

JOANNA CARRAWAY VITIELLO, *Public Justice and the Criminal Trial in Late Medieval Italy: Reggio Emilia in the Visconti Age*. (Medieval Law and Its Practice 20.) Leiden and Boston: Brill, 2016. Pp. xii, 219. \$135. ISBN: 978-90-04-30745-2. doi:10.1086/695812

Italy's postcommunal era can be seen as a laboratory of state building wherein criminal courts served as vehicles for despots' political centralization. Past historians have interpreted the well-documented shift from plaintiff-driven (accusatorial) procedures to *ex officio* (inquisitorial) ones as marking either the legitimacy of the *signori* as dispute settlers or at least their success at repressing competing claims. More recently, however, social, legal, and political historians have challenged this view from diverse angles. Some have shown that "traditional" forms of dispute settlement, such as vendetta, hardly fell by the wayside with the rise of despotic regimes. Others have recast the criminal process as an arena for promoting local elites' agendas instead of as an exclusive showcase of formal power. These and other critiques have underscored earlier works' tendentiousness and their desire to see a budding (and no less idealized) modern state, when in fact power brokering was far less determined.

Inspired by these studies, yet offering insight from untapped sources, *Public Justice and the Criminal Trial in Late Medieval Italy* furthers the interrogation of just how public medieval public justice was. Reggio Emilia's criminal court archives are modest by comparison to those that furnish proof for previous interventions by Massimo Vallerani on Perugia, Sarah Blanshei on Bologna, and Andrea Zorzi on Florence, to name a few. Yet the late fourteenth and early fifteenth century was a pivotal era for the city, which was considered a strategic asset in struggles among the region's major *signori*—the Gonzaga, Visconti, and d'Este families. As elsewhere, agreements signed by these rulers with the townspeople explicitly dealt with the criminal court's independence, including its personnel's relation to the urban *podestà*, by then a *signore*'s appointment. In late medieval Reggio, the *podestà*'s vicar served as the chief criminal judge and was picked and paid directly and exclusively by him (31). The judiciary's ostensible lack of autonomy was further reduced by despots' routine extrajudicial interventions (192–97). In constructing this argument, the author spotlights the figure of Beatrice Regina della Scala (1331–84), a unique yet still understudied female Visconti, who actively served as Reggio's despot for a decade.

Prima facie, then, Reggio's transition from commune to *signoria* should have been clearly visible from its court documents. Carraway Vitiello's lucid account, however, proves otherwise. To be sure, criminal procedure lacked neither rhyme nor reason. And to anyone unfamiliar with medieval criminal law, this volume provides an excellent guide. Following a brief introduction to late medieval Reggio, its political circumstances, and its court (introduction and ch. 1), the text follows a linear scheme, from the formation of a criminal inquisition (ch. 2), litigation and proof (chs. 3 and 4) and resolution (ch. 5). For each phase, the author carefully draws on evidence from local statutes and court protocols—both types of sources having never been published for Reggio and thus often fully reproduced in the notes—and situates these in relationship to jurisprudential literature on the one hand and the findings of other case studies on the other. She occasionally augments her findings about Reggio with brief forays into the Bolognese archives, but the comparison is not meant to be systematic.

Beyond ably comparing and contrasting her data with those relating to other cities (on the basis of secondary sources), Carraway Vitiello marshals them to support the book's main argument: in Reggio, rather than supplanting accusatorial procedure, inquisitorial procedure absorbed it "through a series of . . . adaptations that allowed [it] . . . to fill those needs of confrontation and retribution that had actually been dealt with very effectively in accusatorial justice" (87). What the author elsewhere calls the *inquisitio*'s "profoundly communal" (2) nature explains its broad appeal in innovative ways. For instance, the prevalence of contumacy (which she argues often operated as a court mitigation technique) and the crucial sig-

nificance of *fama* for establishing both sides' clout during the litigation processes offset the theoretically paramount role of judges acting *ex officio*. The strongest indicator for social needs being served, however, comes from the proliferation of *ex querela* procedures, whereby private individuals petitioned the court to proceed against others (66–82). Between 19 and 33 percent of all criminal cases followed this path, situated halfway between the older procedure of *accusatio* and the newer one of *inquisitio*.

The evidence for the continuity of *accusatio* is compelling, and the author is to be commended for pursuing the real identity of the trials' instigators (*promoventes*). Anthropologically, however, her interpretation rests on a view of society as an essentially stable organization, with set needs that institutional and political change must take into account rather than affect in order to remain legitimate. The model is by all means plausible, but it is neither explicated nor proven, which is striking, given the author's description of the period as uniquely turbulent (13–21). Perhaps the greater, if still implicit, point here is the court's (rather than an evolving procedure's) growing appeal to society at large. Judges were certainly indebted to despots, but they operated within an elaborate institution, which by the later Middle Ages had developed its own corporate identity, reified and legitimized through texts, rituals, props, and architecture. Medieval justice, as Daniel Lord Smail has taught us, was consumed, but it was court professionals who also brought the product to market.

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ALESSANDRO D. CONTI, ed., *A Companion to Walter Burley: Late Medieval Logician and Metaphysician*. (Brill's Companions to the Christian Tradition 41.) Leiden and Boston: Brill, 2013. Pp. ix, 441. \$249. ISBN: 978-90-04-24461-0. <http://www.brill.com/companion-walter-burley>
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Contributors to this companion include Marta Vittorini ("Life and Works"), Catarina Dutilh Novaes ("The Ockham–Burley Dispute"), Laurent Cesalli ("Meaning and Truth"), E. Jennifer Ashworth ("Being and Analogy"), Hans-Ulrich Wöhler ("Universals and Individuals"), Elżbieta Jung ("Physical Forms and Matter"), Cecilia Trifogli ("Motion and Time"), Marek Gensler ("Generation and Corruption"), Iacopo Costa ("Ethics"), Roberto Lambertini ("Politics"), and Fabrizio Amerini ("Influence"). Fortunately, many of these contributors are experts on these fields. Alessandro Conti is not only the editor but also a principal contributor, with chapters on Burley's logic ("Theory of Categories") and epistemology ("Knowledge") and is well known for his generosity in providing transcriptions (<http://www-static.cc.univaq.it/diri/lettere/docenti/conti/Pagine/conti.htm>).

The author of "Life and Works," Vittorini, has herself recently contributed an edition of Burley's commentary on *De substantia orbis*. Dutilh Novaes notes that Ockham's criticism prompted Burley to adopt a more extreme form of realism, based on his endorsement of the view that language and thought are isomorphic with reality. Cesalli makes a similar point about his commitment to the view that logic and metaphysics are "intimately related," such that "the roots of logic remain, in a way, extralogical." Conti, too, holds that Burley "conflates the real" and the logical. Thus for Burley "homo" is predicated of many, just in virtue of the fact that each human being has humanity as a metaphysical part. Making a related observation, Ashworth writes that Burley retains "the link between semantic analogy and metaphysical analogy" (135). So this is one major theme in Burley's philosophy that is explored by the contributors. Observations about Burley's changes in position that were prompted by Ockham's attacks are another theme that links these pieces.

Ashworth's characteristically lucid discussion is supported by short excerpts from Burley's expositions of the *Physics*. Burley offers a novel description of the relations between God and