

## The Benefits of Peace: Private Peacemaking in Late Medieval Italy

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Peace. A small, but powerful word. Even today, defining it is a quandary, as it can be applied in many different ways according to a variety of contexts. Kumhera's comprehensive book tackles the act of making peace in late medieval Italy. He highlights and analyses its diverse meanings and implications, and the impact of these various realisations of 'pax' for medieval society. What did peace really mean? Who was it for? And how long did it last? Kumhera delves into these questions, drawing out a variety of interpretations of peace, all illustrated with rich and colourful examples drawn from extensive archival research. It is these examples of medieval personal interactions between individuals and groups which really bring the subject matter to life.

While incorporating evidence from a variety of locations, Kumhera focuses specifically on Siena and Rome, where notarial records provide ample material for the illustration of the different types of peacemaking under consideration. This provides a wide range of evidence to demonstrate comparisons between different towns, and to highlight regional peculiarities. Diversity is uncovered and explored, demonstrating the variety of actions which could be understood as private peacemaking in late medieval Italy. This means that a precise, singular definition of private peacemaking applicable in all contexts is elusive. Nevertheless, Kumhera embraces this diversity to demonstrate through a wealth of peacemaking procedures that peace must be understood according to its particular context, as part of the complicated networks of medieval society.

Peacemaking is presented as a complicated interplay between public order, justice, community, power and religion. Within this, regional factors and traditions were important in determining how the practice would be realised in any given space or time. Kumhera explains the necessity for peacemaking, carefully differentiating between vengeance, feud and vendetta as three separate categories for grievances between individuals. Peacemaking needed to be flexible to address the numerous types of fault.

Kumhera's focus is on private peacemaking. In theory, this is a private peace made between two individuals, but throughout the book, this type of peace is demonstrated to be private essentially in name alone. The term usually referred to peace made between two individuals using public notaries, enforced by communal statutes. Each party would promise for themselves and their heirs that they would forgive any alleged offences and would observe the peace or risk penalties. A definition for peacemaking in the middle ages is

explored in the first chapter, emphasising the variety of different practices the term encompassed as well as the variation dependent on local governmental structures. Kumhera emphasises the everyday, almost mundane nature of peacemaking in late medieval Italy, as well as bringing out extraordinary examples of the intricate practice.

Peace agreements were usually recorded by notaries following an *instrumentum pacis*. This formula followed particular stages, finishing with the *osculum pacis*, the kiss of peace which signalled that the process had been completed. As a result of this notarisation, there is a wealth of documentary evidence pertaining to peacemaking that was carried out in this manner. However, the generic terms used in the formulaic documents means that a multitude of offences can often be obscured as neither party would have to explicitly admit their crimes or their guilt. Indeed, while these sources provide records that peace was made between certain individuals in particular circumstances, the precise details of the dispute are often missing along with the circumstances which brought about the peace.

Breaking a peace resulted in a forfeit, and different agreements had different terms as to what constituted peace-breaking. Most included the payment of a fine, sometimes small, sometimes substantial, depending on the wealth of the parties involved. Indeed, some small infractions to the peace incurred a fine, but did not constitute peace-breaking, to ensure the maintenance of peace between the parties for as long as possible. This method of making peace was attractive, as it could mean ends to feuds and complicated disputes, as it required all offences, proved or alleged, to be pardoned. The fact that no admission of guilt was required meant that diverse narratives of events could be integrated into a singular desire to make peace – as neither story would be recorded in the document, each party could continue to believe their own version of events, but nevertheless made peace with the other party.

Kumhera explores the role of peacemaking in a variety of communal settings. For example, in the second chapter he examines criminal courts. There were justice systems throughout medieval Italy, and Siena and Rome were no exceptions. These systems involved courts to deal with those who had committed specific crimes, to punish the criminals appropriately for the offences they had caused. Peacemaking was not a replacement for these systems, rather it represented a layer within the process. Offences could be settled outside court using peacemaking procedures as long as this was completed before the day of the inquest, avoiding the potential for harsher judicial sentences and imprisonment decided by the court.

However, this was not to say that every crime could be resolved in this way. The good of community was weighed up with legal precedent. Kumhera emphasises that there were some offences that were deemed so serious that they would always warrant punishment through the justice system, such as homicide. The discussion of *fama*, or notoriety, demonstrates that communal policies were not designed to accommodate serial offenders, who were usually accused for crimes of theft.

A key feature of the peacemaking ceremony was the kiss, or *osculum pacis*, explored in the fourth chapter. This has previously been considered the ‘ritual par excellence’ (p. 132), although Kumhera carefully contextualises kissing to show that it was not the ubiquitous public symbol of peace it might have seemed to be. Kissing was part of a usual greeting for a friend, and so kissing in peacemaking signified that your enemy was now made your friend. This was generally a part of peacemaking practices in the 13th and 14th centuries, but it was subject to regional variation. For example, in Verona, peace could be made with or without a kiss, each with different significance. Moreover, the use of the kiss declined into the 14th century, and a touching of hands was sometimes performed as an alternative.

Peacemaking meant that there was less conflict, fewer people were banished, and that there was less work for judges and other court officials. At the same time, revenue was still generated for the state through the use of notaries; the situation was beneficial for all parties involved. The peacemaking mechanism did not replace communal justice systems; rather it provided a different outlet which provided a more efficient and perhaps less punitive form of justice.

The locations where peacemaking took place were important, and most examples are from a municipal setting, in particular from Siena and Rome. The Sieneese examples are used throughout the volume, of criminal bans and courts, and ecclesiastical involvement in peacemaking. Roman examples form a particular focus in the sixth chapter. This highlights a particular Roman method for peacemaking, whereby a pre-written dialogue would be carried out during the peacemaking ritual. This included a script and something akin to stage directions for those involved, stipulating dress, location and posture. These carefully constructed performances would ensure that peacemaking was carried out according to local guidelines.

Kumhera emphasises that while peacemaking was under the auspices of communal jurisdiction, the town was not the only place where peace took place. Indeed, he includes numerous examples from Siena's *contado*, or surrounding area. This highlights how peacemaking was not solely an urban phenomenon confined to town spaces, but was also crucial in maintaining order in the surrounding countryside. Moreover, this kind of peacemaking does not show the weakness of communal authorities in dealing with criminal offences. Rather, it shows the usefulness of private peacemaking as a proxy for communal action.

In addition, peacemaking could be used to cross the boundary between the town and the countryside, especially in the case of individuals who had been banished for their crimes, and so were not allowed to come into the town. *Banniti* form the focus of the third chapter, and represent a category of people who had been banished for misdemeanours, or who had fled for fear of being punished. The commune made life difficult for *banniti* to encourage a settlement. For example, they could not conduct legal transactions, inherit, and could have their property confiscated.

While it seems that *banniti* were an inevitable issue, the communes aimed to reduce their number, while still making sure that their crimes were punished accordingly. Peace agreements were one method of repatriating *banniti*, as they made peace with those they had offended. Amnesties were another important factor; for example there were ten in Siena between 1302 and 1354. During an amnesty, a banished individual had to petition to be readmitted to the commune, and a committee would hear these petitions, needing a two thirds majority for a successful outcome.

Private peacemaking required the presence of a certain number of people: the parties involved a notary and at least one witness. However, there were many ways in which other individuals could become involved in the process, and even participate in it, as is laid out in the fourth chapter. For example, procurators could be used to stand in for one or both parties during peacemaking. On some level, this went against the point of making peace between two specific individuals. Indeed, Kumhera highlights three cases of this latter, where neither party was present at the peacemaking and their procurator proxies exchanged the kiss of peace in their stead. Nevertheless, it became a well-used mechanism, and was particularly useful in the cases of *banniti*, who could then return to the commune once peace was made.

*Amici* could also be used. This term refers to a kinship bond, more than a casual friend, usually due to a tie through a confraternity, although this was not a formal title as *amici* did not have the same privileges or status as procurators. There was also problematic blurring of lines, as notaries could be *amici*, as well as performing their notarial duties in recording the peace. *Amici* could create agreements for those not living in the city, setting the agreements in place before the peacemaking parties arrived to ensure things moved more quickly.

Another external party that could be involved was the arbiter, who could provide a third-party intervention that carried more weight than the actions of procurators or friends. The aim was to achieve a peaceful solution, there could be up to three arbiters involved, one for each side and one as a tie breaker, although cases of this were rare and cases with one or two were more usual. While this was a possible route to follow, Kumhera presents only five examples of arbitration in Siena, so just because procedures existed, this does not necessarily mean that they formed a frequent part of peacemaking.

Members of the clergy could also be involved in peacemaking and their role is explored in chapter five. Clerical peacemaking did exist as well, but was different to the state apparatus, and so is considered as a separate entity. Nevertheless, while the ecclesiastical records provide a clear distinction with the communal peacemaking apparatus, such a distinction is less clear with peacemaking during these periods of religious fervour. The religious impetus is undeniable, and the role of members of the church was crucial, yet the *instrumentum pacis* and communal notaries also had their role.

The role of mendicant preachers was fundamental in the promotion of peacemaking in late medieval Italy. Kumhera writes specifically about Bernadino da Siena. While there are no surviving notarial peaces from the time of his sermons in Siena in the early 15th century, this does not mean that there was no peacemaking in this period, as oral peacemaking was also a legitimate possibility. Moreover, this desire for peace promoted by preachers often aligned with governmental desires for peace in the commune, and so it was beneficial all round. Indeed, higher ranked members of the clergy could be important arbiters in peaces between parties of a high social and political status.

A frequent feature of medieval popular religion was the revival movements, many of which promoted peace. These devotional activities highlight contemporary sensibilities and the role of preachers in promulgating these movements as well as the necessity for peace contained within them. Kumhera cites the Great Alleluia of 1233 as an example where preachers in the movement acted as mediators and arbiters between individuals and families. The flagellants of 1260 and the Bianchi of 1399 are also mentioned, demonstrating that while the groups were different, they often had a desire for peacemaking in common.

Chapter seven analyses the role that women and minors played in the peacemaking process. While marriage might be thought to be a key way that women would be involved in peacemaking agreements, Kumhera actually shows how rare this was, with only three out of 2,000 Sienese cases of peacemaking involving marriage. In terms of grievances between women and violence committed by women, they were treated differently by the justice system. Violence between women was punished lightly, and if a woman committed homicide, she could only be tried as an accomplice to a man, not the main perpetrator. Women were also less likely to use *amici* and arbitrators, as they had less access to these procedures. Other factors such as disease could have an impact on the role of women in peacemaking – there were more women making peace immediately after the Black Death, although this dropped off after 1355.

So, while the act of private peacemaking ultimately took place between two individuals, a whole host of others could be involved to get them to that point of reconciliation. The different options Kumhera explores demonstrate an impressive range of experiences that those making peace could have. Indeed, the members of high profile families could be strongly encouraged to make peace with their enemies using these methods.

Those who were minors also had a role to play in peacemaking. While they were not involved personally, they could often be included in the terms of peace, particularly if one or other parent was involved. Their guardians could also make peace on their behalf, and indeed this was one way in which women were involved in peacemaking. Indeed, it is not so much the actions of minors that are at stake, it is those who were put forward to speak for them in cases where peace needed to be made.

The final chapter questions why people made peace, presenting a range of motives. For example, offenders had much to gain through the process, including potentially having their banishment lifted. Religious motives could also be at play, as peace was promoted as a good work, allowing for the remission of sin. Victims could also make peace to ensure their bodily safety, or peace could be made due to familial or community pressures. The effectiveness of peacemaking is also explored, questioning the longevity of peaces made through these procedures. This poses more of a documentary problem, as there are few records of peaces being broken, except for instances of catastrophic failure. Nevertheless, these show that peacemaking did not always work; while it provided a good forum for peace to be attempted, the parties involved did not always manage to keep the terms they had agreed.

The study of peacemaking in the middle ages in Italy is a burgeoning field. Kumhera's work follows Jansen, Palmer and Benham's recent publications on peacemaking, and the field continues to grow with a further volume from Jansen forthcoming in December 2017. Kumhera's book provides a precise exploration of the myriad world of private peacemaking in medieval Italy, with a specific focus on Siena and Rome. His numerous notarial examples of peacemaking provide a marriage of the ordinary with the extraordinary. Indeed, it is these anecdotes that make this book shine, recreating not only the mundane peacemaking acts, but also the exciting performances of peace. The author is open about the limitations of his source materials, for example the ubiquity of notarial documents which rarely tell the whole story. This leads to a careful consideration and contextualisation of each instance and its implications within the framework of medieval peacemaking.

The role of peacemaking procedures in maintaining good relationships between individuals and families is emphasised, demonstrating the important place the practice held in communal judicial systems. Kumhera deftly sets out a series of contexts and categories in which medieval peacemaking occurred in the medieval Italian peninsula, demonstrating that each must be incorporated when thinking about a definition of peacemaking. He highlights important chronological shifts alongside regional peculiarities. This excellent book provides a detailed analysis alongside pertinent case studies, and a deeper insight into the complicated practices of private peacemaking in medieval Italy.

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