

STRAWS IN THE WIND

Medieval Urban Environmental Law

The Case of Northern Italy



Ronald E. Zupko and Robert A. Laures



Straws in the Wind



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*Medieval Urban
Environmental Law—
The Case of Northern Italy*

*Ronald Edward Zupko
Robert Anthony Laures*

To
human concerns,
past and present

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Contents

<i>Acknowledgments</i>	vii
Introduction	1
1 The Medieval Urban Setting: Politics and Law	9
The Medieval Town: Theoretical Foundations	9
The Town Elites	14
The Councils	16
A Case Study: Bologna 1288	20
2 Ancient and Medieval Environmental Spokesmen	25
Classical Environmental Theory	25
Christian and Medieval Environmental Theory	27
The Earth as a Planned Abode	29
Stewardship in Action	33
The Vision of an Urban Utopia	40
3 Regulating the Land	43
Historical Antecedents	43
Roman Road Construction	44
Government Responsibility for the Roads	45
Breakdown of the Roads	46
The Medieval Roadway	48
Medieval Urban Waste Management	50
Legislation	53
Conclusion	56
4 Protecting the Water	59
Ancient Water and Sewer Systems	59
Medieval Water and Sewer Systems	63

Legislation	64
Drainage Systems	67
Flood Control	68
Conclusion	70
5 Eliminating Wastes	73
Trade-Related Legislation	73
The Butcher and Meat Purveyor Guilds	75
Food Supplies	77
The Leather Workers' Guilds	80
The Fisheries	82
Market and Land Resources	83
The Cloth Industries	86
Conclusion	87
6 The Medieval Urban Response to the Environmental Crisis	89
Environment, Climate, and Law	90
Medieval Bergamo	94
Market Locations	95
Food Supplies	97
Public Sanitation	99
Roads, Bridges, Waterways, and Fountains	103
Fortifications	107
7 Conclusion: Things Left Undone	111
<i>Notes</i>	115
<i>Select Bibliography</i>	133
<i>About the Book and Authors</i>	145
<i>Index</i>	147

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Ronald Edward Zupko and Robert Anthony Laures
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Introduction

The environmental activists of the early 1960s and 1970s joyfully proclaimed to the world their love of the earth and the environment. Television screens were filled with the brilliantly colored images of happy, smiling young people in exotic dress and long flowing hair proclaiming their oneness with creation and their devotion to peace and love. They were vital, energetic, and positive—a driving engine for environmental change and a hallmark of the era.

The final decade of the twentieth century stands witness to a more mature environmental movement, perhaps less flamboyant, but certainly more purposeful. The contemporary desire for clean air and water, for the protection of limited resources, and for the renewal of endangered flora and fauna is often depicted as a modern phenomenon, the product of the enlightened twentieth century. Environmental awareness is portrayed as a thoroughly modern movement, arising out of the tumult of a half-century of war and depression like some Venus given birth in the crashing surf of a Mediterranean shore.

Is this, however, an accurate assessment of the origins of human concern for the environment and endangered resources? In the present study, we present evidence that human beings have been interested in the quality of the environment for almost as long as there are written records available. Men and women have long deemed it their responsibility to tend to the environment and the world about them. The literature on the subject contains innumerable references to their concern for the earth and to their efforts to produce a suitable quality of life in the context of both rural and urban settings. Their desire to create a dependable agricultural resource base, to preserve plants and animals, to tame the excesses of wild rivers and the effects of tidal flows on coastal lowlands, and to enhance the livability of urban environments are chronicled in the earliest extant examples of secular and sacred literature.

Examples of environmental awareness and concern abound in classical literature. Greek philosophers routinely speculated about the role of the human race in creation. Men and women were not conceived of as being mere consumers of the fruits and products of the earth but rather were seen as active participants in the completion of the creation of the world. They had a clearly defined responsibility and role in perfecting the earthly environment. Although individual thinkers might have differed on the role of humans or the extent of their responsibility for the world in which they lived, there was substantial agreement that the human race was the active agent for positive change in the environment.

The Judeo-Christian tradition reflected a similar belief structure. Human beings were still conceived of as being responsible for the earth in partnership with a monotheistic deity. Whereas Greek and Roman thinkers were more comfortable with deities that were often impersonal, remote, indifferent, or simply unconcerned with the human condition, the writers of the Jewish Old Testament tended to perceive God as a personal being genuinely interested in the creation and in the creatures to whom he gave existence. There was a stronger perception that humans and God were engaged in a joint venture designed to complete the divine act of creation. Humankind would work alongside the Creator to perfect creation, as an apprentice toils alongside the master craftsman. There was, thus, a plan, a desired outcome toward which all creation was directed.

The authors of the Old Testament had a reasonably consistent vision of the appearance of the finished product of creation. The image of a pastoral "land of milk and honey," given form, appearance, and consistency in the Book of Psalms and other texts, lent substance and reality to the goal of human endeavor. Men and women were not striving for some nebulous, formless intellectual concept of the ideal world. The Old Testament provided a clear, distinctive vision of a delightful pastoral environment that was thoroughly grounded in the real world of human experience and aspirations.

The writers of the New Testament and the early Christian era were direct heirs to this tradition and, in many ways, acted to enlarge upon it and to redirect its evolution. These writers lived in a physical environment that was considerably more urbanized and sophisticated than that of their Old Testament predecessors, a circumstance that caused the evolving tradition to be more concerned about the city and its ideal environment. Influenced by Christian thinkers, these writers had to face the reality of their perception of the sinfulness and depravity of contemporary urban life and the spiritual thrust of the mind and spirit into the next world;

they therefore developed a marked ambivalence toward the vision of the city. On the one hand, some of these writers wrote of gleaming cities built upon heights and decorated with brilliant fiery swaths of color, precious stones, and gems. They saw the earth as a "planned abode," whose continuing development was directed by an "Artisan God." On the other hand, some authorities, such as Augustine of Hippo (354–430 C.E.), who were frustrated with the lifestyle of the cities and the faltering Roman imperial system and anticipated the Second Coming and the approaching end of the world, tried to focus the minds and hearts of their readers and disciples upon the afterlife. But even these writers realized that they still had to live in the world and that they had some obligation to bring the Divine Plan to its fulfillment.

With the passing of the first millennium, the resurgence of urban life, the beginnings of the Commercial Revolution, and the extension of the "frontiers" of western and eastern Europe by monastic and military orders, medieval writers once again took up a more optimistic approach toward human life and the natural world. The notion that the human race was responsible for the completion of creation through the extension of agriculture into the wild forests and marshlands provided an intellectual and philosophical basis for the planting of thriving monastic establishments on carefully selected sites chosen for the suitability of their environments. At about the same time, the growth and ordered development of cities became a socially acceptable and philosophically supported endeavor. Indeed, Thomas of Aquinas wrote a work entitled *On Kingship: To the King of Cyprus*, in which he provided a blueprint for the enlightened ruler to follow in the creation of a new town; in many ways, this document was a summary of contemporary thought regarding the ideal urban environment. The "fantasy literature" of the day, as well as the more serious works penned by pilgrims and other more worldwide travelers such as Marco Polo, provided guides to the beautification and decoration of the ideal city. Thus, in the early centuries of the second millennium, a complete series of environmental guides based on contemporary technology was available for urban planners and monastic leaders, who thus had both the intellectual foundation and the conceptual models necessary to create towns and agricultural developments possessing ideal environments.

During the early centuries of the second millennium, the cities of central and northern Italy were in an excellent position to exploit this knowledge base. The collapse of Roman imperial administration on the Italian peninsula during the fifth century had a profound effect on Roman municipal government. In all too many instances, it simply ceased to exist; in

those towns that remained, Roman administrative practices faded to mere vestiges of their former vigor or were usurped by barbarian invaders or ecclesiastical appointees who tended to center the remaining municipal services around the local markets or church squares. Lacking economic and military power, these towns were the frequent prey of marauding warlords, migratory peoples, or grasping kings and their generals, all of whom sought opportunities to loot, plunder, and subjugate.

Around the year 1000, a gradual economic and commercial revival began to take place on the Italian mainland, with the greatest impact occurring in the northern and central regions. This revival produced disposable financial resources for increasing numbers of successful craftsmen, merchants, and entrepreneurs. The newly enriched classes began to demand political power commensurate with their wealth, status, and contribution to their communities. When their demands for a share of the governance in their towns were denied by the entrenched ecclesiastical and imperial governing castes, they then organized themselves into political and military pressure groups to resist, and eventually supplant, the older ruling classes. Thus freed of the restraints imposed by extramural overlords, the townspeople began to develop the skills necessary for directing their own destinies and began to implement political, social, economic, and military institutions suited to the needs of their particular towns.

A unique series of historical coincidences had enabled the towns of the Lombard Plain to unite and declare their independence of pope and emperor. This independence allowed for the rediscovery and redevelopment of local municipal institutions. These institutions tended to be innovative because they were not imposed by a centralizing authority but rather were dictated by local needs. And they represented an amalgamation of old half-remembered relics of the Roman imperial administrative code, ingeniously configured innovations resulting from the clash of barbarian and indigenous Italian cultures, the new knowledge engendered by the cross-cultural contacts of merchants and crusaders traveling to and from the Near East, and the impositions of various external overlords. As the new municipal institutions took hold in the towns and cities, they were further revised and reformed to meet the changed circumstances of communal, signorial, and other evolving forms of regional government.

The new wealth and power that resided in the expanding towns spawned a new class of strongmen, who then acted to consolidate regional associations of towns. These regional overlords, or *signori*, were able to establish periods of relative peace and security during which there were economic surpluses sufficient to fund cultural and artistic revivals and munic-

ipal beautification projects. By the fifteenth century, a number of these regional *signoria* flourished and were so effective that even Venice found it expedient to turn its attention away from its overseas commercial ventures in order to concentrate on the creation of its own mainland-based empire, at the expense of other regional overlords.

It was under the hegemony of these regional overlords and republics that the medieval movement and awareness of the environment reached its highest expression. Environmental law in its most rudimentary forms can be detected in Italian municipal law codes as early as the eleventh and twelfth centuries. Impelled by increasingly distinct visions of the ideal city derived from the secular and sacred literature, the town elites realized early on that their visions of their towns and their aspirations for a particular quality of life would never be implemented without the force of law. Human nature and the impact of industrial and commercial development required more than the best wishes of good men to insure that the requirements of environmental quality standards were attained in the face of sloth and avarice. Municipal statutes, frequently revised, reformulated, and expanded, became the primary focus for the program of environmental reform and control in the medieval city and involved the entire community on a daily basis. The law bound everyone, was known to everyone in one way or another, and was directed to the specific objectives and goals of the ruling classes. And these laws, preserved in municipal archives scattered throughout central and northern Italy, provide the modern historian with the blueprints for the birth and evolution of the medieval environmental movement.

Northern and central Italy offer an ideal venue for this study not only because of the multitude of statute collections that have been preserved in usable form but also because the towns in these regions acquired sufficient wealth, power, and freedom to be the laboratories for the growth and development of municipal law. Furthermore, the lessons learned in the palaces and councils of these influential urban areas were common knowledge by the time many of the towns of northern Europe began to approach the levels of affluence and influence already attained by these Italian municipalities. The lessons learned and the approach developed by the Italian elites before and during the Renaissance were carried by scholars, ecclesiastics, and politicians into continental European and English cities, where they were absorbed and refined to meet the particular needs of those local environments. These ideas were, in turn, further refined prior to their transmission to the newly transplanted European towns and colonies in the New World.

* * *

This text is intended for the use of undergraduates, graduates, and the general public. Although we have sought to present a clear picture of the response of medieval urban elites to concerns regarding the environment and the quality of life within their towns, we also wish to express certain explicit caveats regarding the scope and purpose of this study. To begin with, the scope of the study is limited to a number of the smaller towns and cities of northern and north-central Italy between 1000 and 1750, and this research is based upon the regional statutes produced there within this time frame. We do not intend this study to be an exhaustive environmental history of the Mediterranean basin, continental Europe, or any other large-scale region in this era. Rather, the subject of interest here is activity within a microcosm—the response within northern Italy to the environmental issues facing those people and their leaders.

Furthermore, the focus of the study was not extended to treat all of the political, economic, social, or cultural aspects of the environmental movement of medieval Italy. Rather, we have limited the scope of our study to representative statute collections in northern and north-central Italy in an effort to determine how local officials in the smaller towns and cities of this region used the law to regulate the environment and the quality of life within their town walls. We were most particularly interested in the local response, rather than the regional response, to these concerns. The intention, within this rather limited context, was to gauge a response that was relatively free of larger regional, imperial, or papal influences in order to understand what the citizens of these smaller towns wanted to accomplish within the spheres of their own towns. The law codes were selected as the raw material of the study because we believe that the statutes enacted by the urban elites represent a true response to the environmental concerns of the urban population. Unlike chronicles, local histories, and other works penned under the auspices of aristocratic or ecclesiastical patronage, these statutes represent a pragmatic, perhaps political or economic, approach to the resolution of real urban concerns. These documents do not resemble the paid works of authors or poets, whose livelihood depended on the favor of their patrons; rather, they are realistic, legalistic, political responses to the real concerns facing politicians and citizens enmeshed in the daily conduct of business, family life, and politics.

We have had the opportunity to study representative statute collections of a number of medieval Italian cities, the most important of which are the following: Bassano, Bergamo, Bologna, Brescia, Cremona, Ferrara,

Florence, Lucca, Milan, Orvieto, Padua, Piacenza, Piran, Pisa, Pistoia, Ravenna, Rome, Siena, Spoleto, Venice, and Verona. The focus of this study is the purely local response of the municipal authorities of the smaller Italian towns to concerns relating to the quality of life and the environment in their towns as reflected in their law codes. Thus, the concerns considered herein are mostly urban in nature and reflect upon those of the countryside, the larger regional and political entities, and the seas only to the extent that they affected the local urban environment. Forestry, hunting, wildlife, and other related topics are rural rather than urban in character and, accordingly, do not fall within the focus of this book. Since the larger cities such as Venice, Rome, Florence, and Siena tended to be embroiled in broader regional socioeconomic, political, military, and cultural issues involving kings, emperors, and popes, their concerns mirrored those broader issues, frequently to the detriment of their more local and internal interests. As a result, their evidence is introduced only tangentially and as it illustrates the experience of the local units of government.

Finally, we have deliberately sought to place the actions of the urban elites and their statute makers within the context of historical and contemporary reality. Although we do not presume to be able to peer into the exact motivations or imperatives of the elites, we do attempt to provide insight into the cultural, literary, philosophical, and mythical milieu from which they could have sought inspiration and functional models. It is impossible to determine which works or inspirations might have evolved into specific pieces of legislation, but at least it is possible to develop an understanding of the general framework within which the visions that inspired the legislative actions were developed.

In a similar manner, we have attempted to place the environmental accomplishments of the medieval Italian elites within the larger framework of the actions and successes of their classical predecessors. The result is that their successes and achievements are not treated as isolated incidents or historical accidents but rather as the results of deliberate actions by officials acting according to carefully considered rationales. Their actions were not haphazard or accidental: They were rational responses to perceived needs within the limits of the scientific and technological knowledge of the times.

The chapters that follow demonstrate who the early environmentalists were, what ideas and theories motivated them, in what manner they gave shape and form to the environmental programs they devised, and how they carried out and enforced them within the limits of the available tech-

nology. The human quest to create a decent world in which to live, to maintain a clean and nurturing environment in which to raise children, and to perpetuate a self-renewing inheritance to pass on to future generations is not merely a newfound goal of twentieth-century environmentalists; rather, it has been the recurring dream of men and women since time immemorial.