triumphs”, inspected the Jewish laws which were displayed for him, and records his dismissive comment.³ In 1417, the chronicler notes the actions of the bishop against the Jews, requiring them to wear the yellow badge and not to open their banks on obligatory

¹ Antonio I. Pini, “Famiglie, insediamenti e banchi ebraici a Bologna e nel bolognese nella seconda metà del Trecento,” *Quaderni storici* 54 (1983): 783-814, at 803-4. I am grateful to Kate Lowe, Tessa Storey and Peter Denley for comments on sections of this article.

² *Matthaei de Griffonibus Memoriale historicum de rebus bononiensium*, ed. L. Frati and A. Sorbelli, *Rerum italicarum scriptores*, 2nd edn, vol. XVIII, pt 2, 87.

³ The Pope is reported to have said that ‘non la cognosevano et che non la voleano indendere’: *Corpus chronicorum bononiensium*, ed. A. Sorbelli, *Rerum italicarum scriptores*, vol. XVIII, pt 1, vol. 3, 535. This statement is abbreviated and clarified in Fileno dalla Tuata, *Istoria di Bologna*, ed. Bruno Fortunato (3 vols. Bologna, 2005), vol. I, 206, as noted by Rosella Rinaldi, “Topografia documentaria per la storia della comunità ebraica bolognese,” in *Banchi ebraici a Bologna nel XV secolo*, ed. Maria Giuseppina Muzzarelli (Bologna, 1994): 29-87, at 72.

Christian festivals, and reducing their interest rates.⁴ The *Istoria di Bologna* by Fileno dalla Tuata records the killing of two Jews in 1473, one murdered and one executed.⁵ It would of course be possible to accommodate this awkward evidence in Pini's interpretation, by contrasting clerical hostility to Jews – from priest, bishop and pope – to secular and popular tolerance, but shoring up a thesis of tolerance on such grounds is not altogether convincing while an immeasurably greater body of evidence embodying secular and popular response to the Jewish presence – the criminal trial records – remains largely unexplored.

Pini's favourable interpretation has been reinforced in more recent studies by Muzzarelli and Rinaldi, focusing on the marriages, businesses, possessions and wills of specific Jewish families, and writing in terms of their success, good repute, established position in the social fabric and solid relations with Christians and the civic authorities.⁶ Rinaldi's selective use of judicial material fits this favourable depiction, as she drew three unusual cases from the records: a conspiracy to accuse Jews of cross-burning, a Jew in a counterfeiting gang, and an allegation of the purchase of Christian blood for ritual purposes (which was dismissed for lack of evidence).⁷ This selection is so unrepresentative of trials involving Jews in Bologna as to be misleading: prosecution of anti-Jewish calumny, the presence of a Jew in a Christian criminal gang, the quick exposure of a groundless accusation, while supporting a story of integration and acceptance, were exceptional. The purpose of this article is to look more systematically at the judicial evidence, and to assess its significance by placing it in relation for the first time to the prosecution of other foreign subgroups in the city: here the scholarship on Renaissance Jewry will meet those on criminal

⁴ *Corpus chronicorum bononiensium*, 559.

⁵ Fileno dalla Tuata, *Istoria di Bologna*, 338-9.

⁶ Maria Giuseppina Muzzarelli, "Ebrei, famiglie e città: gli Sforza 'di Bologna'," *Zakhor* 3 (1999): 59-77; Rosella Rinaldi, "I Caravita a Bologna: continuità, dispersioni, frammenti di vita," *Zakhor* 3 (1999): 95-107

⁷ Rinaldi, "Topografia documentaria," 75-87. Her evidence was drawn from nineteenth-century excerpting and limited sampling: 62-3.

justice and on foreigners, in order to address a methodological issue, central to Jewish historiography, recently raised by Elukin: should it be written in terms of alienation or attachment?

European scholarship on the interaction of Jews and Christian criminal justice focuses strongly on discriminatory practices: for Lavoie, the courts did not easily acquit Jews of allegations of sexual crime, subjecting them to prolonged interrogations and torture.⁸ The cases pursued against Jews were sometimes highly unusual, such as a midwife causing death in childbirth, and Jews were over-represented in cases of medical malpractice.⁹ Trials against Jews could relate to offences committed up to twenty years previously.¹⁰ It is difficult to avoid endorsing the view that Christians were ever on the alert for faults by Jews which they could denounce.¹¹ In this context, scholarship has also stressed a common Jewish reluctance to use Christian justice. In a fatal incident in Rome in 1621 analysed in depth by Simona Feci, the Jew's witnesses were found collectively to distance themselves from the event, and to avoid involvement.¹² Selective memory was also found among Jewish witnesses in a blasphemy case in Volterra in 1469.¹³ Procaccia has noted strong group solidarity and “not

⁸ Rodrigue Lavoie, “La délinquance sexuelle à Manosque (1240-1430): schéma générale et singularités juives,” *Provence historique* 37 (1987): 571-87, at 578.

⁹ Monica H. Green and Daniel L. Smail, “The trial of Floreta d’Ays (1403): Jews, Christians and obstetrics in later medieval Marseille,” *Journal of Medieval History* 34 (2008): 185-211, at 186.

¹⁰ Alessandra Veronese, *Una famiglia di banchieri ebrei tra il XIV e XVI secoli: i da Volterra* (Pisa, 1998), 166-71, 191-2.

¹¹ Cesare Colafemmina, “The Jews of Reggio Calabria from the end of the XVth century to the beginning of the XVIth century,” in *Les juifs au regard de l’histoire: mélanges en honneur de Bernhard Blumenkranz*, ed. Gilbert Dahan (Paris, 1985): 255-62, at 258.

¹² Simona Feci, “The death of a miller: a trial *contra hebreos* in Baroque Rome,” *Jewish History* 7 (1993): 9-27, at 15-17, 20.

¹³ Veronese, *Una famiglia di banchieri ebrei*, 193-4.

talking” as Jewish strategies of (dis)engagement with courts and judges in pre-ghettoised Rome.¹⁴

The historiography of Jewish criminality in Italy has also been dominated by sexual offences (sex between Jews and Christians being penalised). Baron calculated, from figures earlier put together by Ciardini, that 40% of known Jewish crimes in Florence were crimes of sex with Christians.¹⁵ The only specific example given by Ashtor of documented trials of Jews in fifteenth-century Venice is a sodomy case;¹⁶ and Mueller points first to cases of alleged sex with Christian women in illustrating the presence of Jews in Venice before 1508.¹⁷ Simonsohn found a “disproportionate number of documents” relating to Jews’ prohibited sexual relations in Parma in the second half of the fifteenth century,¹⁸ while in Mantua he refers to the “pardons” accorded to Jews between 1436 and 1506, four out of five of them for sexual crimes.¹⁹ Bernardi fills the notion of Jews and “papal justice” in the Marca d’Ancona with the prosecution of sex-crimes.²⁰ Esposito drew attention to the notable

¹⁴ Micaela Procaccia, “Non dabarà’: gli ebrei di Roma nei primi cinquanta anni del ‘500 attraverso le fonti giudiziarie’,” in *Italia judaica: Gli ebrei nello Stato pontificio fino al Ghetto (1555)* (Rome, 1998): 80-93, at 84-7.

¹⁵ Salo W. Baron, *Ancient and Medieval Jewish History* (New Brunswick, 1972), 245-6; Marino Ciardini, *I banchieri ebrei in Firenze nel secolo XV e il Monte di Pietà fondato da Girolamo Savonarola* (Borgo San Lorenzo, 1907), 11-12.

¹⁶ Eliyahu Ashtor, “Gli inizi della comunità ebraica a Venezia,” *Rassegna mensile di Israel* 44 (1978): 682-703, at 694.

¹⁷ Reinhold C. Mueller, “The Jewish moneylenders of late Trecento Venice: a revisitation,” *Mediterranean Historical Review* 10 (1995): 202-17, at 202; and see David Jacoby, “Les juifs à Venise,” in *Venezia centro di mediazione fra Oriente e Occidente (secoli XV-XVI): aspetti e problemi*, ed. Hans-Georg Beck, Manoussos Manoussacas and Agostino Pertusi (Florence, 1977), vol. 1: 162-216, at 170.

¹⁸ Shlomo Simonsohn, “Alcune note sugli ebrei a Parma nel Quattrocento,” in *Studi sull’ebraismo italiano in memoria di Cecil Roth*, ed. Elio Toaff (Rome, 1974): 227-60, at 235.

¹⁹ Shlomo Simonsohn, *History of the Jews in the Duchy of Mantua* (Jerusalem, 1977), 204-13.

²⁰ Simonetta Bernardi, “Gli ebrei e la giustizia pontificia: alcuni esempi da città della Marca d’Ancona,” *Rassegna mensile di Israel* 67 (2001): 275-909, at 279-84.

sums paid by Jews in fines for sexual relations with Christian women or for sodomy.²¹ Outside Italy in nearby southern France, Lavoie found that Jewish crimes, though rare in thirteenth-fourteenth century Manosque, were half-composed of rapes and seductions.²² Some of these instances would seem to be unthinking reinforcement of stereotypes by historians, while others would reflect the real fiscal and exemplary value for governments of pursuing Jews for alleged sex-crimes. The Sforza dukes of Milan used crime as a fiscal resource as a matter of policy,²³ while the exemplary nature of prosecution – anxiety over Jewish-Christian sexual relations as a proxy for broader anti-semitic concerns – is evident in Pope Eugene IV’s demand of the death penalty for a Jew in Florence in 1434.²⁴ However, Baron’s calculation of the proportion of Jewish sex-crime in Florence is open to challenge, as eight-five of the documents do not state the offence. Moreover, other evidence reduces the scale of sex crime among criminal accusations against Jews. Toaff’s survey of evidence in Umbria found just 190 trials of Jews over a period of 200 years (1320-1520), unevenly spread, with a concentration in the second half of the fifteenth century, and with crimes associated with their identities as Jews and moneylenders proportionately high: 36% of trials for malpractice in lending, fraud or minor theft, and 11% for actions in contempt of the Christian religion. Apart from these categories, the largest proportion of trials were for violence (28%) and gambling (10%), with sexual crimes and homicide quite low (5% and

²¹ Anna Esposito, “Matrimonio, convivenza, divorzio: rapporti coniugali nella comunità ebraica di Roma tra Quattro e Cinquecento”, *Zakhor* 3 (1999): 109-24, at 121.

²² Lavoie, “La délinquance sexuelle à Manosque,” 576-80.

²³ Franca Leverotti, “‘Governare a modo e stillo de’ Signori ...’. Osservazioni in margine all’amministrazione della giustizia al tempo di Galeazzo Maria Sforza duca di Milano (1466-76),” *Archivio storico italiano* 152 (1994): 3-134.

²⁴ Reinhold C. Mueller, “Lo *status* degli ebrei nella Terraferma veneta del Quattrocento: tra politica, religione, cultura ed economia: saggio introduttiva,” in *Ebrei nella Terraferma veneta del Quattrocento*, ed. Gian Maria Varanini and Reinhold C. Mueller (Florence, 2005): 9-30, at 18.

1.5% respectively).²⁵ The evidence from Ferrara, gathered by Franceschini, also shows Jews as more likely to be the victims of violence, robbery or false accusation,²⁶ than practising violence or committing sexual offences,²⁷ while the evidence of sentences in Mantua suggests that there was a predominance of cases of theft, assault and insult.²⁸ Equally, Ulbricht's survey of early modern Frankfurt is dominated by property crimes, with other crimes rare (homicide, serious sexual crimes, crimes against the state).²⁹ All of these suggest that the prominence of sexual crimes in the historiography of Jewish criminality needs to be revised.

The presence of Jews in late medieval Italian cities and towns was based on fixed-term contracts (*condotte, capitoli*) negotiated with urban governments. These commonly focused on two themes: regulation of the business of money-lending, and assurance of free exercise of religion, with all its implications for separate butchery and burial. The *condotte* also provided some assurances about the personal safety of Jewish bankers and their families, and the security of their belongings. These clauses are less often commented on, but do manifest anxieties among Jews who were about to relocate and settle in a new town regarding their reception by local populations. A common clause obliged the urban government to compensate Jews in the event of any ransack of their houses by popular rioters or invading soldiers, and this clause is found in Bolognese *condotte*.³⁰ In Vicenza in 1435 compensation

²⁵ Ariel Toaff, *Il vino e la carne: una comunità ebraica nel Medioevo* (Bologna, 1989), 134-9, 151-2.

²⁶ Adriano Franceschini, *Presenza ebraica a Ferrara: testimonianze archivistiche fino al 1492*, ed. P. Ravenna (Florence, 2007), 138, 144, 275-6, 291, 318, 354, 416.

²⁷ *Ibid.*, 286-9, 395, 396, 413,

²⁸ Archivio di Stato Mantua, Archivio Gonzaga, buste 3452-3, fols. 202, 207 (1432); fols. 432, 435v, 439, 441 (1445); fols. 447, 449v, 460v (1446); fols. 467, 469 (1447); fol. 504v (1448); fols. 509, 522v (1449); Oct. 1456; Feb. 1457; Feb. and Oct, 1460; Jan and July 1461; May 1462.

²⁹ Otto Ulbricht, "Criminality and punishment of Jews in the early modern period," in *In and Out of the Ghetto: Jewish-Gentile Relations in late medieval and early modern Germany*, ed. R. Po-Chia Hsia and Hartmut Lehmann (Cambridge, 1995): 49-70, at 52-5.

³⁰ Simonsohn, 'Alcune note sugli ebrei a Parma', 231; Veronese, *Una famiglia di banchieri ebrei*, 269, 272; Franceschini, *Presenza ebraica a Ferrara*, 62-3; A. Campanini,

was also offered if Jews were robbed in city or suburbs.³¹ Jews also sought protection against false accusations in the law courts: at Parma it was granted that no “calumny” be accredited by the judges without two trustworthy witnesses;³² at Trieste in 1420, the *condotta* promised that any accusation or denunciation of any crime except homicide, where the penalty was above 100 *lire*, was to be understood as “fictitious, simulated and fraudulent” and no proceedings were to be taken; and that if any inquiry were made into homicide committed by the banker Salomone, the witnesses were to be tortured.³³ Similar concerns marked the experience of Jews in more settled communities in the south of Italy.³⁴ In moving into new businesses in new places, Jews clearly had fears for their safety: that they might be robbed in public spaces; that their banks and houses might be ransacked; and that the judicial machinery might be used against them, up to and including doubtful charges of homicide. An experience of just this sort marked the early presence of Jewish lenders in the Bolognese *contado* with the prosecution of seven men at Massa Lombarda in 1395 for murdering Godio di Vitale, resident there, and for engineering a riot in which his house was ransacked: Godio was ambushed in the street, cut so badly that his body was left “in pieces”, and a riot was incited with the shout “Long live the commune of Bologna! Everyone to Godio’s house for the stuff!”³⁵

“*Quod possit fenerari: banchi, prestatori ebrei e comunità rurali del contado bolognese nella seconda metà del XV secolo*,” in *Banchi ebraici a Bologna nel XV secolo*, 159-99, at 192.

³¹ Mariano Nardello, “Il prestito ad usura a Vicenza e la vicenda degli Ebrei nei secoli XIV e XV,” *Odeo olimpico* 13-14 (1977-8): 69-128, at 118.

³² Simonsohn, ‘Alcune note sugli ebrei a Parma’, 249.

³³ Daniela Durissini, “Credito e presenza ebraica a Trieste (XIV-XV secolo),” *Zakhor* 1 (1997): 25-76, at 73-4.

³⁴ Cesare Colafemmina, *Gli Ebrei a Taranto: fonti documentarie* (Bari, 2005), 117-19.

³⁵ Archivio di Stato, Bologna, Curia del podestà, Carte di corredo, busta 174, 22 Feb 1395: ‘Viva viva il comune di Bologna omni huomo vada accasa di Ghodio per la robba’. The indictment states that goods worth 800 ducats were plundered. All further archival references are to this archive.

In Bologna, the first stable Jewish presence seems to date from the 1350s – a member of the Finzi from Rome – as part of the late-medieval diaspora of Jews from central Italy.³⁶ Numbers grew only in the later decades of the fourteenth century: Pini found 131 Jews making transactions requiring a notary between 1350 and 1400, and 20 families in the incomplete tax lists from the 1380s-90s (a total of 95 persons), mostly resident in central districts of the city. This group comprised (but was perhaps not limited to) the licensed pawn-bankers and their families and servants. Making allowances for missing data, Pini estimated a Jewish population of approaching two hundred at the end of the fourteenth century. By that date, there were already also small groups of Jews resident in towns or villages in the *contado*, and those numbers were to increase subsequently as more *contado* communities sought authorisation to set up pawn-banks. In the fifteenth century, the Jewish population further increased, with the number of loan-banks in the city oscillating between nine (1406) and four (1435-7). Many Jews also passed through the city, mainly lodging in the houses of other Jews.³⁷ By 1496 there were 13 Jewish households, with a total of 162 members, in one quarter of the city alone.³⁸

Bologna's rich and extensive judicial archive contains four different types of record of the activities of its criminal courts, presided over by the podestà, his criminal judge, and the Capitano del popolo, who were always non-Bolognese professionals on short-term contracts. Of those four, the main source used here are the trial registers, which sequentially document each phase in a trial, from initial denunciation, through citation and responses, to sentence.

³⁶ For this and what follows; Pini, "Famiglie, insediamenti e banchi ebraici"; Maria Giuseppinga Muzzarelli, "I banchi ebrei e la città," in *Banchi ebraici a Bologna nel XV secolo*, 89-157.

³⁷ Ermanno Loevinson, "Notizie e dati statistici sugli ebrei entrati a Bologna nel secolo XV," *Annuario di studi ebraici* (Rome 1938): 125-73, at 130, 139-40.

³⁸ U. Santini, "Cenni statistici sulla popolazione del quartiere di S. Procolo in Bologna nel 1496," *Atti e memorie della Deputazione di storia patria per la Romagna*, 3rd series, 24 (1905-6): 327-413, at 342.

These yield a total of some fifty cases involving Jews between 1370 and 1500. These cases can be supplemented by other types of record, such as the registers of sentences, the journals of notaries containing witness testimony and interrogations (*vacchettini*), and the court's "repository papers" (*carte di corredo*) which consist of all the papers and parchments submitted to the court in the course of a trial. Additional information comes from the decisions (*provvigioni*) and instructions (mandates) issued by the government of the city. The period examined here more or less coincides with the Bolognese 'popular state of liberty', inaugurated in 1376 following the city's revolt against its papal overlord and governor.³⁹ The following 130 years, down to the recovery of direct papal rule by Pope Julius II, were marked by repeated accommodations with the papacy and repeated revolts, and by experiments with both foreign lordship (the Visconti of Milan) and native lordship (Giovanni I Bentivoglio 1401-2, and Giovanni II, in all but name, from 1470). The Bentivoglio, though, were less lords than leaders of an oligarchy, which began to come together institutionally in 1393 with the creation of the executive committee of the Sixteen or XVI, who were assigned wide governmental powers, effacing the previous councils of the Anziani, Gonfalonieri and Massari. A major oligarchical advance occurred in 1450 when the XVI, having been confirmed in office annually since 1447, were then confirmed indefinitely, the trend being towards life-terms and inherited office.⁴⁰

In the Bolognese criminal court, the period from the mid-fourteenth century onwards was a very different judicial landscape from that in the late thirteenth and early fourteenth studied by Vallerani and Blanshei.⁴¹ In the earlier period, that landscape was dominated by accusatory trials, as

³⁹ Angela De Benedictis, "Lo 'stato popolare di libertà': pratica di governo e cultura di governo (1376-1506)," in *Storia di Bologna: Bologna nel Medioevo*, ed. Ovidio Capitani (Bologna, 2007), 899-950.

⁴⁰ I. Robertson, *Tyranny under the Mantle of St Peter: Pope Paul II and Bologna* (Turnhout, 2002), pp. 41-2.

⁴¹ M. Vallerani, 'L'amministrazione della giustizia a Bologna in età podestarile', *Atti e memorie della Deputazione di storia patria per la Romagna*, 43 (1992), 291-315; idem, *La*

the standard means of bringing inter-personal violence and property offences to court. Accusatory trials were marked by very specific forms of initiation, process and outcome: the injured parties initiated the trial, the accuser controlled the process and bore the costs, and the outcome was most frequently a renunciation of the action by the accuser and acquittal of the accused. Such trials thus had the features of phases in more extended disputes, with settlement coming outside the court. The mid fourteenth century saw a steep decline in usage of the private criminal accusation.⁴² After 1350, the separate registration of private accusations becomes fragmentary, a far cry from the hundreds of accusations each semester in the late thirteenth century.⁴³ What replaced accusation was inquisition, which was initiated by officials (a denouncing official or the judge *ex officio*), controlled by the judge, and had outcomes which were mainly condemnations, either in person or contumacious. In addition, inquisition procedure allowed the judge to use torture 'to extract the truth' from suspects and witnesses. As one jurist said, 'inquisition is more favourable to repressing crime'.⁴⁴ In the later fourteenth century, those few accusations that came forward – mainly actions of assault, trespass or criminal damage – were incorporated into the inquisition registers. Though these two forms are very clearly distinguished in theory by late-medieval jurists, modern scholars have pointed to the merging or confusion or hybridisation of forms. One form of merging was the inquisition following a direct complaint (*querela*) from an injured party, who instigated an inquisitorial trial, but remained, as in accusation, liable to the costs

giustizia pubblica medievale (Bologna, 2005), 124-5; S.R. Blanshei, *Politics and Justice in Late Medieval Bologna* (Leiden, 2010).

⁴² M. Vallerani, 'I processi accusatori a Bologna fra due e trecento', *Società e storia*, 78 (1997), 741-88; S. Blanshei, 'The decline of accusation procedure in the lawcourts of fourteenth-century Bologna', forthcoming.

⁴³ Vallerani, *La giustizia pubblica*, 120.

⁴⁴ *Angeli de Aretio legum doctoris tractatus de criminibus seu maleficiis* (Paris, 1476), unnumbered folios (but fol. 3v).

if the outcome were an acquittal.⁴⁵ Another was the increasing involvement of lawyers in inquisitorial trials, presenting lengthy objections ('exceptions') to the action by the judge, a practice approximating the inquisitorial trial more to the accusatorial or to civil litigation.⁴⁶ Defence lawyers had been noticeably absent from trials in the mid fourteenth century, but became more common later. Moreover, if accusatory trials were part of extended dispute processing, inquisition in one sense only relocated, while also reconfiguring, criminal justice as negotiation: now the negotiation was after sentence, and with the judicial and political authorities, in the form of pleas of poverty and petitions for pardon or cancellation of sentence. The fifteenth century saw the increasing intervention of the civic authorities – papal legate, XVI, Anziani – in the actions of the criminal court.⁴⁷ One series of 'provisions' in the Bolognese communal archive comes to consist of a stream of instructions to the podestà and his judges about which cases to pursue and which to suspend or terminate ('circumvent'), which suspects to torture and what penalties to impose. Much of this intervention was micro-political, responding to requests and favours. However, running counter to these trends were two innovations in the power and procedures of the criminal judge. From the 1340s the criminal court adopted features of abbreviated trial.⁴⁸ Previously, before any action had been taken against a suspect, witnesses were summoned and questioned regarding their knowledge of the alleged offence, and the basis of that

⁴⁵ Ibid., (fol. 11). On the early history of the *querela* in Bologna, Blanshei, *Politics and Justice*, 441-84.

⁴⁶ T. Dean, *Crime and Justice in Late Medieval Italy* (Cambridge, 2007), 26; S. Nakaya, 'La giustizia civile a Lucca nella prima metà del XIV secolo', *Archivio storico italiano*, 169 (2011), 657-68.

⁴⁷ T. Dean, 'Criminal justice in mid-fifteenth century Bologna', in *Crime, Society and the Law in Renaissance Italy*, ed. T. Dean and K.J.P. Lowe (Cambridge, 1994), pp. 26, 34-5.

⁴⁸ For what follows, see T. Dean, 'Crime and plague: Bologna 1348-51', *Continuity and Change*, ?? (2015), pp. ??

knowledge.⁴⁹ By 1350, the practice was to summon the witnesses only if the suspect appeared in court and denied the charge; otherwise the judge proceeded to ban the suspect as contumacious. Secondly, the government responded to individual podestà's pressure for increased powers by authorising them to inquire 'without observing statutory procedures', and by excepting use of such powers from the judge's mandatory end-of-term review.⁵⁰

So what was the position of Jews in this judicial regime? The cases in which they were involved, as (alleged) perpetrators or victims, were mainly concluded with a confession and/or a condemnation in person (50%), while small numbers were banned as contumacious or acquitted (14-16%), and smaller numbers 'inhibited' by the ecclesiastical authorities, either because those who assaulted Jews were said to be clerics, or because Jewish suspects converted to Christianity. More of the cases against Jews were initiated by inquisition (*ex officio*, on the basis of *fama*) than by denunciation by local officials. There is little in the trials to suggest that Jews were denied due process. Like other city-dwellers, they had access to the local officials who could denounce crimes at their 'instigation and request', as when a Hungarian living in Bologna was charged with assaulting Leuccio di Gaio in the street.⁵¹ The Hungarian was acquitted (the named witnesses, though they admitted to seeing a confrontation, did not see any blows), so, as this trial constituted a *querela*, Leuccio had to pay the costs. If Jews appeared in court to respond to the charges, they were, as other suspects, either bailed or, if they lacked guarantors, held in custody. As with other suspects too, procurators could appear on their behalf to enter objections to the

⁴⁹ Blanshei, *Politics and Justice*, 339-42.

⁵⁰ Dean, 'Criminal justice in mid-fifteenth century Bologna', 30. Cf. the different origin and scope of such powers in the early fourteenth century: Blanshei, *Politics and Justice*, 441-84.

⁵¹ Inquisitiones, 276, reg. 1, fol. 34 (1399). For another example of a Jew using the *querela* procedure: Inquisitiones, 379, reg. 1, fols. 171-7 (1478).

charges against them, as in the case of Vidaluccio di Daniele, denounced for wounding a notary's son with a stone: the objection was that Vidaluccio was a child, and two other Jews attested that he was under twelve as he had not yet 'said the office', 'as is Jewish custom and law';⁵² and consequently, the judge terminated the trial. Equally, the possibility was open to Jews, as to Christians, of confessing and paying an amount into the communal treasury before sentence, as a way of avoiding conviction.⁵³ They were also able, if they had confessed their crime, to present a 'deed of pacification' with their victim and enjoy a reduction of sentence, as in the case of a brawl between two Jews in the village of Oliveto.⁵⁴ From initiation to termination of trials, the court thus seems to have followed the same process for Jewish suspects as for Christians.

Nevertheless, there were some specific features of trials of Jews. First, the prosecutorial rhetoric was occasionally ratcheted up with reference to 'contempt of the Christian faith', for example in the cases of a Jew who stole objects from the altar of a church in Castelfranco,⁵⁵ or the Jews who had sex with Christian prostitutes.⁵⁶ Secondly, the particular plight of Jews arrested for serious crime is illustrated in the case of Manuele di Beniamino da Rimini and Elia di Salomone, charged with committing sodomy when they slept in the same bed in October 1432.⁵⁷ Both of them confessed. Elia, between the date of the offence and the date of the trial, converted to Christianity, as did other Jews when held

⁵² Inquisitiones, 314, reg. 1, fols. 27-29v.

⁵³ Thus Isaac di Manuele from Poland ('de partibus Apolonie') for having sex with prostitutes: Inquisitiones, 386, reg. 1, fol. 273 (1485); and Leuccio da Pesaro for a blasphemous brawl at a fishmonger's stall: 320, fol. 47 (1424). On this procedure, see Dean, 'Criminal justice in mid-fifteenth century Bologna', p. 28.

⁵⁴ Inquisitiones, 308, reg. 1, fol. 16 (1418). Likewise: Capitano del popolo, Giudici, reg. 854, fol. 11 (1412).

⁵⁵ Inquisitiones, 217, reg. 4, fol. 16 (1373).

⁵⁶ Inquisitiones, 323, reg. 2, fol. 133 (1426).

⁵⁷ Inquisitiones, 336, reg. 2, fols. 44-8.

in prison, presumably enticed by the prospect of a reprieve.⁵⁸ Manuele, conversely, chose the path of contesting the charge, denying that it was valid as he had confessed out of fear of torture. Claiming to be a 'young and timorous adolescent', he said he had been persuaded to confess by the court officials, who exhorted him to confess rather than be tortured. One of the witnesses he called in support was a nobleman, Galeotto Canetoli, who said that he had sent for another Jew to persuade Manuele to confess, and had offered to get Manuele a pardon if he did. It seems unlikely that Canetoli – a member of the then dominant family in the city, who had just returned from Rome where he had been negotiating with the Pope on behalf of the city – would have intervened in this case without some political motive, irrecoverable though it may be.⁵⁹ Jews in jail thus seem to have constituted a resource or opportunity for Christian authorities: they could be pressured to convert, and they could be drawn into noble clientage relations through the operation of gifts and favours. Finally, another feature of possibly discriminatory intent, present in this case, was the delayed trial, as here the trial opened nine months after the alleged offence. An even longer delay occurred when another Jew was prosecuted for a sexual crime, this time adultery, in March 1436 as the actions had allegedly taken place in early 1432.⁶⁰

The prosecution of Manuele is the only trial record to mention torture. That was quite usual, as the trial record presents the results of investigation (a confession) not the process of investigation itself. That process was recorded in the court notary's journals or *vacchettini*, which survive only from the mid fifteenth century. These show that Jews were

⁵⁸ Inquisitiones, 373, fol. 294v (1473); 347, reg. 1, fol. 41 (1440). For a case in 1420 involving the bishop: P. De Töth, *Il beato Nicolò Albergati e I suoi tempi, 1373-1444* (2 vols, Acquapendente, 1922), I, p. 273.

⁵⁹ G. Pasquali, 'Canetoli, Galeotto', *Dizionario biografico degli italiani*, vol. 18 (Rome, 1975), pp. 35-7.

⁶⁰ Inquisitiones, 340, reg. 4, fols. 64-5.

occasionally tortured, sometimes within and sometimes outside the regulations. Enoch di Salomone da Ferrara was tortured only after his denials of involvement in a counterfeiting gang were directly belied by another of the accomplices, and he confessed: vacillation did constitute legitimate grounds for torture,⁶¹ and the common opinion among jurists was that in concealed crimes such as counterfeiting the judge should be 'easier and readier to torture'.⁶² Consiglio di Musetto, however, had already confessed to the charge against him, of sex with a Christian prostitute, but was tortured to 'tell the truth' about previous offences.⁶³ This speculative questioning without specific incriminating evidence was not sanctioned by treatises on torture.⁶⁴ As a practice, however, it was certainly not confined to Jewish suspects.⁶⁵ Conversely, it was one of the podestà's own officials who confessed in 1467 to extracting money from a Jew, detained for alleged adultery, in return for supporting him physically during torture in order to reduce the pain: a unique example and another way in which Jewish prisoners were seen as objects to be exploited.⁶⁶

The fifty trials are not evenly distributed across the period. Over half of them fall in the years from 1372 to 1424, and most of those (22 out of 32) in the years 1400-24. After 1425, the cases settle to a consistent rate of between 6 and 8 every 25 years. It is unlikely that these constituted all the trials involving Jews across this period, for two reasons. First, because of missing documentation, as the trial records particularly after 1445 have numerous lacunae, either within registers (missing folios) or between registers (missing

⁶¹ Vacchettini, busta 10, reg. for Nov. 1472-Oct. 1473 (13 June).

⁶² *Tractatus de indiciis et tortura*, p. 73v.

⁶³ Vacchettini, busta 5, reg. for Jan.-June 1456 (25 June).

⁶⁴ *Tractatus de indiciis et tortura D. Francisci Bruni de S. Severino ... D. Guidonis de Suzaria ... et D. Baldi de Periglis ... cum additionibus D. Ludovici Bolognini* (Venice, 1549), pp. 76v-7.

⁶⁵ S. Piasentini, *'Alla luce della luna': I furti a Venezia, 1270-1403* (Venice, 1992), pp. 34-5.

⁶⁶ Vacchettini, busta 8, reg. for Dec. 1467-May 1468, fols. 6-8.

months and years). The registers from the first half of the century make up 77 archival *buste*, whereas those from the second half make up only 43. Second because other sources, such as the *vacchettini*, refer to cases that are not found in the trial registers. However, the distribution is suggestive of an interpretation linking the trials to contextual political and religious factors. The trials fall roughly into two groups, what might be called the pre-Bentivoglian and the Bentivoglian. In the later fourteenth and early fifteenth centuries, most of the trials involve assaults on Jews in the streets, in two of which the alleged perpetrators were clerics.⁶⁷ The local priest was also named by a chronicler as the instigator of the attack on Godio's house at Massalombarda. This is the background for the cross-burning calumny of 1414. A climate conducive to accusations against Jews was then maintained by bishop Nicolò Albergati, elected in 1417, who ordered Jews to wear a distinguishing sign, intervened to reduce their interest rates, and brought San Bernardino to Bologna in 1423-4 to preach, among other things, against usury.⁶⁸ In contrast to the earlier period, between 1417 and 1435 all the prosecutions but one were against Jews, for crimes ranging from homicide, assault and brawling, to burglary, theft, sodomy and sex with Christian women. With the consolidation of Bentivoglio power, expelling their rivals the Canetoli in 1445, trials involving Jews become rarer. It may not be coincidental that there were solid relations between the Bentivoglio and Jewish bankers, the Bentivoglio having been assigned by the XVI the proceeds of the tax on Jewish banks, which brought them perhaps 1,000 lire a year.⁶⁹ A more lenient attitude is also evident in this period to the wearing of the sign: when a group of Jews were arrested in February 1469 for failing to wear

⁶⁷ *Inquisitiones*, 215, reg. 6, fol. 75 (1372); 241, reg. 5, fol. 144 (1383).

⁶⁸ De Töth, *Il beato Nicolò Albergati*, I, pp. 257-8, 267-73.

⁶⁹ M. Fornasari, *Il 'thesoro' della città: il Monte di Pietà e l'economia bolognese nei secoli XV e XVI* (Bologna, 1993), p. 36-7.

‘the sign in common parlance called “the O”’, as required by a decree of the pope, an ordinance of the papal governor, and a provision of the Bolognese government, they objected that only the governor’s ordinance was ‘in continued observance’, and that the papal decree and communal provision were not, and that they had not contravened the governor’s decree. The podestà accepted their argument.⁷⁰ Moreover, it was Giovanni Bentivoglio who was indirectly responsible for the failure of the Bolognese Monte di pietà, when it was established in April 1473. Denied adequate funding, it closed after eighteen months.⁷¹ The campaign to establish Christian pawn-banks, aimed at reducing the cost of credit for the poor, was championed by the Observant Franciscan friars in an explicitly anti-semitic manner. At the same time as it established a Monte in Bologna, the government of the XVI also directly attacked the business model of the Jewish pawn-banks by insisting that Jewish bankers should not retain the full proceeds of the sale of unredeemed pawns, but should pay to the owners the difference between the value of the loan and the sale price.⁷² This economic attack on Jewish pawn-banks, inspired by Observant preaching, is plausibly connected to a rise in the number of cases of thieving from Jewish banks and houses in Bologna and its territory: the first in a sequence occurred in August 1473.

The most common prosecuted crimes in which Jews were involved, either as perpetrators (alleged or convicted) or victims, in Bologna were violence and theft, with a small group of sexual offences. Assaults and homicides were the more typical and more serious. To take killings first: a vagabond Jew from Germany, Manuel, killed and robbed a

⁷⁰ Vacchettini, busta 8, reg. for Dec. 1468-Mar. 1469 (27-8 Feb.). The papal decree was that of Nicholas V, on which see ‘F. Sedda, ‘Giovanni da Capestrano esecutore generale contro gli ebrei: la lettera *Super gregem dominicum* di Niccolò V (1447)’, *Studi francescani*, 110 (2013). The governor’s decree was that of Luis Juan del Milà, legate in Bologna from 1455.

⁷¹ Fornasari, *Il ‘thesoro’ della città*, pp. 56-61.

⁷² *Ibid.*, pp. 42-3.

Florentine man in 1417; a Jewish ‘robber and killer’ was arrested in 1447; in 1460 eye-witness testimony was gathered from those who had seen Moyses wound Simone di Manuele, a resident at Varignana, in the head with a knife, from which Simone was said to have died; and Dattolino di Musetto, resident at Castel San Pietro, stabbed a man to death one night in 1482.⁷³ There was nothing out of the ordinary about these murders, which show Jews conforming to general modes of homicide: a small number of wounds with common weapons such as a knife or a spear.⁷⁴ Where Jews were victims, it is a different story. The frenzied killing of Godio at Massa Lombarda in 1395 has already been mentioned. The following year in the city, Salomone di Matassia da Perugia was spotted one night by Jacobo di Niccolò, going from a Jew’s house towards the city’s main commercial district, the piazza of the Porta Ravennate, in the company of other Jews: Jacobo threw stones to disperse them, and then chased Salomone and his servant Guglielmo di Datelusso da Perugia. When Salomone hid, Jacobo killed Guglielmo with one sword-blow to the head.⁷⁵ In an incident in 1428, a nine-year-old boy threw a stone against a Jew’s house, and it accidentally ricocheted from a column, fatally striking a Jewish woman sitting in the portico.⁷⁶ In 1443 Niccolò di Giorgio da Pieve, with two armed accomplices, assaulted Manuele di Sabato da Montagnana in the castle at Pieve, inflicting many wounds and causing his immediate death.⁷⁷ During a robbery at his house in 1474, during which goods and merchandise were stolen, Zanatan di Emanuele was killed.⁷⁸ These killings are marked by irregular features. First, the murderous attack on Salomone was said to be motivated by hatred, an uncommon detail in Bolognese

⁷³ Curia del podestà, Inquisitiones, busta 307, reg. 1, fol. 98; busta 383, fol. 302; Podestà, Vacchettini, busta 6, reg. for July-Dec. 1460 (14 Aug. 1460); Comune, Governo, busta 396, Libri mandatarum, reg. 9b, fol. 17v (1447).

⁷⁴ T. Dean, ‘Ten varieties of homicide’, in *Murder in the Renaissance*, forthcoming.

⁷⁵ Inquisitiones, busta 270, reg. 2, fols. 107-v.

⁷⁶ Comune, Governo, Liber Fantini, fol. 44 (14 Mar 1437): response to a petition to confirm acquittal as the original sentence-document could not be found.

⁷⁷ Capitano del popolo, Giudici, busta 868, fols. 7-9.

⁷⁸ Comune, Governo, 325, Riformagioni e provvigioni, Serie miscellanea, busta 12, 29 Dec. 1473.

trial records, which more normally ascribe violence to anger. Secondly, throwing stones at Jews' houses was a widespread and common practice, and one that was received as anti-semitic by its victims,⁷⁹ and was not limited to the ritualistic *sassaiole* in christian holy week, described as “much noise ... little damage ... the next day normal life resumed.”⁸⁰ Thirdly the killers of Manuele di Sabato were acquitted on a technicality because of a war-time enactment of 1444 excusing crimes committed against soldiers “and other foreigners” in Bolognese territory in mid-1443: it looks as if the meaning and intention of this enactment were stretched to allow the killing of a Jew to be covered by it.

Assaults against Jews showed similar asymmetries. Jews were more often victims than assailants (by two to one), and when they were victims, their assailants were more often Christians than other Jews (also by two to one). Again, the assaults by Jews have unusual features: they were often unarmed affairs of punches to the face and nose,⁸¹ or merely the aggressive, threatening use of weapons.⁸² At most Jews caused injuries with sticks or stones, thrown or wielded.⁸³ Though Jews would have had access to domestic knives, they had little access to the more militarised weaponry increasingly used in assaults and homicides in the fifteenth century. Only rarely were they fined on the streets by officials for carrying weapons.⁸⁴ Surprisingly, assaults against them rarely used these weapons, either.⁸⁵ Where

⁷⁹ At Crema, the *capitoli* with Jews in 1449 provided for fines for throwing stones or earth at Jews: Giuliana Albini Mantovani, “La comunità ebraica in Crema nel secolo XV e le origini del Monte di Pietà,” *Nuova rivista storica* 59 (1975): 378-406, at 385.

⁸⁰ Toaff, *Il vino e la carne*, 219-21; Kenneth R. Stow, *Alienated Minority: The Jews of Medieval Latin Europe* (Cambridge, Mass., 1992), 240.

⁸¹ Inquisitiones, busta 287, reg. 3, fol.104 (1406); 291, reg. 2, fol. 91 (1408); busta 296, reg. 1, fols. 52-3v (1411); busta 310, reg. 2, fol. 63-6 (1419).

⁸² Inquisitiones, busta 308 reg. 1, fol. 16 (1418).

⁸³ Inquisitiones, busta 314, reg. 1, fol. 27-29v (1421); busta 318 fols. 153-5 (1423); busta 379 reg. 1, fols. 171-7 (1478); busta 380, fol. 101 (1479).

⁸⁴ Podestà, Vacchettini, busta 4, reg. for 1426-7 (8 Jan. 1427: Lione di Elia da Perugia imprisoned for carrying a large knife).

⁸⁵ For a former Jew using a lance to wound: Curia del podestà, Carte di Corredo, busta 265, 18 Sept 1447.

most intra-Christian violence consisted of bloody, but not fatal, wounds caused by knives, swords, lances or tools, this sort of injury is almost completely absent in non-fatal assaults on Jews. Even more surprisingly, given the tensions that arose from alleged Jewish malpractices in accepting and releasing pawned goods,⁸⁶ only one assault on a Jew even possibly related to their money-lending activity: a case in which a porter went to the house of a Jew, and after insulting him, threw a pot of ink in his face, soiling him and his business registers.⁸⁷

Some assaults on Jews seem to be part of a contestation of the use of space and facilities. Jewish presence on the streets at certain times could be seen as a provocation by Christians, in the way that Jewish funeral corteges were attacked and dispersed (Perugia 1446, Piacenza 1470).⁸⁸ Thus, one night in 1406 two Bolognese men seized Daniele di Jacobo while he was walking along a street, extinguished and broke his torch and did not let him pass: the sort of obstructive behaviour citizens might inflict on peasants, or peasants on slaves.⁸⁹ Similar events are recorded later in the century. In 1463, the podestà was ordered to proceed against Folco de' Gigli for seizing an object from a Jew's head.⁹⁰ In 1480 on successive Saturday nights a Jewish man was manhandled in the street by armed assailants who seized his torch and tried to grab his cloak and *turcha*.⁹¹ In 1498 a Portuguese Jew was returning home early one Saturday evening, and (he alleged from his convalescent bed) as he passed the brothel, five women seized the hat from his head and ran with it into the brothel,

⁸⁶ For example, *The Jews in the Duchy of Milan*, ed. Shlomo Simonsohn, vol. 1 (Jerusalem, 1982), 508, 511. Cf. Julie Claustre, "La dette, la haine et la force: les débuts de la prison pour dette à la fin du Moyen Age," *Revue historique* 309 (2007): 797-820.

⁸⁷ Comune, Governo, busta 385, Libri partitorum, reg. 5, fol. 52v (1463).

⁸⁸ Toaff, *Il vino e la carne*, 67-8; Carmen Artocchini, "Presenze ebraiche a Piacenza nell'alto e basso Medioevo," *Archivio storico per le province parmensi* 4th ser., 44 (1992): 105-24, at 117-18; *Jews in the Duchy of Milan*, 506, 508.

⁸⁹ Inquisitiones, busta 288, reg. 4, fol. 6. Cf. confrontations over giving way involving peasants and slaves: busta 344, fol. 20; Vacchettini, busta 5, reg. June-Sept 1455 (7 Sept.).

⁹⁰ Comune, Governo, busta 385, Libri partitorum, reg. 5, fol. 15.

⁹¹ Comune, Governo, 310, Libri provisionum, 1, fol. 19v.

pulling him with them as he tried to retrieve it. Once inside they tried to bully him to show them “his member”, before a man came up and struck him about the head and shoulders with a stick.⁹²

Jews were also victims of theft: their houses and business premises could be seen as obvious targets, filled with the pawns of money-borrowers,⁹³ and the ransack of the Jew’s house at Massa Lombarda was not the only example of its kind.⁹⁴ When appealing for information in 1503 on the burning and plundering of the bank of Manuele in the Strada maggiore, an edict described the following list of stolen property: garments of wool or silk, jerkins, cloaks, hoods, beds, bolsters, bed-coverings, sheets, tablecloths, benches, *spalliere*, carpets, books, rings, belts, coins, basins, candlesticks, weapons, plates, bowls and countless other household objects of copper, pewter and iron.⁹⁵ A similar list of over a hundred items of clothing and household objects were stolen from the house of Musetto on the Strada San Donato in September 1456, and two Christian inhabitants were prosecuted and sentenced to hang.⁹⁶ However, Christian thefts from Jewish pawn-banks and houses were not common over the period as a whole: only two among two hundred and fifty burglaries, thefts and robberies prosecuted between 1400 and 1419, and one of those was by a Jewish convert.⁹⁷ Thieves who were prosecuted for multiple thefts over an extended period rarely visited the houses and banks of Jews to steal. When Paolo di Niccolò was hanged for theft in 1450, his list of seventeen charges contained just one from a Jew’s house: some cheese from the house

⁹² Curia del podestà, Vacchettini, busta 20, register for 1498, fol. 71 (13 Aug.).

⁹³ Rosella Rinaldi, “Un inventario di beni dell’anno 1503: Abramo Sforza e la sua attività di prestatore,” *Il Carrobbio* 9 (1983): 313-28, at 316.

⁹⁴ For examples at San Giovanni in Persiceto, 1471, and Budrio, 1473: Campanini, “*Quod possit fenerari...*,” 192-3; Curia del podestà, Vacchettini, busta 10, register for Nov. 1472-Oct. 1473, fols. 136-v, 140-1, 160v-2, 203v. For large-scale thefts from the house of Musetto in Bologna: Inquisitiones, busta 361, reg. 1, fols. 184-5 (1456).

⁹⁵ Comune, Governo, 311 (Libri provisionum), fol. 65 (26 Feb. 1503).

⁹⁶ Inquisitiones, 364, reg. 2, fols. 184-8.

⁹⁷ Capitano del popolo, Giudici, busta 855, fols. 37-8; Inquisitiones, busta 298, reg. 4, fol. 37.

of Abram.⁹⁸ The case of a vagabond, Tommaso da Benevento, hanged in 1458, was similar.⁹⁹ Christian thieves left Jewish pawn-banks alone: partly because this was where they disposed of their stolen goods, and partly because they probably recognised that the information and detection networks around them were too strong – that is certainly what Barnaba Fracassati discovered when he tried to sell in Bologna some silver that he had stolen from the house of Dattilo in Budrio: the Bolognese goldsmith was already aware of the theft and suspected it was stolen property.¹⁰⁰ More numerous in fact were the Jews and converts who stole from Jewish houses: in 1412, one Jew from Pesaro and one converted Jew, described as a vagabond, stole clothing from Jews' houses in Bologna, and in punishment one was whipped, the other banned;¹⁰¹ while in 1419 a French Jew, resident in Bologna, Aron di Musetto, broke into house of Musetto di Sabato da Pesaro, through an adjoining wall, forced open a chest and stole money, cloth and armour.¹⁰² More of a professional thief was a German “vagabond” Salomone di Isacco, who was charged on six counts of theft between 1436 and 1440 from Jews' houses in Treviso, Città di Castello, Feltre, and Modena, as well as from a guest at the Jews' hospice in Bologna.¹⁰³ Further cases of Jews stealing valuables from houses in Bologna occurred in the 1470s.¹⁰⁴

⁹⁸ Inquisitiones, busta 356, reg. 2, fols. 33-5.

⁹⁹ Out of twenty counts of theft, one from the house of Musetto di Angelo, of a woman's robe and three tablecloths; Inquisitiones, busta 363, fols. 116-124. For similar cases: Inquisitiones, busta 385, reg. 2, fols. 161 (1484), 363 (1485).

¹⁰⁰ Podestà, Vacchettini, busta 10, register for 1472-3, fol. 140.

¹⁰¹ Inquisitiones, busta 297, reg. 3, fol. 62; busta 298, reg. 4, fol. 37; Rinaldi, “Topografia documentaria,” p. 64.

¹⁰² Inquisitiones, busta 311, reg. 1, fols. 78-80.

¹⁰³ He confessed, but further proceedings were inhibited by bishop's vicar on account Salomone's imminent baptism: Inquisitiones, busta, 347, reg. 1, fols. 41-2.

¹⁰⁴ Inquisitiones, busta 377, fols. 117-18; busta 380, fol. 110

The attention of historians has often been focused on the sexual offences of Jewish men with Christian women.¹⁰⁵ However, it is necessary to distinguish among Jewish sexual “crimes”: some were specific to Jews, and some were not. Not all Jewish sexual offences involved Christians, and prosecutions for such offences tended to come in clusters. One of the first Bolognese prosecutions fell in 1390, in the case against Abram di Bonaventura da Rimini for sex with Christian women,¹⁰⁶ but there was then no other trial of a Jew for sex crime until 1416, when Gaio di Matasia da Sulmona was tried for sex with a Jewish girl at Castel San Giovanni.¹⁰⁷ Three cases occurred in the 1420s (two of sex with Christian prostitutes, one of attempted rape of a Jewish woman), and two in July 1485 (sex with Christian prostitutes).¹⁰⁸ Between these dates, Abram di Dattilo was prosecuted for a sexual affair with the wife of a German resident in Bologna (he denied the charge and the witnesses only saw them talking together in the street), a Jewish man resident in Bologna confessed to having sex with another Jew while they slept in the same bed (but later retracted his confession as extracted by fear of torture, and was acquitted), two French Jews were convicted of rape and sodomy of Jewish youths, and two Jews were sentenced first to imprisonment, then to banishment for sex with Christian women.¹⁰⁹ The crime of Jewish sex with Christian women was thus not a consistent concern, and the court did punish sexual offences *against* Jews. It also looks as if it might in fact have been difficult for Jewish men to have sex with Christian prostitutes. The case of Consiglio di Musetto in 1456 may be

¹⁰⁵ See above, and Muzarelli, “I banchieri ebrei e la città,” in *Banchi ebraici a Bologna*, 125-6.

¹⁰⁶ Inquisitiones, busta 258, reg. 1, fol. 71.

¹⁰⁷ Inquisitiones, busta 304, reg. 2, fol. 27.

¹⁰⁸ Capitano del popolo, Giudici, reg. 862, fols. 17-18; Inquisitiones, busta 323, reg. 2, fols. 133-5; busta 386, reg. 1, fols. 273-4, 276; Sententiae, busta 38, fol. 47v.

¹⁰⁹ Inquisitiones, busta 336, reg. 2, fols. 44-8 (1433); busta 340, reg. 4, fol. 64 (1436); busta 341, reg. 1, fol. 75 (1437); busta 361, reg. 1, fols. 196-8 (1456); Libri partitorum, busta 2, fols. 111v-12. Andrea Barbazza’s *consilium* on the appropriate penalty for Jews fornicating with Christian women may relate to the 1456 case: *Consiliorum quatuor admiranda volumina consumatissimi i.u. monarce d. Andree Barbatie siculino* (Venice, 1516), IV, fols. 134v-135v (*consilium* 63).

indicative: he himself confessed that he had asked several Christian women for sex, and had been refused; and when Betta from Holland agreed, her innkeeper quickly told a guest, who entered her room and pulled Consiglio off her.¹¹⁰

The evidence of tensions and divisions within the Jewish “community” are stronger in the trial records than the evidence of solidarity. In 1423, it is true, local Jews seem to have made the effort to support the precarious position of a foreign Jew: Simonello di Lazzaro had wounded Aron di Sabbadino da Fano, and was sent to prison because he could not provide any guarantors. He did, however, submit a plea of poverty, which two Bolognese Jews endorsed, saying that had no means of support other than begging among other Jews and visiting friends.¹¹¹ However, the internal hatreds and enmities are evident in other cases: in aggression in the very synagogue;¹¹² in the hatred expressed by Lucio di Agnolo da Fermo towards Davide di Angelo, harbouring the man who had wounded him,¹¹³ and in the same Lucio’s attempts to blackmail people by claiming they wanted to kill him; in the cross-burning calumny of 1414 in which a Jew, an ex-Jew and a Christian aimed to “disfare nostri nimici” among the Jews of Bologna;¹¹⁴ or in the accusation of theft among a group of three brothers, which was resolved when the accusers accepted that the “stolen” goods had simply been relocated.¹¹⁵ Signs of integration with the majority Christian community are few: Jews are rarely accused of joint action with Christians,¹¹⁶ and Christians rarely appear to support

¹¹⁰ ‘Va che le uno zudeo che futte la Betta’, said the female innkeeper: Podestà, Vacchettini, busta 5, reg. for Jan-June 1456 (25 June). These details were missed by Trevor Dean, *Crime and Justice in Late Medieval Italy* (Cambridge, 2007), 146-7.

¹¹¹ Inquisitiones, busta 318, fols. 153-5.

¹¹² Aggression with a bread-knife during a religious service: Capitano del popolo, Giudici, busta 854, fol. 11 (1412).

¹¹³ Inquisitiones, busta 300, reg. 2, fol. 18 (1413).

¹¹⁴ Inquisitiones, busta 301, reg. 2, fols. 29-31.

¹¹⁵ Inquisitiones, busta 377, fols. 117-18 (1475).

¹¹⁶ In addition to the cases of Enoch and the conspirators in calumny (Rinaldi, “Topografia documentaria,” 64-5), there is only the case of Salomone and Matteo, mentioned above.

Jews in court.¹¹⁷ Conversely, in 1466 the council of XVI ordered that Joseph di Moyses da Pesaro not enter or stay in the house of any Christian in Bologna, on pain of 100 ducats.¹¹⁸ “Good Christians shunned Jews”.¹¹⁹

One field of interaction that is visible in the judicial sources is gambling. Davide di Musetto “da Abacho”, twice lodged formal complaints about his gambling losses: on one occasion, in February 1472, it was against a fellow-Jew, Ventura di Abram, but in July of the same year it was against a dyer, Guglielmo di Matteo, who had “induced” him to play a forbidden card-game (“*ludum condempnatum alias dictum labasetta*”) and relieved him of 300 ducats.¹²⁰ Davide wanted Guglielmo punished. Jews were also fined when discovered gambling by the podestà’s patrolmen: when alerted by a secret denunciation that Leo di Ventura was playing “Lose and Win”, a dice-game, with a notary, a tailor and a married woman, the patrol caught them in the act.¹²¹ One Jew in 1413 was condemned to a fine and ten years in exile for having, among other things, “mixed with Christians in the public gaming-house (*barataria*)”, where he bet large sums and blasphemed.¹²² When Enoch di Salomone da Ferrara was interrogated in 1473 on suspicion of counterfeiting coins, he was asked what trade he had been practising in Bologna for the past sixteen months, and he replied “the trade of playing at dice and tables, and that he had won a lot of money”. Asked

¹¹⁷ In 1479, six Christian witnesses attested to the good *fama* of Leone di Daniele, prosecuted for theft: Inquisitiones, busta 380, fols. 122-4. Two Christians attested to the good *fama* of Manuele di Beniamino da Rimini, accused of sodomy in 1433, but this looks like aggressive and subordinating, not supportive, action: Inquisitiones, busta 336, reg. 2, fols. 44-8.

¹¹⁸ Comune, Governo, busta 386, Libri partitorum, reg. 6, fol. 7.

¹¹⁹ Stow, *Alienated Minority*, 235.

¹²⁰ Podestà, Vacchettini, busta 10, register for Nov. 1471-Oct. 1472, fol. 167v; register for Nov. 1472-Oct 1473, fol. 10. For the game of *bassetta*: Jonathan Walker, “Gambling and Venetian noblemen c.1500-1700” *Past and Present* 162 (1999): 28-69, at 29-30.

¹²¹ Podestà, Vacchettini, busta 3, register for 1424-5, 1 Aug. Other example: *ibid.*, reg. for 1423: Dattilo playing dice with Clemente Manzolini.

¹²² Inquisitiones, busta 300, reg. 2, fol. 18.

if he had frequented the houses of any Christians, and if so what he had done there, he gave some names and said that he had done “nothing other than play at dice and tables”.¹²³ It is significant that, under strong suspicion of serious crime (he later confessed), Enoch believed that gambling could be a credible explanation for his presence in Christian houses. Yet it was dangerous for Jews to choose card- and dice-games as a mode of association with their Christian acquaintances: gambling was a levelling process, in which differences of class, gender and ethnicity were temporarily suspended by the play of fortune,¹²⁴ but the disputes that arose when losers suspected bad play were magnified by those very differences.¹²⁵ Renaissance governments saw gambling as a potent source of conflict, blasphemy and bloodshed. As a rule, Jews were not often discovered gambling with Christians. In the records of the Bolognese *Ufficio del Fango*, which levied fines for all manner of minor public order offences, from fraudulent weights and measures, to throwing dirt into the streets and carrying weapons, Jews rarely appear: in twenty-seven registers covering most of the years 1427-57, only one Jew was fined (for dirt in front of his house), whereas hundreds of Christians were fined, forty of them for gambling in one year alone.¹²⁶ For Jews, the gaming house was a place to be avoided.

Elukin has challenged the dominance of violence in the history of Jewish experience in medieval Europe, suggesting that alongside, or against, the traditional story of alienation and expulsion from/by the Christian majority was a different story of attachment and support.¹²⁷ His focus was on an earlier period than is covered here, and on different parts of

¹²³ Podestà, Vacchettini, busta 10, register for Nov. 1472-Oct 1473, fol. 79.

¹²⁴ Walker, “Gambling and Venetian noblemen,” 30.

¹²⁵ See case in *Jews in the Duchy of Milan*, 327 (1461-2).

¹²⁶ Curia del podestà, Ufficio acque, strade e fango, busta 36. The Jew, Bonaventura, appears on 5 June 1427.

¹²⁷ Jonathan Elukin, *Living Together, Living Apart: Rethinking Jewish-Christian Relations in the Middle Ages* (Princeton, 2007), 89-91. For the critique, see D. Trimmer

Europe (England, France, Germany in the thirteenth-fourteenth centuries), but the key question he asks remains relevant: how can we distinguish the violence against Jews from the violence of the general population, given that it ran at high levels and “a constant for both Christian and Jews”?

Conclusion

The relation of criminal prosecution to occupation opens the way to some concluding remarks. That relation is clearest for prostitutes and for slaves, weakest for students and Jews. Whether as victims or perpetrators, the criminogenic potentialities of the sex-trade and of slavery were bounded by their relations to owners or to pimps and clients. It is perhaps not irrelevant that “whore” and “slave” were words of insult, whereas “student” and “Jew” were not. For students and Jews, there were wider possibilities for engagements with urban society which might be prosecuted as criminal. Though a considerable proportion of student fights and disputes originated in the academic milieu, or related to their situation as displaced and temporary residents, many did not. For Jews, their money-lending activities did attract occasional ransacks and some burglaries and thefts, but surprisingly little directly-related personal violence. Their pawn-banks were protected from larceny not because Jews were welcomed, but because of their utility in the economy of the criminal underworld. Their identity as Jews, did, however, attract anti-semitic violence, whether in the form of stoning, or sabbath-day hat-grabbing, while also conditioning their unarmed responses. Cases involving Jews did bear some unusual features, such as when Jews were killed, and the contrast is clear between the violence of students, confident in using swords in the street, and that of Jews, restricted to fists and sticks. The prosecuted sexual crimes of Jews were few, with just four fifteenth-century convictions for sex with Christian women, and in other cases

(*Church History* 76 (2007): 830-1), J. Boyarin (*Speculum* 83 (2008): 981-2), and Y. Friedman (*Journal of Ecclesiastical History* 60 (2009): 559-61).

the court acted to punish offences *against* Jews. Jews did not exhibit a reluctance to resort to the criminal courts, but rather an instrumentality in invoking urban justice against their Jewish and Christian enemies and offenders. Above all, it is the asymmetries of violence that liken Jews to prostitutes and distinguish them from slaves and students: like prostitutes, Jews rarely used weapons in violent actions; like prostitutes, they were more frequently the recipients of injuries than the givers. Unlike slaves, Jews did not attempt to poison women or kill children; unlike students, they did not engage in sword fights on the streets. At the same time, Jews aroused neither the same sympathy nor the same ferocity as slaves. Their relations of power with Christian society were neither so oppressive that they were reduced to extreme action, nor so privileged that they could defy the secular court. But imbalances remained and this was a sign that Jews in late medieval Bologna were not 'normalised', but still treated as an alien minority.