

3. Urban *Viarii* and the Prosecution of Public Health Offenders in Late Medieval Italy¹

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Abstract

Roads officials (*viarii*) were integral to many Italian cities' strategies for combatting disease and promoting health. Yet their significance for the history of environmental policing remains largely unrecognised. This chapter begins by mapping the contours of the office in the peninsula's centre and north between the thirteenth and fifteenth centuries. It then explores the activities of *viarii* in that period and region through recourse to the records of Lucca and Bologna. An examination of the Bolognese archival series throws new light on the resources that urban regimes dedicated to communal wellbeing, as well as the strategies required to implement their policies. These records offer a 'bottom-up' perspective on environmental health and the tensions underlying the exercise of premodern bio-power.

Key words: Italian city-states; Bologna; Lucca; public health; environment; fango; roads masters

In their quest to define and safeguard urban order, regimes across later medieval Italy staked claims on sites that were either understood or promoted as impacting upon communal health and welfare. Magistrates accordingly endowed infrastructures such as streets, sewers, fountains, and walls with life-preserving and life-threatening qualities, and denunciations and

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litigation concerning their misuse regularly invoked the protection, not only of a general public good (*bonum communis*), but also of local populations' health (*sanitas hominum*).² Central, if hardly exclusive, agents bringing offenders to justice in this context were small outfits of 'works' or 'roads' officials, often known as *viarii*. In some cases, their remit came to include the maintenance and supervision of urban infrastructures and the right to fine people who appeared to undermine them by creating safety hazards and spreading pollution. To be sure, these efforts were only one aspect of an evolving and multi-pronged approach to urban healthscaping.³ Yet, while the hiring of communal physicians, the foundation of *leprosaria* and hospitals, and the implementation of emergency anti-plague measures have won the lion's share of scholarly attention, the somewhat pedestrian routines of Italian *viarii* provide fresh insights into premodern approaches to public health. From this volume's perspective, moreover, *viarii*'s actions certainly included prosecutions and above all summary judicial procedures, whose role and function in the context of urban policing on the one hand and population-level prophylactic interventions on the other remain understudied.⁴

Contrary to the contention of Michel Foucault and his followers, the negotiation of power at the level of individual or communal life ('bio-power') far predates the eighteenth century.⁵ Across the Italian peninsula, numerous medieval municipalities were cognizant of the political and economic benefits of touting the positive health outcomes of their policies, and nudged residents accordingly into adopting certain behaviours construed in this light.⁶ The complex entities that Italian urban societies were in the later Middle Ages, and the environmental pressures to which they were subject, could make certain interventions at the central level seem more palatable and efficient than before. However, such interventions were not always and everywhere welcome; indeed, as we will see, there is ample evidence that apathy, disagreement, and outright resistance to top-down initiatives were common, part of a bio-power brokering that could lead

2 Bocchi, 'Regulation of the Urban Environment'; Bocchi, *Attraverso le città italiane nel Medioevo*, pp. 107-127; Balestracci, 'The Regulation of Public Health'; Greci, 'Il problema dello smaltimento dei rifiuti'; Szabò, 'La politica stradale dei comuni medievali italiani'.

3 Cohen and Farley, *Prescription for a Healthy Nation*; Geltner, 'Healthscaping a Medieval City', especially section III.

4 See pp. 124, 150-151 below.

5 Foucault, 'The Birth of Biopolitics'; and p. 15 above.

6 Geltner, *Roads to Health*, especially Chapter two. On the public good in a medieval urban context, see Lecuppre-Desjardin and Van Bruaene (eds.), *De Bono Comuni*.

to the prosecution of public health offenders. Conversely, preventative programmes, or at least their attempted enforcement, were not uniquely top-down, as ostensible ‘peripheries’ to formal political ‘centres’ also participated in shaping them.

To spotlight these dynamics, the present essay begins by distilling the preventative strategies that emerge from a large number of urban statute collections, and then proceeds to juxtapose these promulgations with the mostly neglected records of Bologna’s and Lucca’s *viarii*. The first group of documents, issued by 115 individual councils governing some 70 cities, sought to regulate diverse aspects of social, political, cultural, and economic life. Virtually every collection of extant statutes laid down some rules about public safety and wellbeing, frequently in connection with the condition and management of roads and other types of infrastructure. Evidence of roads officials’ practices, however, is more difficult to come by, either because it is integrated into more comprehensive sets of financial or criminal court records which consequently require much sifting through, or because it has been lost or destroyed over time. Thankfully, for at least two cities the roads officials’ records have partly survived and, as the final section of this essay demonstrates, they can throw much new light on how medieval prophylactic measures were implemented, what real or perceived dangers they addressed, and how well- or ill-received they were.

Health Discourses and the Public Sphere

Contrary to medieval governments’ modern reputation for apathy, numerous statute collections redacted between the early-thirteenth and the late-fifteenth century construed various substances and human and animal activities as posing health threats. Householders and other residents were commonly expected to clean outside the gates of their homes and ensure that adjacent streets and waterways (including gutters, ditches, and sewers running between and along property boundaries) remained unobstructed. And they specifically ordained that woodpiles, work-related equipment, and dirt should not block any traffic on land or water, or impede the flow of polluted, not to mention clean, water throughout the city and its hinterland. Yet there was an equally if not more serious threat, often emanating from *within* private homes. In 1296 Spoleto, for instance, all residents were required to enclose private drains and latrines running onto a public street for a distance of ten *pedes* (about 3.5 metres), in order to prevent filth from being visible (the statute does not mention odour) to

neighbours and by implication to reduce the risk of disease by intromission.⁷ And in Ravenna, a prohibition on discarding trash and excrement dating to 1327 applied to any public street, square, or gutter where ‘passers-by might be harmed’.⁸

While neither text required homeowners to bury gutters within their property or store trash and faeces as they would outside, both send a clear message about the danger involved in handling matters otherwise. Such typical promulgations, in other words, sought to revise a conceptual boundary between private and communal space from a health perspective and by recourse to a medical discourse. Other regimes used different tactics to insinuate themselves into and expand a public sphere. In Bergamo, as elsewhere in this period, heralds announced prohibitions on littering in public and letting pigs run loose, yet they also communicated information about best practices in burning dung, a potentially risky (and also miasmatic) activity that could take place inside one’s kitchen, on one’s roof, or in one’s yard.⁹ Once again, such bylaws and their public proclamation implied that protecting communal wellbeing required policing the movement of matter, bodies, sights, and scents (and hence air) across a seemingly rigorous private/public divide.

With similar goals in mind, legislators in 1394 Castelfranco di Sopra set fines for creating blockages, neglecting to clean before one’s house and workshop, leaving trash within or without the city’s walls and gates, and causing intentional damage to civic infrastructure. As is typical throughout these sources, moreover, residents were warned not to dispose of filthy water (*acqua bructa*) from their windows and balconies before the curfew bell rang; and, even then, they had to alert passers-by explicitly to the impending downpour.¹⁰ Nor was this a unique case: the same ruling can be found almost verbatim in the ordinances of Montepulciano, Pirano, and Scarperia as well.¹¹

7 *Statuti di Spoleto del 1296*, ed. Antonelli, Breve populi XXV, LXI (pp. 40, 55). On the medieval theory of intromission, see Rawcliffe, *Urban Bodies*, pp. 125-126; and pp. 22-23 above.

8 *Statuto ravennate di Ostasio da Polenta (1327-1346)*, ed. Zaccarini, III, 25 (p. 235): ‘transeuntes possint offendi’.

9 *Lo statuto de Bergamo del 1331*, ed. Storti Storchi, Collatio IV, III, VIII, VII, XII, XV (pp. 99, 128, 130, 217-237). On heralds’ communications regarding health measures ‘in locis consuetis’, see also *Statuti inediti della Città di Pisa*, ed. Bonaini, anno 1286, III, LVII (pp. 440-441).

10 *Statuti dei comuni di Castelfranco di Sopra (1394)*, ed. Camerani Marri, II, XLVIII (p. 95).

11 *Statuto del Comune di Montepulciano (1337)*, ed. Morandi, IV, CXX (p. 367). And see *Gli statuti del Comune di Pirano del 1307*, ed. De Franceschi, III, X (p. 50); *Gli Statuti di Scarperia del XV secolo*, ed. Arrighi, 36 (p. 89).

In another attempt to redefine the government's policing remit, the 1408 statutes of Figline assigned the podestà general responsibility for the city's cleanliness, and repeatedly and at length prohibited residents from keeping dung and firewood outside their homes. They were also to clean their forecourts and adjacent squares every Saturday, and refrain from leaving carcasses in public ways, throwing filth from their windows at any time, drying skins, letting pigs run loose in the piazzas, and allowing latrines to drain freely onto public thoroughfares.¹² In the late-fifteenth century, Dronero's statutes reminded residents to ensure that their drain water did not harm (*noceat*) their neighbours' property or damage public roads; and ruled that no one should allow a latrine to evacuate onto or near such a road in a way that would permit excrement or any other horrible refuse (*extercora vel aliquid aliud oribile cadens*) to be seen by passers-by. A fine of three *soldi* would be imposed on anyone littering the street with faeces, blood, skins, or dung, and on those letting a sow or its piglets refresh themselves outside the home. Watering animals at communal fountains or washing clothes in them would also be punished by a fine of twelve *denari*, roughly double a semi-skilled labourer's daily wage.¹³

Preventative prescriptions of this kind are usually silent about the resources allocated to enforce them and whether the political circumstances made direct control practical or even feasible. Magistrates sometimes did implicitly try to pre-empt non-compliance, either positively, for instance by offering to share with accusers any sums extracted as fines from offenders (carrots), or more commonly through the threat of fines for neglecting to report violations (sticks). Yet however opaque these texts are about social realities, they certainly underscore their programmes' health benefits for the population at large and thus engage in a premodern form of bio-power negotiation. For instance, when Pistoian legislators in 1296 prohibited certain artisans from working within the city walls, they justified their action by claiming that 'it is civil and expedient for the preservation of people's health that the city of Pistoia be cleared of stench, from which the air is corrupted and pestilential diseases arise'.¹⁴

12 *Statuti di Figline*, ed. Berti and Mantovani, XII, XVI-XVIII, XXVI, XXXIII, CXV (pp. 9, 12-13, 15-16, 18, 61).

13 *Gli Statuti di Dronero (1478)*, ed. Gullino, 268, 272, 387, 388, 400 (pp. 157, 158, 191, 194).

14 *Statutum Potestatis Communis Pistorii (1296)*, ed. Zdekauer, III, CLXII (pp. 150-151): 'Quoniam civile est et expedit pro salute hominum conservanda quod civitas Pistorii sit purgata fetoribus, ex quibus aer corumpitur et pestilenciales egretudines oriuntur; ideo hac lege sancimus, quod nullus artifex possit vel debeat exercere vel facere infra muros vel circulas civitatis Pistorii aliquam artem vel aliquod laborerium, unde fetor oriatur, sed debeat talem artem et laborerium, exercere

The text alludes to Hippocratic and Galenic medical theory, according to which air purity and by implication public health is compromised by foul odours.¹⁵ Presumably a shared understanding of such theories (at least among certain elites) made their invocation a useful tool for denouncing violations by private persons or artisanal production sites in the name of civic decorum, safety, and health.¹⁶ LAquila's leather workers were similarly prohibited in 1315 from operating within 100 *candas* (about 210 metres) of the episcopal palace, royal palace, and communal square, 'because the tanning of skins infects the air and disfigures the city'; and local dyers were discouraged from pouring away tainted or otherwise putrid water 'from whose stench their neighbors and other passers-by could be hurt'.¹⁷

These rubrics' appeal to miasma theory was a routine affair, although it remains a legitimate question to what extent a grasp of the underlying medical concepts was shared by contemporaries and integrated into popular notions of health (other than by means of these very statutes, of course). At any rate, public health historians, including scholars of medieval Italy, often burdened with the albatross of modernity, tend to agree that urban governments had neither the resources nor the clout to implement the public health programmes laid out in their statutes, and surmise that rulers were either hopelessly ambitious or else insincere about healthscaping.¹⁸ As we shall soon see, however, there is far more evidence than law codes for evaluating regimes' capacity for policing the urban environment, and much of it remains overlooked.

Enforcing Public Hygiene: Site Managers and *Viarii*

Whatever their actual reach into private homes, urban governments claimed direct responsibility for – and thus appropriated – certain sites, resources, and facilities. In Montepulciano, for instance, a cleaner of the communal

extra muros et circulas civitatis, in locis, unde fetor venire non possit civibus Pistoriensibus. Et quod nulla putredo, de qua fetor resultet, teneatur in aliqua apotecha seu proiciatur in aliquam viam publicam intra circulas civitatis.'

15 Coomans and Geltner, 'On the Street and in the Bathhouse'; Jørgensen, 'The Medieval Sense of Smell'; Ciecieznski, 'The Stench of Disease'; and pp. 19–21 above.

16 See pp. 55–57 above.

17 *Statuta Civitatis Aquile*, ed. Clementi, 269, 271 (p. 182): '[Q]uod molza pelliczariorum [...] aerem inficit [et] Civitatem deturpat'; 'unde vicini eorum, et alii transeuntes exinde, ex fetore predictorum offendi.'

18 Mazzi, *Salute e società nel Medioevo*, pp. 21, 39; Baroni and Berti, *Spazio alla vita*, p. 26; Zupko and Laurens, 'Straws in the Wind'.

square was installed from at least 1337, a duty he was to carry out every Saturday.¹⁹ Contemporary Florentines elected two men to clean the city's wells once annually;²⁰ and Ravenna tasked its tax collector with cleaning the public square at least twice a month.²¹ The latter's peers in Figline were likewise required to clean the market square four times a year, namely on All Saints Day (1 November), at Christmas and Easter, and on the feast of the Holy Cross (3 May), thereby creating a palpable link between physical and spiritual cleanliness.²² Fountains are another case in point. L'Aquila's Fontana della Rivera had its own guards,²³ as did Perugia's Fontana Maggiore.²⁴ The guards' duties in L'Aquila, however, were confined to protecting the site against damage and did not involve its active repair or maintenance. The division of labour in such cases emerges clearly from the statutes, which held other officials responsible or called for *ad hoc* appointments. In 1315 L'Aquila that duty belonged to the city's chief executive, or chamberlain, who would also fine anyone for throwing waste in the conduit leading to the fountain.²⁵

Offices and duties related to urban hygiene thus far predate the onset of the plague epidemic known as the Black Death (1347-1351), which historians tend to see as a singular trigger to premodern public health interventions. Yet beyond targeting specific at-risk sites and urging rulers to keep cities clean, Italian statutes also document the creation of unique government bodies charged with maintaining a group of urban infrastructures, often bundled together under the general category of 'roads' (*vie*).²⁶ Indeed, most cities issuing the legal compilations mentioned so far designated a 'roads' official (*viarius*) sometime between the mid-thirteenth and the late-fifteenth century. The process by which they began to dot the peninsula's administrative landscape was neither linear nor concurrent across cities, let alone inevitable; and, where and when it did take place, politics and the vicissitudes of cost-efficiency likely influenced its pace and timing. Broadly speaking, however, it is possible to trace in the rise of the urban roads official

19 *Statuto del Comune di Montepulciano (1337)*, ed. Morandi, IV, CLVIII (p. 385).

20 *Statuti della Repubblica Fiorentina*, ed. Caggese, II, Statuto del podestà, IV, XL (II, p. 309).

21 *Statuto ravennate di Ostasio da Polenta*, ed. Zaccarini, III, 69 (pp. 260-261).

22 *Statuti di Figline*, ed. Berti and Mantovani, XV (p. 11).

23 *Statuta Civitatis Aquile*, ed. Clementi, 281 (p. 188).

24 *Statuto del comune e del popolo di Perugia del 1342*, ed. Elsheikh, IV, 1 (II, pp. 333-340). And see Gunzburg, 'The Perugia Fountain'.

25 *Statuta Civitatis Aquile*, ed. Clementi, 93, 255 (pp. 77-78, 175).

26 Balestracci and Piccinni, *Siena nel Trecento*, p. 45.

a convergence of accumulating expertise in the hands of individuals or groups on the one hand, and a marked desire for centralization on the other.

Treviso serves as a particularly helpful example owing to the superior preservation of its earliest statutes. Here, at some point after 1207, the podestà appointed two men from each of the city's quarters to deal with the commune's roads, streets, and squares, an instruction repeated verbatim in a later addition to the statutes.²⁷ By the 1230s, however, the city's quarters were no longer mentioned in the revised instructions regarding the election of the four individuals who were to be responsible for clearing the roads 'so that the usual course of water through the streets will not be impeded'.²⁸ The move to centralize their election is unexceptional in the broader context of maintaining Treviso's infrastructure. A subsequent rubric made provision for the election of another group of four to oversee a distinctly centralized campaign: once every three years all of the public works (*omnes publice*) in Treviso and its hinterland were to be inspected and repaired, as were water facilities that were considered to be public (*aque que publice sint*), and bridges built on public roads (*in viis publicis et stratis*). The magistrates behind this redaction were clearly bent on claiming certain sites and spaces as communal, both within and beyond the city walls, and their tactic in doing so entailed the creation of a central, if still temporary, municipal outfit. By the early 1280s, all public facilities within the city were placed under the jurisdiction of a new and permanent office of public works (*officium publicorum*), which was given a very similar mandate.²⁹

Significantly, this move coincides with one of the earliest extant invocations of medical theory in the context of urban order and cleanliness. In the very same redaction of the Trevisan statutes, a rubric dealing with waste disposal underscores the importance of removing dung and other forms of filth in a timely manner, because these substances 'infect the air and create a pestilence, on account of which human bodies become infirm and even suffer death'.³⁰ The invocation of miasma theory was not an isolated event, as we have already seen. Nor was it a single instance within Treviso's statutes. An early fourteenth-century *additio* to the text admonishes residents against allowing pigs to roam the city freely, not because they threaten the physical

27 *Gli Statuti del Comune di Treviso*, ed. Liberali, 1208-1218, XLIX, CV (I, pp. 45, 72).

28 *Gli Statuti del Comune di Treviso*, ed. Liberali, 1231-1233, CCCLVIII (II, p. 133): '[I]ta quod consuetus cursus aquarum non impediatur in viis.'

29 *Gli Statuti del Comune di Treviso*, ed. Betto, 1283-1284, I, CCLXI [CCXLVIII] (I, pp. 212-213).

30 *Gli Statuti del Comune di Treviso*, ed. Betto, 1283-1284, I, CCXXXVIII (I, pp. 192-193): '[T] alia aeram inflicunt et faciunt pestilentem – propter quod hominum corpora ad infirmitates veniunt atque mortem incurrunt.'

safety of passers-by, as one might expect, but since they pollute the air and 'from the infection of the air, a great danger befalls people's health'.³¹

Medieval roads offices were thus an amalgamation of several agendas and duties centred on a number of at-risk sites. What they shared from officialdom's standpoint was their need for protection and upkeep, be it in order to avoid contamination and blockage (which, as we have seen, was often associated with the creation of miasmas), or simply for fear of dilapidation, which could cause injury or fire. Whatever the office's specific remit and the officers' terms of employment, and before delving briefly into their actual practices, it is clear that *viarii* were ubiquitous and that their mandate involved healthscaping. Underscoring the potential impact of their work on population-level health and its preventative nature with regard to the containment of disease does not involve a form of administrative retro-diagnosis; a key role in sanitary policing was intended by those who appointed them and was clear to those whose behaviour they sought to monitor. The areas and facilities falling under most *viarii*'s cognizance were designated in numerous statutes: places whose poor upkeep and supervision would likely result in air or water pollution, or threaten the safety of local residents and passers-by. Whether the main challenge they faced was neglect, apathy, opportunism, or outright vandalism, material and human factors converged to place this office at the centre of daily efforts to promote health and fight disease.

Enforcement and Prosecution: Lucca and Bologna

The prosecution of public health offenders in later medieval Italy remains a scholarly lacuna. No study exists that focuses specifically, let alone systematically, on this aspect of urban policing, despite the peninsula's rich criminal court archives and its highly developed legal and criminal historiography.³² Certainly, scholars have unearthed pertinent cases, but since these are rarely gathered in a single type of source, collating them into a coherent whole from lists of fines, court protocols, and witness testimonies is an understandably daunting task.³³ The appearance in such diverse sources of charges related

31 *Gli Statuti del Comune di Treviso*, ed. Betto, Additiones 1315, IX (I, pp. 666-667): '[Q]uoniam ex infectione aeris salutis hominum grande preiudicium inferitur.'

32 Dean, *Crime and Punishment*; Zorzi, *L'amministrazione della giustizia penale*; Vallerani, *Medieval Public Justice*; Blanshei, *Politics and Justice*.

33 Dean (ed. and trans.), *The Towns of Italy in the Later Middle Ages*, p. 54; Vallerani *Il sistema giudiziario del comune di Perugia*; Rawcliffe, 'Sources for the Study of Public Health', pp. 183-185.

to environmental pollution and other behaviours perceived as threatening to the population at large is itself indicative of the type of attention these risks received in this period, that is, outside the context of an environmental court *avant le lettre* or a designated health board. On the other hand, there is no reason to assume that each government throughout a city's history took the same approach when it came to prosecuting violators of environmental policies, and it is here that *viarii's* records provide some useful guidance.

Viarii's mandates differed across time and geography, as we have already seen. In itself variety (or inconsistency) is a poor indication of how high or low environmental protection ranked among governments' priorities, since numerous officers from the podestà downwards throughout the hierarchy could and did occupy themselves with it, not to mention ordinary citizens, guilds, and the Church. On occasion, however, we do encounter cases in which governments allocated a regular role to roads officials in the implementation of prophylactic measures and – no less important – where these officers' records have come down to us and are thus relatively easy to identify and access. Lucca and Bologna are two cases in point, and in what follows I briefly describe their roads officials' profiles and draw preliminary conclusions about their prosecutorial activities.

Viarii operated in Lucca and Bologna at least from the late-thirteenth century and continued to do so in one form or another through to the fifteenth.³⁴ While the Tuscan city employed the fairly common appellation of roads official (*ufficiale delle vie*), Bologna used the unique title of a *fango* ('dirt' or 'mud') official, long foreshadowing Mary Douglas's acclaimed definition of dirt as 'matter out of place'.³⁵ In both cities the outfit was small, consisting of one officer and a notary, and tasked predominantly with commissioning and on occasion executing public works, including the construction and maintenance of roads, bridges, walls, fountains, troughs, and canals to be used by the public at large. The Lucchese *viarii* have left us eleven registers, covering the years 1332-1377 fragmentarily, and mostly documenting their summary procedures: allegations made and fines exacted, but rarely explicit witness testimony or details of any other business associated with a routine civic or criminal trial. Their Bolognese colleagues, by contrast, have left behind hundreds of ledgers, which illuminate their construction assignments and their finances, as well as their enforcement strategies, including frequent site visits to the city's workshops and markets.

34 Geltner, 'Healthscaping a Medieval City'; Geltner, 'Public Health and the Pre-Modern City'.

35 Douglas, *Purity and Danger*, p. 35.

In both cases, the sources confirm that the officers' paramount concern, at least in financial terms, was to carry out the regime's urban development and maintenance programme. Yet the officers' constant presence on the city's streets and in local workshops and markets brought them into regular contact with its human, animal, man-made, and natural fabric, including its vulnerable airs and waters. As officialdom's eyes, ears, and noses on the ground, these men were in a privileged (if hardly exclusive) position to detect and decry pollution and safety hazards, and their almost daily reports fill numerous folios in the surviving registers. In other words, roads officials not only supervised construction, they also monitored the urban environment, including the condition of its material fabric and the behaviour of humans and animals, in order to determine whether matter was or was about to be out of place and if people's conduct posed a danger to the population at large. They were, in sum, agents of policing and of promoting a particular view of urban order, and as such they enrich our view of how this order was construed, what kind of resources regimes allocated to impose it, the scale and scope of the resistance they met, and how these various factors changed over time. Let us briefly review what that meant in each city.

Lucca

In Lucca the *viarii's* preventative programmes comprised four activities in particular. The first and most obvious was the construction and maintenance of roads, bridges, canals, and walls. The upkeep of structures, which included ensuring their viability on land and water, was explicitly linked by the pertinent statutes 'to the wellbeing and health of men and the people of Lucca[']s territory] and city'.³⁶ Second, and related to this agenda, was monitoring these sites, either in person or by serving as an address for posting (often clandestine) reports of incidents that caused pollution or damage. The *viarii's* registers amply attest their direct observation of hazards and investigation of complaints brought to their court by third parties (who could include other government officials), and it is these charges that could, when systematically analysed, help us trace the contours of what contemporaries did to uphold and undermine residents' wellbeing, at least from officialdom's perspective. A third preventative programme was to inform locals and visitors about new and existing regulations concerning safety and health.

36 Archivio di Stato di Lucca, Statuti 3 (1321), V, liii (fol. 247r): '[P]ro bono statu et sanitate hominum et personarum Lucani et civitatis.'

The registers capture several (apparently routine) instances in which the roads official dispatched the communal herald to ‘the accustomed places’ in order to pronounce prohibitions and their attendant fines, for instance regarding the misuse of ovens, waste disposal, watering animals, keeping illicit animals, and preventing blockages. To maximize impact the texts were written and presumably read out in the vernacular.³⁷

Fourth and last, if holding people accountable for their abuses (and those of their household members and animals) can be considered at least in part a deterrent measure, then bringing culprits to justice concludes our list of preventative interventions. Here we are mostly dealing with a summary procedure by which *viarii* confronted alleged violators, sometimes on-site, at others after the fact, and then proceeded either to fine or exonerate them. As a rule, conviction rates were high and procedures brief. Cases that involved extended litigation, including eyewitness testimony, are infrequent in the extant registers, although it is possible that on occasion more complex (and perhaps more acute) cases migrated to a regular criminal tribunal. A statistical study of the extensive data contained in these registers remains a desideratum, but to offer a flavour of the roads official’s caseload, let us look at one fascicule of one ledger, covering the period between late July and late September 1354.³⁸

Coming to the roads official’s attention during these two months were 38 individuals and corporate entities, including Simone Rozetti of San Lorenzo, who was condemned for diverting water from a millrun and into his own property; the officials of Santa Maria de Albrano, whose representative or *sindaco* failed to appear before the *curia viarum* after being summoned twice; Datuccio Pieri, a *stufaiuolo* of San Michele in Lucca, convicted of allowing putrid water to spill out of his stove and onto a public street; the residents of Montuolo, found collectively guilty of not cleaning their roads; Barto di Menchi of Montuolo, a citizen of Lucca, condemned for blocking a public road; Andrea Nelli of Montuolo, accused of the same offence, although no decision is recorded; three men of Ponte San Pietro and Paolo Gucci of Furci, all charged with causing damage by building a certain platform in the river Serchio under and near the bridge of San Pietro; three men condemned for occupying a public way in Saltocchio; and Giovanni Benucci of San Genaro, for obstructing a public way with wood. All remaining 24

37 Archivio di Stato di Lucca, Curia delle vie e de’ pubblici, 1-13. For transcriptions of these texts see *Bandi Lucchesi del secolo decimoquattro*, ed. Bongi, pp. 188–190; and Geltner, ‘Healthscaping a Medieval City’, appendix 2.

38 Archivio di Stato di Lucca, Curia delle vie e de’ pubblici 10 (1354), fasc. 4.

charges were brought against parishes and rural communes in Lucca's hinterland (including San Lorenzo, Gattaiola, Cerreo, San Gemignano, Volgiano, Subgrano, Tramonte, Decimo, San Ilario, San Genesi, San Pietro di Ambrello, and San Iusto) for neglecting the upkeep of roads.

While it would be premature to endorse this list as representative, some of its characteristics resonate with those of other registers. To begin with, all *named* defendants are men, an unsurprising fact given that heads of household were typically male and that the charges brought mostly related to construction activities, another predominantly male occupation in this period. Even if female heads of household approved of, or indeed initiated and participated in, these actions, it is nowhere stated. As other records attest, *viarii* were hardly blind to female offenders, but women's deviance was more likely to manifest itself in the market (selling illicit wares, trading out of hours, or outside designated commercial areas) or else in connection with the illicit disposal of domestic waste. Men are equally dominant, unsurprisingly, as formal community leaders, who comprised most defendants (26 out of 38; 68 per cent). Next, there is a significant presence of individual culprits from rural communes and of the latter as corporations, illustrating that Lucca's control over its hinterland was being exercised through this channel as well, although neither the urban centre nor its suburbs was neglected.³⁹ Finally, except in Datuccio Pieri's case, the allegations raised do not mention or imply pollution, but they do often employ the broader term 'damage' (*dampnum*) to describe the consequence of illicit actions, which could and often did extend to human bodies and beyond, since neglecting and harming infrastructures was certainly framed by Lucca's magistrates as putting public health at risk.

Bologna

Bologna's *fango* officials have left behind more numerous records than Lucca's (and any other Italian city, for that matter), attracting a modest amount of scholarly attention.⁴⁰ No study, however, has yet digested the hundreds of extant registers in full, or focused on them as sources for public

39 Bratchell, *Medieval Lucca*.

40 Greci, 'Il controllo della città'; Breveglieri, 'Il notaio del fango'; Pazzi, 'L'organizzazione dei servizi sanitari d'urgenza'; Maragi, 'La santé publique dans les anciens statuts de la ville de Bologne'; Tosi Brandi, 'Igiene e decoro'; Albertani, 'Igiene e decoro'; Geltner, 'Finding Matter out of Place'.

health or policing history.⁴¹ The available data are extraordinarily rich and very rewarding for the same reasons as Lucca's. Here too we are dealing with a modest public works outfit, headed since the late-thirteenth century by one official, whose remit straddled the city and its hinterland. The office had a regular budget for building and upkeep, acquiring materials, and hiring labourers; and in their perambulations throughout and beyond the city fango officials promoted preventative programmes much like their Lucchese counterparts, namely by detecting violations and deterring people from committing them through their physical presence, willingness to hear complaints, and penal actions. Finally, as in Lucca, they employed heralds from time to time to communicate with the population at large.⁴²

Fango officials were visible. Between December 1329 and June 1330, for instance, they recorded a total of 90 site visits. In the next semester their number rose to 94, or more than one every other day.⁴³ In subsequent terms during the period 1334-1337 a modest decline can be traced, but the average of nearly 67 excursions, that is just over one every three days, underscores the officials' regular presence on Bologna's streets and in its markets and workshops.⁴⁴ At any rate, it seems that these perambulations identified few violations, since most reports conclude with *nichil inveni* ('I found nothing'), presumably by way of real or potential damage. To a certain extent, of course, the officer's presence may have acted as an efficient deterrent on would-be offenders, yet misbehaviour did come frequently enough to the official's attention, either directly or by a third party. It is these lists of allegations and fines that furnish us with plentiful data on health-related violations.

To begin with caseloads: in a selection of nine registers from across the fourteenth century, comprising a total of 43 months, fango notaries recorded 2107 charges or an average of 49 cases per month.⁴⁵ Bologna's

41 For the documents pertinent to the office's prosecutorial activities until 1400, see Archivio di Stato di Bologna [henceforth ASBo], Curia del podesta [henceforth Podesta], Ufficio delle acque, strade, ponti, calanchi, selciate e fango [henceforth Fango], bb. 1-27, 30, 32. Much information can also be gleaned from the Capitano del popolo's judges' records for the period during which the office fell under his jurisdiction, but they are not explored here.

42 ASBo, Podesta, Fango 7, reg. 3, fol. 8r.

43 ASBo, Podesta, Fango, 18, reg. 4, fols. 16r-21v (December 1329-June 1330); reg. 5, fols. 17r-20v, 22r-25r (June-December 1330).

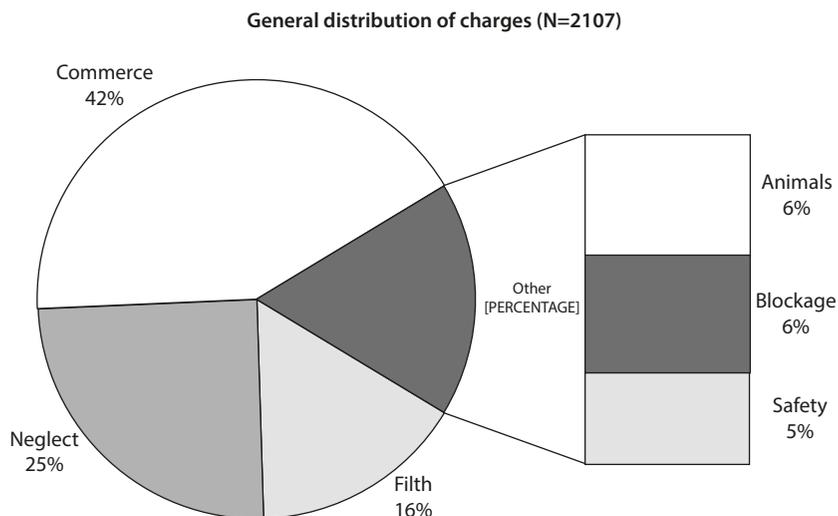
44 ASBo Podesta, Fango, 19, reg. 10, fols. 17r-20r (June-December 1334) (74 visits); 20, reg. 1, fols. 17v-18v (December 1334-June 1335) (86); reg. 2, fols. 16r-18r (June-December 1335) (70); reg. 3, fols. 21r-23v (December 1335-June 1336) (65); reg. 4, fols. 17r-19v (June-December 1336) (56); reg. 5, fols. 19r-21v (December 1336-June 1337) (60); reg. 6, fols. 25r-27v (June-December 1337) (57).

45 ASBo, Podesta, Fango, 8, reg. 3 (1300-1301); 15, reg. 2 (1317); 20, reg. 1 (1334-1335); 20, reg. 2 (1335); 22, reg. 4 (1361); 24, reg. 4 (1369); 27, reg. 8 (1378-1379).

regular criminal court, by comparison, dealt with an average of around 120 cases per month in the late-thirteenth century, as few as twenty cases a month in the early and mid-fourteenth century, and about 40 cases a month in the late-fourteenth century.⁴⁶ The caseload was thus quite substantial, especially considering that, unlike administrators presiding over regular civic and criminal tribunals, fango officials could dedicate only a fraction of their time to prosecuting offenders. However, given the nature of most offences adjudicated in this way, verdicts could easily be pronounced on the basis of confessions and eyewitness testimony (not infrequently the official's own), and sentences (mostly fines) meted out and presently collected. The officials' direct gain from their share of the collected fines may certainly have helped to speed up procedures, yet criminal court records and statutes do not support the otherwise reasonable hypothesis that this increased the attendant risk of over-zealous prosecution.

Despite their summary character, the extant entries certainly illuminate detection and prosecution activities at a higher resolution, for instance in terms of charges made, persons involved, location, and outcome. To begin with deviance itself: one way to impose some order on the matter is to place the offences under the rubrics of commerce, neglect, filth, animals, blockages, and safety (in 17 per cent of the cases I could not establish the charge). As is true of most categorizations and taxonomies, these rubrics subsume diverse types of offences. Yet the intention here is to demonstrate the interconnection between Bolognese concepts of civic order and public health. For instance, most offences under the heading of commerce concern the sale of goods outside official opening hours and/or away from designated locations. But operating off-hours and off-site also meant avoiding the quality-control officials appointed in order to ensure that residents purchased healthy fish, meat, wine, and vegetables, and that these commodities and their byproducts were not discarded in a way that endangered residents' health. The use of illegal weights and measures comprises another major sub-category within commerce, and here too the link with public health may appear to be tenuous. However, such violations could trigger a moral domino-effect; and there were certain misuses of weights and measures that could have an immediately adverse

46 Private correspondence with Samuel K. Cohn, Jr., Trevor Dean, and Sarah Blanshei is the basis of the statistics on criminal prosecutions in Bologna. For broader contextualization see Bonfiglio Dosio, 'Criminalità ed emarginazione a Brescia'; Verga, 'Le sentenze criminali dei podestà milanesi'; Dorini, *Il diritto penale e la delinquenza in Firenze nel secolo XIV*; Cohn, 'Repression of Popular Revolt'; and note 32 above.

Fig. 3.1. General distribution of charges in a selection of registers, 1300-1379

Source: ASBo, Podesta, Fango, 8, reg. 3 (1300-1301); 15, reg. 2 (1317); 20, reg. 1 (1334-1335); 20, reg. 2 (1335); 22, reg. 4 (1361); 24, reg. 4 (1369); 27, reg. 8 (1378-1379).

impact on health, for instance regarding the accurate use of recipes and safety of dosages. At any event, while promoting health may have been the impetus leading to prosecution in some cases, it is more likely that foremost on the magistrates' minds was a desire to encourage honesty and transparency, thereby protecting the unity of the civic body. Once again, we observe how the spiritual and physical attributes of health were difficult to tell apart.⁴⁷

From a more familiar modern perspective, other rubrics can be easily connected to the enforcement of preventative programmes, such as attempts to improve public safety. Prominent among this category of charges are artisans using ovens or dangerous industrial materials recklessly and carters accused of neglecting the supervision of their wagons and beasts of burden. Carters charged with neglect differ from owners of animals whose presence in the public domain was generally forbidden, and who comprise the majority of cases falling under the rubric of animals (and we will accordingly see below how broad the spatial distribution of such allegations was). But even here the overlap between safety and health is substantial, as animals could

⁴⁷ The point is fundamental in Rawcliffe, *Urban Bodies*; and Henderson, *The Renaissance Hospital*.

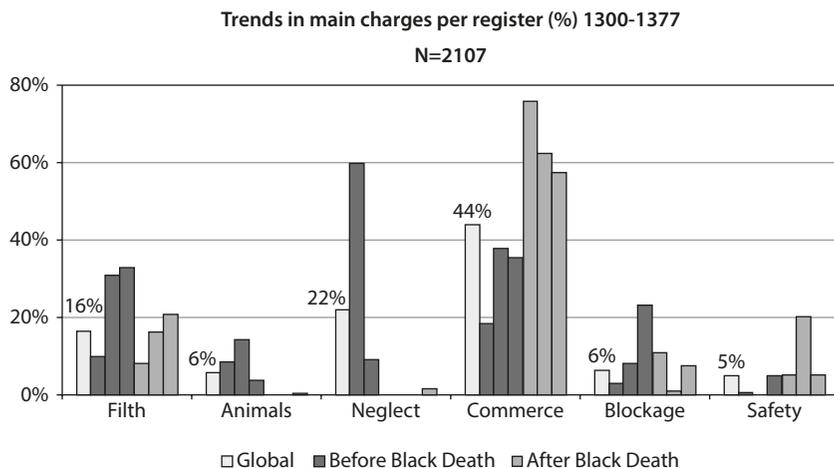
endanger residents physically by attacking them or by scattering filth in inappropriate places.

Blockage and neglect (of infrastructure) are likewise potentially overlapping categories. The main distinction here is between intentional and seemingly unintentional offences: for instance, piling wood deep into a portico, as opposed to the ownership of a leaking drain or gutter, and their respective potential consequences. Of course, depending on *what* was leaking from the gutter, an offence could be easily placed in the final category, namely filth. However, only when complaints explicitly mention environmental deterioration or threats to public health (for their potential as generators of miasmas or as hazards to the visual or olfactory senses) have they been included in the latter category. As the above chart shows, overall these allegations made up a minority (16 per cent) of cases. But using this figure to gauge public health concerns in Bologna is somewhat misleading. As already noted, various insanitary nuisances lay just beneath the surface of numerous other offences, suggesting that the category of 'filth' unnecessarily constrains us to think about public health from the limiting perspective of modernity. Either way, it is helpful to see these diverse charges as reflecting a nexus of threats that, at least in officialdom's eyes, impacted upon health at the population level and hence defined one way of promoting it.

A closer look into the frequency and location of alleged violations reveals a dynamic and complex picture of both continuity and change across the fourteenth century. Note, for instance, the fall in number of filth- and blockage-related charges and the disappearance of animal-related prosecutions and neglect after 1347-1351 (Black Death), as well as the modest and significant rise, respectively, in safety- and commerce-related charges. While explaining these trajectories remains a desideratum, the continuity of government efforts and residents' complaints is itself significant. That is, plague may have impacted upon the pattern of problems experienced and official responses to them, but it is unlikely to have sparked an interest in developing public health interventions in the first place, or conversely to have triggered a breakdown of mutual aid or government services.⁴⁸

The same data allow us to explore specific issues, such as the role of gender in the prosecution of public health offenders. Women, for example, comprise an average of 11 per cent of those charged with environmental offences. If we look at gender divisions by offence, however, some categories,

48 Here I am consciously siding with a 'continuist' view of Bolognese society brilliantly demonstrated by Wray, *Communities and Crisis*.

Fig. 3.2. Distribution of charges in a selection of registers, 1300-1379

Source: ASBo, Podesta, Fango, 8, reg. 3 (1300-1301); 15, reg. 2 (1317); 20, reg. 1 (1334-1335); 20, reg. 2 (1335); 22, reg. 4 (1361); 24, reg. 4 (1369); 27, reg. 8 (1378-1379)

such as gambling and safety, are entirely male domains, while women are somewhat more prominent (if still a minority) among deviant market vendors (16 per cent). And even here female culprits are mostly grocers and herbalists detected working off-hours or off-site, while their male counterparts, especially fishmongers and butchers, clearly commanded most of the fango's attention during market operating hours. The discrepancy between women's strong presence in the public eye, particularly in markets, and their marginalization in these records also remains to be explained, but it echoes governments' tendency in this period to embrace a more restrictive definition of female deviancy.⁴⁹

Conclusion

As urban centres, late medieval Lucca and Bologna shared a similar scale and key topographical characteristics. From the perspective of environmental protection, they also developed comparable legal norms and enforcement outfits, which moreover carried out a similar admixture of tasks. Set against the background of numerous contemporary sources, these developments appear to have been typical, and collectively they reveal an often-hidden

49 Geltner, 'A Cell of their Own'.

aspect of premodern urban policing and judicial systems. Historians of medieval public health have tended to forego an empirical evaluation of cities' preventative health and safety regulations, often owing to a perceived lack of pertinent sources. In this sense, the study of *viarii's* records and their regional parallels paves a future research path for establishing what resources premodern municipalities dedicated to fighting disease and promoting health, and in doing so they challenge claims based solely on normative sources.

Alongside public health historians, scholars of crime and punishment may also benefit from exploring this type of social deviancy and its attendant documentation. After all, and despite the relatively minor penalties meted out to public health offenders, their actions were certainly perceived as dangerous, potentially even deadly. It is, indeed, remarkable that, despite the acknowledged life-threatening nature of the violations being detected and pursued by roads officials, offences were not treated at the normative level as possible crimes. One way to explain the apparent discrepancy is that the immediate damage tended to be limited to physical structures and animals and rarely impacted directly upon human beings. Had the consequences been otherwise, resulting in injury, infection, or even death, the charge would have likely been levelled in a criminal court rather than being consigned to a summary judicial procedure. Such eventualities, however, are not explicitly treated in the legal sources regulating *viarii's* conduct and remain beyond the scope of the present essay. Sporadic evidence from elsewhere (as mentioned above) suggests that what in most cases were perceived as minor environmental offences could occasionally result in grave injuries and be persecuted as such in a criminal procedure. Either way, adding a healthscaping element to such analyses promises to enrich our understanding of premodern judicial systems and their attendant policing procedures.

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