**Title: Judging the judge in Giovanni Boccaccio’s *Decameron*.**

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**Abstract – 99 words**

Taking an interdisciplinary approach the paper offers a fresh legal historical understanding of the fifth story of Day Eight in Giovanni Boccaccio’s *Decameron*. Detailed analysis of the tale reveals much about the realities of the administration of justice in fourteenth century Florence and contemporary expectations of those exercising judicial authority. In making apparent the expectation that judges would look and act in a certain manner, the paper suggests that Boccaccio’s story can be interpreted as offering an insight into the extent to which public perception of a man’s identity as a judge was dependent upon his appearance and attire.

**Keywords:** *Decameron*;legal history; administration of justice; late-medieval Florence; judges; professional status; interdisciplinary

**Judging the judge in Giovanni Boccaccio’s *Decameron*.**

*Three young men pull down the breeches of a judge from the Marches while he is administering the law on the Florentine bench (Giovanni Boccaccio,* The Decameron[*VIII.5*](http://www.brown.edu/Departments/Italian_Studies/dweb/texts/DecShowText.php?lang=eng&myID=nov0805&expand=day08)*).[[1]](#footnote-1)*

The Fifth Story of the Eighth Day in Giovanni Boccaccio’s *Decameron* is relatively little-studied by scholars in the English language.[[2]](#footnote-2) It is perhaps not difficult to see why that might be the case. Although it is not the shortest story in the *Decameron*, it is quite short, at around 1200 words. It seems to lack the dramatic ‘punch’ offered by other tales which have attracted far more scholarly attention.[[3]](#footnote-3) However, it appears that its potential significance to legal historians may have been overlooked. Viewed from a fresh legal perspective, the story reveals much about the realities of the administration of justice in fourteenth century Florence. In particular, it seems to adumbrate a contemporary concern with the appearance and attire of those exercising judicial authority.

***The Decameron***

Firstly, a brief outline to the background to Giovanni Boccaccio’s *Decameron* and to the tale itself. Giovanni Boccaccio was born in 1313, either in Florence, or in Certaldo, a small town in Florentine territory. Boccaccio studied canon law, but later chose to concentrate on literature. After a period living in Naples, Boccaccio returned to Florence in 1341. His experiences during the Black Death c.1348 form the backdrop to *The* *Decameron*, which was written c.1350.

*The* *Decameron* consists of stories told by ten young Florentines, who each tell ten tales for ten days as they attempt to hide from the plague, moving location from city to countryside. *The Decameron* has, of course, been subject to many interpretations and received much critical attention. There are generally agreed to be three central themes to the stories: fortune, love and wit; although many other themes are present. The stories are told by seven women and three men. The role of these narrators in the *Decameron* has been the subject of much scholarship. Their names are pseudonyms, often indicating or alluding to specific qualities possessed by that individual. In one interpretation, the *Decameron* has been regarded as an allegorization of the virtues, with each female narrator representing a theological or cardinal virtue. Some have suggested that Lauretta, the narrator of the eighth day, can be identified as the cardinal virtue of Justice.[[4]](#footnote-4) Perhaps unsurprisingly in which case, matters of law are given prominence during the tales of the Eighth Day, which deal with the tricks men and women play against each other. Indeed, the Fifth Story of the Eighth Day concerns a trick played upon a judge by a young Florentine, Maso del Saggio.

*The Decameron* is also rich in contemporary detail, although anyone attempting to treat literature such as Boccaccio’s *Decameron* as “a window” to the world of fourteenth century Florence should proceed with caution. Using literary sources often involves historians looking not so much at the works themselves but perhaps more at their context. However, a close reading of the text itself is rewarding for the legal historian. Taken from a legal perspective, several of the tales can shed light upon aspects of the law, the legal system, even legal thought in fourteenth century Florence.[[5]](#footnote-5) Many stories feature trials; several feature lawyers; Day 4 includes references to forced confessions (IV, 10) and corrupt judges (IV, 6 and 10). The use of torture as part of the judicial process is also addressed (II, 1). Despite the view that, “Boccaccio’s *Decameron* is of less significance [than other contemporary works such as Franco Sacchetti’s *Novelle*] as a commentary on customs and mores”, themes relating to law and justice are seen to pervade the *Decameron*.[[6]](#footnote-6)

Indeed, Giuseppe Mazzotta noted that, “throughout the *Decameron* there is a concern with the law and the judicial practice that is so extensive as to appear, on close inspection, nothing less than a central category of the narrative”; and yet surprisingly there remains little scholarship devoted to the question of the law in the *Decameron*.[[7]](#footnote-7) Even Mazzotta’s detailed examination of the issues of the law in the *Decameron* summarizes the point of the Fifth Story of the Eighth Day as exposing, “what the jurist’s cultivation of appearances can become: dissemblance and fakery”.[[8]](#footnote-8) I suggest that it is not only this, but can offer much more.

For the legal historian, much of the detail of the Fifth Story of the Eighth Day in Giovanni Boccaccio’s *Decameron* is compelling. It alludes to the practical realities of how judges were appointed in fourteenth century Florence, and by whom, as well as who could (or even, as we shall see, perhaps should not) act as judge in an important city such as Florence. We gain details of everyday experiences of the law-courts, some of which perhaps indicate that matters of law and justice had a central role in Florentine society. Also, significantly for the purposes of this article, we learn of contemporary expectations of appearance and habits of those exercising judicial authority. All of this can be revealed by a detailed and close reading of the story.

**The Fifth Story of the Eighth Day in Giovanni Boccaccio’s *Decameron***

The narrator of the Eighth Day is Lauretta; as noted above, she has been identified by some as the cardinal virtue of Justice. The Fifth story itself is told by Filostrato. His name alludes to another work of Boccaccio, *Filostrato*, and also suggests one who is defeated or cast down by love.

Turning to the detail of Filostrato’s story, what do we learn? The tale told in the Fifth Story of the Eighth Day in Giovanni Boccaccio’s *Decameron*, begins:

“As all of you will doubtless have heard, the chief magistrates of our city very often come from the Marches, and tend as a rule to be mean-hearted men …”.[[9]](#footnote-9)

The paragraph is a rich seam for legal historians; it contains details of how judges were appointed in fourteenth century Florence, and by whom. It indicates that the chief magistrate or judge was appointed by the communal authorities and he in turn appointed his subordinate judges but according to criteria set down by the commune. The appointment as chief magistrate of someone who was not a Florentine citizen but one coming from elsewhere, such as the Marches (also known as the Le Marche region of modern Italy), was a well-established detail of the contemporary justice system.[[10]](#footnote-10)

From the late twelfth century, as secular authorities in what is now northern and north-central Italy took control of the administration of justice in their independent and autonomous towns and cities, a system evolved whereby a single magistrate, the *podestà*, was appointed by civic authorities to exercise their powers of law enforcement within the territory of that town or city.[[11]](#footnote-11) The podestà was usually not a citizen of the town or city in which he operated. In theory, this brought an element of impartiality to the role. His appointment was for a limited term, often one year or six months, again to encourage impartiality. This may help to explain the reference in the tale to the fact that “very often” podestà appointed by the Florentine authorities came from the Marches. In addition, Le Marche was a region with relatively limited economic resources, which led many members of its rural aristocracy to become podestà. Such officials formed, in effect, a “circulating professional aristocracy”.[[12]](#footnote-12)

There may have been other attractions to the communal authorities in Florence to appointing a podestà from a region other than Tuscany. In many cases, the podestà was an overtly political appointment.[[13]](#footnote-13) One cannot assume an identity of interest between ‘the city-states’ of the region largely comprising what is now northern and north-central Italy. Some important cities like Florence had territorial ambitions and grew to dominate their neighbors: for example, in Tuscany, from c. 1250-1340, amongst others, Arezzo, Prato and San Gimignano.[[14]](#footnote-14) Against this complex background, the choice by the Florentine authorities of law enforcement officials from Le Marche, a different but neighboring region to Tuscany, may have been prudent.

The podestà was initially a noble but, by the fourteenth century, all were usually professionally qualified, most often as judges or notaries, or at least possessing a law degree.[[15]](#footnote-15) The need for competent podestà produced a competitive market, with some cities even offering bonus payments to secure good candidates.[[16]](#footnote-16) This system of administering justice largely remained in place across the late medieval period, despite political changes and the development in certain city-states of specialized courts or systems of appeal. This therefore was the regime that pertained at the time of Boccaccio’s *Decameron*.

And because of their … avarice, they [the podestà] bring with them judges and notaries who seem to have been brought up behind a plough or recruited from a cobbler’s shop rather than from any of the schools of law”.

As this opening paragraph of Filostrato’s tale in Day VIII, 5 makes clear, the podestà was expected to bring amongst his retinue, and maintain at his expense, officials necessary to perform his role. This included judges (although the podestà himself acted as judge in some cases), notaries, and other ‘law-enforcement’ officers. Such a system ensured that a relatively small body of highly professional, learned, skilled and experienced officials was involved in frequent movement between the city-states across the region. In part this was aided by the fact that at this time, “the cities of the center and north of Italy shared a roughly similar judicial structure and similar judicial procedures”.[[17]](#footnote-17) Given the limited terms of office, often only 6 or twelve months, the mobility of many of the officials of law enforcement may have ensured transmission of certain practices across northern Italy.

Implicit in the critical tone in the opening paragraph of Day VIII, 5, is an expectation that the judges and notaries would have some form of legal education, having studied at one of the schools of law. The thirteenth century in northern Italy saw a significant increase in legal infrastructure. Concomitant with the increased role of governmental authorities in matters of justice goes an increased need for suitably qualified legal professionals familiar with the language of the law, its rules and processes, to ‘translate’ academic law into a justice system: to initiate legal proceedings, to investigate allegations, to hear and weigh evidence, to examine the accused and others, to pronounce decisions, and enforce sentences. Those educated in the schools of law, and the nascent universities, could fill that gap.[[18]](#footnote-18) The substance of the materials studied in the schools was the *ius commune*, which underpinned contemporary legal practice. This combined principles and norms drawn from the *corpus iuris canonici* (the collection of significant sources of canon law based mainly on papal decretals and promulgations) and *corpus iuris civilis* (which forms the basis of Latin jurisprudence), as mediated through commentaries and the schools of law.[[19]](#footnote-19) Remember that this legal education was something with which Giovanni Boccaccio himself would have been aware, having studied canon law at one time.

In Paul Hyams’s view, “the emergence of a new breed of schools-trained lawyers may claim to be one of the most important consequences of the medieval legal revolution”.[[20]](#footnote-20) The birth of a legal profession in a recognizably modern sense can be dated to this period, as the rise of the study of law in universities contributed to the intellectualizing of the law and the development of ethical standards of behavior among legal professionals.[[21]](#footnote-21) The opening paragraph of the tale told in the Fifth Story of the Eighth Day reveals certain contemporary expectations of judges and other legal professionals, possibly reflecting this background.

To continue,

“one of these March-men came here once to take up his appointment as podestà, and among the numerous judges he brought with him, there was one called Messer Niccola da San Leipidio, who looked more like a coppersmith than anything else, and he was assigned to the panel of judges that tried criminal cases.”

So, we have here the introduction of the main legal character in the tale, a judge. His name suggests that he originated from the small coastal town of Porto Sant'Elpidio in the Marche region. The sophisticated young men in the tale may well have regarded such a ‘provincial’ character as unsuitable to hold the important office of judge in a city like Florence, with its strong civic and cultured identity.

Note that the paragraph indicates judges would be chosen to try criminal or civil cases. In fact, Florence at this time had a relatively complex court system, including criminal courts, often overseen by the podestà or other civic officials.[[22]](#footnote-22) In addition, there were ecclesiastical and civil courts, as well as local courts, and the courts operated by the guilds. To an extent, the Florentine communal authorities were prepared to delegate or share some of the responsibility for certain matters, including the settlement or arbitration of disputes, with these other fora, leaving the communal criminal courts to deal with most serious crimes.

We then learn that “it frequently happens that people go to the law-courts who have no business to be there at all”: this indicates that the courts were open to the public (or at least possibly to certain parts of the population), and as “the courtroom was crowded”, the proceedings were sufficiently interesting, and intelligible to the layperson, that Florentine citizens would attend for interest or entertainment.[[23]](#footnote-23) In part, this may be attributable to the fact that courtrooms at this time were most often not in independent purpose-built court buildings, but were housed in existing civic buildings such as the town hall or communal *palazzi* (for example, the Palazzo della Ragione in Padua, or the Palazzo Pubblico in Siena).[[24]](#footnote-24) Such multifunctional public buildings could house political, administrative, even commercial activities as well as judicial proceedings. It was often the case that the podestà, together with his judges, notaries and other officials, had to live in the town hall throughout his term of office. In Florence, there was a separate civic building, the Bargello, which housed not only the podestà but also the machinery of administering justice, including courtrooms, prison cells and a chapel; criminal trials could also be held here. This is an imposing building, and easily defended by the podestà in times of unrest. The same can be said for the town hall in Florence, the Palazzo Vecchio (or ‘Old Palace’), also known as the Palazzo della Signoria, located on the Piazza della Signoria which was at the center of Florentine political life. Legal proceedings could also be held in the Palazzo Vecchio. People may therefore have chosen to visit the law court when otherwise engaged in the town hall, making it arguable that Filostrato’s tale is most likely set in a criminal court in the Palazzo Vecchio.

We do not know what such a law-court would have looked like. Florentine public buildings such as the Palazzo della Signoria or the Bargello have been subject to significant architectural and decorative alteration since the fourteenth century. There are few contemporary images of courtrooms, or scenes of the administration of justice. The tale itself offers some clues. We are told that the judge sat on a platform, which Maso’s friend was able to conceal himself beneath; the judge was, therefore, raised above the other participants in the court.[[25]](#footnote-25) Some indication of the elevation may be derived from Matteuzzo’s having to crawl into the space beneath. This platform was made of wood, as the judge rested his feet on a plank with what was evidently quite a substantial hole in it, “through which a hand and an arm could be thrust with the greatest of ease”.[[26]](#footnote-26) In addition, we know that Maso could see the clothing of the judge when he sat, suggesting that judges did not sit behind a closed-fronted desk-like structure. Maso and Ribi could approach the judge from either side to seize the hem of his robe, seemingly indicating that the platform was open to the sides.[[27]](#footnote-27) We can perhaps therefore imagine that it was something like a wooden dais on which the judge would sit, behind an open-fronted table or desk. Judges often assumed a position which raised them above those to whom they handed down the law; a vast number of illuminated legal manuscripts feature the law-giver seated or standing on a higher level to the other figures in the scene.[[28]](#footnote-28) Peter Goodrich has commented that a judge “needs to have a surrounding that will provide the symbolic means of rendering justice as distinct from some merely administrative act”.[[29]](#footnote-29) How much more important would such surroundings be in a room intended not only as a courtroom? The raised platform, therefore, had a significant role to play as a visual manifestation of the elevated status of its occupant and their function.

Here we also have the first complaint about the appearance of this particular judge, and the comparison to a coppersmith may be significant; this legal professional presents more like an artisan than the narrator indicates contemporary Florentines expect of their judges. The social distinction between legal professionals and artisans was also evident in the guild system in Florence.[[30]](#footnote-30) Judges and notaries in Florence were part of a guild, the *Arte de’ Giudici e Notai*, which was the oldest and most distinguished of the 21 Guilds (7 major and 14 minor) that provided Florence with its system of government at that time. The Guilds were civic, political, religious, and commercial bodies. However, and uniquely, the Guild of Judges and Notaries did not regulate commercial activity; instead it represented those in charge of administering the secular justice system: as such it was central to Florentine public life. A distinction between legal professionals and those engaged in commerce is evident in the requirement that to be listed in the rolls of the Florentine guild of judges and notaries, among the so-called judges, one had to have studied canon or civil law at an Italian university for at least 5 years, studying a curriculum known as a ‘studio generale’ in law.[[31]](#footnote-31) Criminal judges appointed by or brought to Florence by a foreign podestà would usually not be Florentine citizens and so not members of this guild, placing Messer Niccola da San Leipidio outside contemporary expectations of Florentine legal professionals. This distancing is also evident in the narrator’s disparaging reference to judges and notaries who looked like countrymen, or cobblers, and the comparison of Messer Niccola da San Leipidio to a coppersmith.

The tale also informs us what so enraged the protagonists in the tale about the appearance of the judge.

“… he was struck by the [judge]’s curious and witless appearance, and began to scrutinize him carefully. And amongst the many strange features that he noted, unbecoming in any person of tidy habits and gentle breeding, he saw that the fur of his judge’s cap was thick with grime, that he had a quill-case dangling from his waist, and that his gown was longer than his robe”.[[32]](#footnote-32)

Note that we learn nothing of the judge’s personal attributes: whether he was tall or short, thin or fat, is not evident. The focus is specifically and consistently on his attire. In this way, Boccaccio’s story offers an insight into the extent to which public perception of this man’s identity – and suitability - as a judge was dependent upon his appearance and formal legal dress.

However, it is unsurprising that Maso commented upon details of clothing. The fourteenth century is often said to be the “starting point of fashion”, meaning people would have become increasingly aware of the range of clothing available and alive to particular nuances of changes in garments, particularly of “the increasing separation of clothing into fashionable dress and formal dress”.[[33]](#footnote-33) This distinction is important in terms of there being a symbolic language of dress to convey modes of behavior. There is much research on the significance of medieval dress and textiles, and the meanings conveyed through their use.[[34]](#footnote-34) The development of specific legal dress may be set in this context too: clothing could not only indicate a person’s worldly status, their wealth or social status, it could also represent a character’s condition.[[35]](#footnote-35) In the reactions of Maso and his friends to this judge’s appearance, we may see the contempt of wealthy Florentines to clothing indicating a lack of wealth, or a lack of respect deserved for a failure to dress appropriately to his professional status.

It is interesting that Maso was perturbed by the judge having at his waist a *pennaiuolo* - a pen-case or quill-case.[[36]](#footnote-36) This criticism is not easy to understand; the case may have carried meanings or connotations now lost to us. Its presence at least appears to confirm that the judge was literate. Literacy was obviously important for those entering the professional and commercial worlds in late-medieval Italy. Florence itself was a highly literate society: a statement in a mid-fourteenth century Florentine chronicle indicating that 67-83% of male citizens in Florence attended school may seem surprisingly high, and has been debated by scholars, but is generally regarded as borne out by the 1427 *Catasto*, the tax return submitted by all citizens and residents of Florence.[[37]](#footnote-37) Fourteenth century Florence even had a system of public education, with schools and teachers funded by the communal authorities.[[38]](#footnote-38) It seems puzzling that Maso was moved to disapprove of this pen-case. One interpretation might be that the *pennaiuolo* should perhaps not have been worn so visibly by a judge; that it in some way compromised or detracted from the dignity of his formal legal dress. If so, here is a further indication that contemporary Florentines had quite specific expectations of the attire and appearance of those exercising judicial authority in the city.

However, it is difficult to get a clear impression of what exactly judges in Florence would have worn. There are few if any contemporary Florentine artworks which specifically represent a judge in court, and the mid-fourteenth century is rather too early for reliable portrait painting.[[39]](#footnote-39) In any event, “in the visual representations of clothing in art of this period, there are daunting uncertainties in matching the type of garment pictured with the written descriptions”.[[40]](#footnote-40) This perhaps underlines the importance of literature as a source for legal historians in such matters. Arguably, “by the beginning of the fourteenth century, academics and some other professionals were easily recognizable by their dress”; in which case, we might expect at this time that the judge’s costume would have made him readily identifiable in the courtroom.[[41]](#footnote-41)

The tale offers some detail of what this legal dress might comprise: the judge is described as wearing a cap, a gown and a robe. In Italian, the tale refers to *capo*: this may be translated as cap, but also cape. Either could be expected in contemporary clothing. Men would wear a form of hat, cap or hood; evident for example in some of the great Italian fresco cycles of the mid-fourteenth century, such as the citizens shown in Ambrogio Lorenzetti’s *The Good Government*  allegory in Siena’s Palazzo Pubblico (1337-40). Doctors of law in the thirteenth and fourteenth centuries would wear hoods, often of the expensive cloth ‘scarlet’ and trimmed with white fur.[[42]](#footnote-42) ‘Capo’ may also refer to a form of shoulder-cape; robes or shoulder-pieces were particularly associated with teachers at universities, and doctors of law. Shoulder-capes also feature in certain artistic images of nobles, lawyers and judges produced in and around northern and north-central Italy in the fourteenth century.[[43]](#footnote-43) The *capo* (whether cap or cape) worn by the judge in the tale featured fur (*vaio* in the Italian). Maso was critical that this was “affumicato”: ‘smoky’; so, grimy or discolored: perhaps from this we can infer that the fur trim should have been white. Garments at this time were often lined or trimmed with fur, which was often white: ermine, miniver, or vair, a fur like miniver. This latter was often indicated in medieval art by grey and white escutcheons, indicating the fur made from the backs of grey squirrels sewn together with their white underbellies.

In the tale, the judge also wore a gown and a robe, but these are described as “skimpy”; clearly these were too small for the judge, whether because they were acquired cheaply second-hand, or because he had gained weight without acquiring more suitable clothing. Maso also evidently disapproved of the judge’s gown being longer than his robe. Understanding Maso’s criticism in this regard is complicated by the fact that names for garments are unclear in Italy in this period, and as Margaret Scott noted, “there are regional variations in the names for similar garments”.[[44]](#footnote-44) An element of caution is therefore needed when considering the terms that appear in Day VIII, 5 of Giovanni Boccaccio’s *Decameron*: *la guarnacca* – most likely a form of super-tunic, or outer robe - and *la gonella* – the under-tunic. Citizens of Florence are likely to have worn outfits known as *robe*: “tunics with tight under-sleeves and super-tunics with looser three-quarter-length sleeves”, which “came to constitute almost a uniform of citizenship”.[[45]](#footnote-45) Men of social status may have worn outer garments with fuller, cape-like sleeves.[[46]](#footnote-46) All such details were important in the messages conveyed by appearance. A “garment’s length, width, number of layers, and quality of lining material” all contributed to the evaluation of its wearer by an informed viewer; and an informed medieval viewer has been compared to a “student of reception theory today”, in their ability to search details for clues and subtle messages.[[47]](#footnote-47)

In any event, Maso’s disapproval indicates that, as such an informed viewer, he considered the length of clothing to be significant. Shorter clothes for men seem to have appeared in western Europe around 1335.[[48]](#footnote-48) They may well have been worn for practical reasons much earlier. Maso’s views may have derived from an association of shorter robes with artisans, laborers, non-professional men; as Joanna Woods-Marsden noted, “the single most important factor determining an individual’s personal standing in the Renaissance [taken as meaning the period c. 1300 to 1600, so covering the mid-fourteenth century] … was the rank attached to his/her occupation, and this occupation was always evaluated socially on the basis of its proximity to, or distance from, physical labor”.[[49]](#footnote-49) An association between short clothing and lower social status was evident in illuminated manuscripts, where analysis by Susan L’Engle reveals urban scenes generally featured long-robed figures, while lower classes of society – including criminals - tended to be “distinguished in medieval representations by more modest or abbreviated clothing … In general, short robes … designated an individual of inferior social class or of questionable merit”.[[50]](#footnote-50) This distinction may explain Maso’s view of the judge’s gown being shorter than his robe as “unbecoming in any person of tidy habits and gentle breeding”; his comments representing the views of a citizen of a thriving and important city such as Florence of someone from the Marches, a less-distinguished location, and towards those from lower social classes, a ‘coppersmith’, or those ‘brought up behind a plough or recruited from a cobbler’s shop’.

Alternatively, Maso’s critical view of the length of the gown worn by the judge may have derived from an association of shorter robes with a hated political regime. In Florence, the style for shorter robes came to be associated with the French followers of Walter IV de Brienne, the Duke of Athens, who had a brief ten month period of despotic rule over Florence in 1342-3 before he was forced from the city (this is discussed in more detail below).[[51]](#footnote-51) Odile Blanc noted that “the new mode of dress became a symbol for the illegitimate government of Florence that had appointed a foreigner as head of the city-state”.[[52]](#footnote-52) Worn intentionally to invoke this regime, or otherwise, this association would have ensured short robes were noteworthy in mid-fourteenth century Florence. In any event, the tale informs us that the judge’s under-tunic hung down below his outer robe, and that this was a sartorial *faux pas* worthy of criticism.

A contemporary Florentine viewer would have been well-equipped to draw quite detailed conclusions about a woolen garment and its wearer, as much of the city’s wealth derived from wool. A fourteenth century chronicle estimated its total annual value of wool production in the 1330s at 1,200,000 florins, not including profits*.*[[53]](#footnote-53) For context, average annual living costs at that time were around 13.5 florins per annum.[[54]](#footnote-54) It is estimated that in the second quarter of the fourteenth century at least 10,000 artisans and workers would have had some involvement in the wool trade in Florence.[[55]](#footnote-55) Other accounts suggest that roughly one-third of the population of Florence was involved in the wool industry in some form.[[56]](#footnote-56) Carole Collier Frick observed of Renaissance Florence that “in such a cloth-sophisticated milieu, every subtle distinction between grades of fabric was undoubtedly known and evaluated”.[[57]](#footnote-57) The production of wool involved at least 27 different processes.[[58]](#footnote-58) However, some finer grades of wool required even more. For example, ‘scarlet’ was not so much a color as a specific and expensive woolen cloth.[[59]](#footnote-59) Much of its expense – and therefore its cachet – lay in the complexity of its manufacture. It required elaborate finishing, brushing three times and shearing the raised surface, to produce a finish that was “soft, dense and velvety”.[[60]](#footnote-60) Such cloth would have been associated with higher levels of society.

Many early judges would have been nobles, or figures of established authority within a particular community. Indeed, Lauro Martines’ analysis of family and background indicated that most prominent fourteenth century Florentine lawyers came from old ruling families.[[61]](#footnote-61) So, it is possible that at the time of the *Decameron*, judges would tend to wear clothing similar to that of doctors of law or medicine, and other figures of secular authority (many judges may have been doctors of law, of course).[[62]](#footnote-62) Judicial and legal clothing could therefore include robes, often made of the expensive woolen cloth ‘scarlet’. As discussed above, these woolen robes could have white trim or features, being trimmed or lined with fur, and were sometimes worn with a hat similarly trimmed, or a shoulder-cape of such fur. This seems consistent with references in Boccaccio’s *Decameron* to Florentine judges or lawyers in flowing robes of scarlet and vair (VIII, 9).[[63]](#footnote-63) It is therefore significant that “luxury trimmings such as fur linings automatically evoke status and power”.[[64]](#footnote-64)

A highly visible and readily identifiable means of identifying the status and authority of the judge in any courtroom was to adopt specific and noticeable clothing. Fourteenth century Florentine courtrooms also evidently used other physical signifiers of judicial status; as noted above, in the tale the judge sat on “the bench of justice”;[[65]](#footnote-65) this was raised on a platform, and sufficiently elevated for Maso’s friend to conceal himself beneath.[[66]](#footnote-66) Judicial clothing and an elevated position emphasize the visibility of the law in that place; it is in a sense performative. The tale posits a relationship of appearance/attire and professional competence. With the wearing of clothing of status go certain expectations of the person in that role: the failures in the judge’s dress and appearance can therefore be read as ‘signs’ which act to diminish or devalue the status attached to legal professionals. This is perhaps best exemplified in Maso’s criticism of the “remarkable” breeches of the judge, with their drooping crotch.

We can perhaps see one consequence of this diminution or devaluation in the fact that Maso and his friends thought it acceptable to play a practical joke on a judge whilst he was in court and sitting on the bench of justice. Boccaccio’s use of humor is evident in many of the tales, several of which involve practical jokes with an element of slapstick or ridicule. These tales deploy the practical joke as a literary device, known as a *beffa*, based primarily on the role of its agent or its victim.[[67]](#footnote-67) Day VIII also features another tale, Story 9, in which a practical joke is played upon a member of a profession, in that case a doctor. The protagonist in VIII, 5, Maso del Saggio, perpetrates another *beffa* on a simple fellow in VIII, 3. This would appear inappropriate in the case of someone holding the important and esteemed role as a judge in late medieval Florence. However, such a prank or deception is intended to achieve a specific goal.

Salvatore Di Maria noted that Boccaccio made extensive use of the *beffa* in the Decameron, in which the dupes are characterized by “mental and/or social shortcomings”.[[68]](#footnote-68) It has been suggested that “the foolish magistrate, like all fools in the Decameron, is mercilessly flouted by the tricksters”.[[69]](#footnote-69) The prank undoubtedly lowered the dignity of this judge, “literally divesting the figurehead of his semblance of authority”.[[70]](#footnote-70) Here, Maso and his fellow Florentines rejected an expectation that they should accord the person fulfilling the judicial role a dignity and respect that the individual – by his attire and appearance – evidently did not deserve. The tale therefore contains a warning, of how important attire and appearance were in maintaining respect for the judge and his position. The *beffa*, a practical joke, seems to indicate how easy it would be to alter the power relationship in the court, if the judge did not command authority.

The *beffa* may also have a broader consequence: “by the mockery the very principle of inviolability of the law is subverted”.[[71]](#footnote-71) Does the *beffa* risk disruption of normative authority? On the contrary, it is the judge’s failure to conform to expectation that does so. In the medieval world, there was a belief that appearance could indicate character or personal qualities. An inappropriately ‘scruffy’ judge subverts the normative order. The notion of subversion or inversion in the tale is interesting: the theme of inversion or reversal has been identified in the fabliaux, comic or satirical tales from medieval France, widely acknowledged as having at least partly inspired Boccaccio’s *Decameron*.[[72]](#footnote-72) But the theme of inversion could be used here by Boccaccio also to refer to the possibility of the breakdown of society and the rule of law. Could concerns at the disreputable appearance of a representative of legal authority echo contemporary fears of a breakdown of society?

This was important: a judge who failed properly to exercise his authority could pose a direct threat to the rule of law, and so to the security of Florence, which may well have been a pressing concern in the mid-fourteenth century. Many scholars have reflected upon the impact upon the *Decameron* of a fear of a breakdown of social order. Joy Hambeuchen Potter noted “the way in which [the *Decameron*] reflects Boccaccio’s awareness that his world is in crisis and his society in transition”.[[73]](#footnote-73) Thomas M. Greene suggested that the value of social stability was even built into the structure of the *Decameron*.[[74]](#footnote-74) Concerns over possible breakdown in society in Florence at this time stemmed from several sources.

Florence’s usually turbulent politics appears to have worsened from c. 1320s, leading to the decision to forfeit independence and seek stability in foreign rulers, such as Robert of Naples (*signore* of Florence 1313-22) and his son, Charles of Calabria (1325-28). Thereafter, a merchant ‘oligarchy’ took control. Florence’s economic situation was badly affected in the 1330s by the bankruptcies of several banking houses, and on-going territorial battles. In 1340 there was a failed coup and the Florentine elite invited Walter of Brienne, the Duke of Athens, to take control in 1342. Although strong leadership had been a quality sought in Walter, his reign would be characterized as ‘despotic’, particularly in relation to the financial demands he made of its citizens. His ‘tyrannical’ rule, whilst welcomed by many of the lower classes, led to his violent expulsion from Florence in 1343. There is evidence to suggest that such economic, social and political upheaval may have impacted upon social stability, as “in Florence between the mid-1340s and mid-1350s there was a rise in prosecuted crime”, even though the long-term trend – in violent crime, at least – was downward.[[75]](#footnote-75) This, of course, may not mean an increase in the number of crimes actually committed; it may have been attributable (whether in whole or in part), to an increased willingness by the Florentine authorities to bring prosecutions. However, this in itself may indicate a need to exert a level of control over a city stricken not only with economic, social and political concerns, but also facing the Black Death, which arrived in Florence in 1348.

The terrible impact of Black Death is evident throughout the *Decameron*: indeed, the narrators would not be telling the stories that comprise the work if they were not attempting to evade the plague. The fact that both his father and stepmother died of the plague may well have contributed to, or prompted, not only Boccaccio’s desire for order to prevail over chaos, but also “his respect for human law in the midst of social dislocation”.[[76]](#footnote-76) The introduction to the *Decameron* makes clear Boccaccio’s fears:

“In the face of so much affliction and misery, all respect for the laws of God and man had virtually broken down and been extinguished in our city. For like everyone else, those ministers and executors of the laws who were wither not dead or ill were left with so few subordinates that they were unable to discharge any of their duties. Hence everyone was free to behave as he pleased.”[[77]](#footnote-77)

His words evocatively convey a sense of urgency at the seeming imminence of the threat of social breakdown and descent into anarchy. “Because both crime and disease threatened society as a whole, the presence of one called forth fear of the other”.[[78]](#footnote-78)

Thomas M. Greene noted that “the horror of communal dissolution depicted so vigorously in the introduction is itself a measure of the value of social stability”.[[79]](#footnote-79) Threats posed to the values or status of the law, courts, or legal professions could challenge the continuation of the continuing social order. In Florence, a city which had experienced extreme social and political upheaval at many points during the thirteenth and fourteenth centuries, we might expect a perhaps understandable emphasis on the role of the judge in maintaining law and order. The appearance and attire of the judge in Day VIII, 5 cast doubt upon his ability to do so, his perceived inadequacies posing a challenge to the place held by the law in that society. In this way, Day VIII, 5 deals directly with one of the important themes of the Decameron; a tale of one practical joke widens out to air the fears of a whole community.

However, far from lowering the esteem in which judges were held in contemporary Florence, the joke played on the judge from the Marches both evidences and reinforces it. The narrator himself addresses this point:

“When the podestà, for his part, was told what had happened, he practically threw a fit. But when it was pointed out by his friends that this had only been done in order to show him that the Florentines knew he had brought fools with him instead of judges so as to save money, he thought it best to hold his tongue, and nothing more was said about the matter”.[[80]](#footnote-80)

The intervention of Maso is therefore to be seen in a positive light. The judge received nothing less than his just deserts by the prank: in falling short of the dignity expected of legal professionals in Florence, he was deserving of ridicule. In a sense, justice was done. “The representation of legitimacy must be by means of legitimate signs”.[[81]](#footnote-81) A judge must act – and dress – in a manner consistent with his position of authority. By indicating how far this judicial appointee fell short of what Florentines could reasonably expect of their legal professionals, Maso and his friends ensured the podestà was aware of an expectation that he provide a better caliber of judge in future. Maso’s specific accusation that it was the “inborn miserliness and avarice” of the podestà that led to his judge being on the bench in a Florentine courtroom, appears to make a connection between the shortcomings of the judge and the method of judicial appointment. Seemingly, Florence, like other communes, found that “allowing the podestà to hire his own judges and to negotiate their salaries left him too much temptation to economize on experience and ability”.[[82]](#footnote-82)

This discontent with his officials would be a matter of concern for any podestà, as his administration was subject to a “veritable trial” at the end of the term of office, in the form of a mandatory review known as the syndication process.[[83]](#footnote-83) Syndication was intended to ensure accountability for any omissions or crimes committed during office by the podestà or any of his officials; all citizens could lodge complaints, and there was no right of appeal. Syndication trials could cover, for example, podestà considered deficient for not having the proper retinue, i.e. insufficient or incompetent men.[[84]](#footnote-84) The city might decide not to pay the podestà (who was responsible for paying his retinue), or even punish them if their behavior fell short of expectations; usually this was by means of a fine, but a conviction of misfeasance in office would disqualify a podestà from serving in another city.[[85]](#footnote-85) Evidence suggests that most syndication trials in fourteenth-century Florence ended in absolution, allowing both city and podestà to save face.[[86]](#footnote-86) However, Maso and his friends offered a clear warning that this could not be assumed to the podestà who had chosen Messer Niccola da San Leipidio as one of his judges: by their actions, this judge, as judge, is judged, and found wanting.

**Conclusion**

As we have seen, fourteenth century literature, specifically the fifth story of Day Eight in Giovanni Boccaccio’s *Decameron*, reveals a contemporary concern with the appearance and attire of those exercising judicial authority. At a time of heightened social tension, we can see that the appearance of this judge and the attitude of the podestà towards the appointment of his law enforcement officials were perceived as posing a threat to the stability of the city. A failure in appearance was perceived as indicating someone unsuitable for and unworthy of the role and status afforded to legal professionals by the fourteenth century. However, more than that, a judge who failed to present the attire and appearance expected of such an authority figure could be seen as indicating a justice system, or even a society, breaking down or under threat.

Marco Wan posed the question of what intellectual gain can be made from a legal reading of literature or other texts from the humanities.[[87]](#footnote-87) Literature has much to tell us about law, lawyers, and the societies of which law is a part. This article has sought to explore how taking an interdisciplinary approach and staging an encounter between law, literature and legal history, can achieve fresh understandings. Exploring Giovanni Boccaccio’s *Decameron* VIII, 5 as a dialogue, as literature responding to developments in legal history and to legal debates of its time, offers a clearer understanding of the role and public perception of officials of the law as part of the social order in late-medieval Florence.

**7137 words, excluding footnotes**

**9187 words, including footnotes**

**Footnotes**

All references are to Giovanni Boccaccio, *The Decameron*, trans. G.H.McWilliam (Harmondsworth, Penguin Books Ltd., 1972). The Fifth Story of the Eighth Day begins on page 610.

2 Detailed discussion of the place of the *Decameron* in Italian and European literary tradition or the vast literature and scholarship it has inspired is beyond the scope of this article. Of necessity, a specific narrow focus has been taken, to encourage legal historical study of a tale which might not otherwise attract such an approach; similarly, wherever possible,

references are to resources in the English language, to broaden accessibility.

3 Much scholarly attention seems to have focused on the stories of Day IV, 9; Day V, 1 and 8; Day VII, 7; Day VIII, 7; and Day X, 10.

4 See Victoria Kirkham, ‘An Allegorically Tempered Decameron’, *Italica* Vol 62, No. 1 (1985), pp. 1-23. Her name may also be intended to allude to Petrarch’s Lauretta, or Laura; Boccaccio responded to Petrarch’s poetry in his *De Vita et Moribus Domini Francisci Petracchi Florentia*. See Martin Eisner, *Boccaccio and the Invention of Italian Literature: Dante, Petrarch, Cavalcanti and the Authority of the Vernacular* (Cambridge, Cambridge University Press, 2013), p.79.

5 On relationships between the *Decameron* and legal thought, see Giuseppe Mazzotta, *The World at Play in Boccaccio’s Decameron* (Princeton N.J., Princeton University Press, 1986), pp. 213-240.

6 G.A. Brucker, *Florentine Politics and Society 1343-1378* (Princeton N.J., Princeton University Press, 1962), p.401.

7 Giuseppe Mazzotta, *The World at Play in Boccaccio’s* Decameron (Princeton N.J., Princeton University Press, 1986). For Mazzotta’s examination of themes of law and justice in the Decameron, see Mazzotta, World at Play, pp. 213-240. The quotation is from page 213.

8 Mazzotta, World at Play, p. 239. For Mazzotta’s analysis of the Fifth Story of the Eighth Day, see pp.187-190.

9 Boccaccio, *Decameron*, p. 611.

10 A brief and accessible general introduction to the administration of justice in the late-medieval city-states of northern Italy is Philip J. Jones, *The Italian City-State: From Commune to Signoria* (Oxford, Clarendon Press, 1997), pp.374-382.

11 Although there is no significant work in English on the role of the podestà in medieval Italy, a useful introduction can be found in David S. Chambers and Trevor Dean, *Clean Hands and Rough Justice: An Investigating Magistrate in Renaissance Italy* (Ann Arbor, University of Michigan Press, 1997).

12 Franco Cardini, ‘Intellectuals and Culture in Twelfth- and Thirteenth-Century Italy’, in Trevor Dean and Chris Wickham, eds., *City and Countryside in Late Medieval and Renaissance Italy* (London, The Hambleton Press, 1990), pp. 13-30. The quotation is from page 21.

3 This can be seen in Florence, for example, where Charles of Anjou served as podestà (1267-1282): and Robert of Anjou nominated the podestà from 1313-1322; thereafter, until 1325, the podestà was democratically elected.

4 On the territoriality of the city-states see Stephan R. Epstein, *‘*The rise and fall of Italian city-states’, in Mogens Herman Hansen, ed., *A Comparative Study of Thirty City-State Cultures: an Investigation.* (Copenhagen, Kongelige Danske Videnskabernes Selskab, 2000), pp. 277-294.

5 This professionalization of the role of podestà is considered in Jones, *The Italian City-State*, pp. 412-5.

6 In the case of Siena see William M. Bowsky. *A Medieval Italian Commune: Siena under the Nine, 1287-1355* (Berkeley, University of California Press, 1981), p. 30.

7 Trevor Dean, *Crime and Justice in Late Medieval Italy* (Cambridge, Cambridge University Press, 2007), p. 11.

8 On the schools and universities at this time, see Antonio García y García, ‘The Faculties of Law’, in Hilde Ridder-Symoens, ed., *A History of the University in Europe* (Cambridge, Cambridge University Press, 1992), pp. 388-398. For details of the structure of law schools, see Manlio Bellomo, *The Common Legal Past of Europe* (Washington DC, Catholic University of America Press, 1995), pp. 112-125.

9 For an accessible and detailed investigation of the development of the *ius commune*, with a particular focus on the impact of Roman law, see Paul Hyams, ‘Due Process versus the maintenance of order in European law: the contribution of the *ius commune’*, in PeterCoss, ed., *The Moral World of the Law* (Cambridge, Cambridge University Press, 2000), pp. 62-90, 80.

20 Hyams, ‘Contribution of the *ius commune*’, p. 84.

2 For this view, see James. A. Brundage, ‘The Rise of Professional Canonists and the Development of the *Ius Commune*’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 81 (1995), pp. 26-63.

22 For further detail on the court system in fourteenth century Florence, see Laura Ikins Stern, *Criminal Law System of Medieval and Renaissance Florence* (Baltimore, Johns Hopkins University Press, 1994).

23 Boccaccio, *Decameron*, p. 612.

24 See further, Samuel Y. Edgerton, Jr., *Pictures and Punishment: Art and Criminal Prosecution During the Florentine Renaissance* (Ithaca, New York and London, Cornell University Press, 1985), p.52, especially note 39.

25 Boccaccio, *Decameron*, p. 612.

26 Boccaccio, *Decameron*, p. 612.

27 Boccaccio, *Decameron*, p. 612.

28 See, for example, Susan L’Engle and Robert Gibbs, *Illuminating the Law* (London, Harvey Miller Publishers, 2001).

29 Peter Goodrich, *Legal Emblems and the Art of Law: Obiter Depicta as the Vision of Governance* (Cambridge, Cambridge University Press, 2013), p.3.

30 For an introduction to the Florentine guild system, see Richard A. Goldthwaite, *The Economy of Renaissance Florence*(Baltimore, The Johns Hopkins University Press, 2009), pp. 341-407.

3 Lauro Martines, *Lawyers and Statecraft in Renaissance Florence* (Princeton, N.J., Princeton University Press, 1968), pp.30-31.

32 Boccaccio, *Decameron*, p. 611.

33 Margaret Scott, *Medieval dress and fashion* (London, The British Library, 2007), p. 79.

34 Interesting introductions to this area include Mary Rogers, ed., *Fashioning Identities in Renaissance Art* (Aldershot, Ashgate, 2000) and Désirée G. Koslin and Janet E. Snyder, eds., *Encountering Medieval Textiles and Dress* *Objects, Texts, Images* (New York and Basingstoke, Palgrave Macmillan, 2002).

35 See Linda Anderson, ‘Proud as a Dog in a Doublet’, in Koslin and Snyder, *Encountering Medieval Textiles*, pp. 223-232, at p.226.

36 The *Dizionario italiano* defines *pennaiol*o variously as a container desk to hold pens and writing materials; and, secondly, as a small box with pen and ink, which was held at his waist by judges, notaries, etc.: it would be interesting, but beyond the scope of this study, to establish whether this latter definition derived from the reference in *The Decameron* itself.

37 See Giovanni Villani’s *Nuova Cronica*, a fourteenth century history of Florence. On the *catasto*, see David Herlihy and Christiane Klapisch-Zuber, *Tuscans and Their Families: A Study of the Florentine Catasto of 1427* (New Haven, Yale University Press, 1985).

38 See Robert Black, *Education and Society in Florentine Tuscany: Teachers, Pupils and Schools* Volume 1 (Brill, Leiden, 2007).

39 For an introduction to this fascinating area, see John Pope-Hennessy, *The Portrait in the Renaissance* (New York, Pantheon, 1966).

40 Carole Collier Frick, *Dressing Renaissance Florence* (Baltimore and London, The Johns Hopkins University Press, 2002), p.149.

4 Scott, *Medieval dress*, p. 84.

42 Scott, *Medieval dress*, p. 85. See also Susan L’Engle, ‘Ad*dress*ing the Law: Costume as Signifier in Medieval Legal Miniatures’, in Koslin and Snyder, *Encountering Medieval Textiles*, p. 137-153, at p. 142.

43 L’Engle, ‘Ad*dress*ing the Law’, p. 142.

44 Scott, *Medieval dress*, p. 85.

45 Scott, *Medieval dress*, p. 85-8.

46 Scott, *Medieval dress*, p. 85-6.

47 Désirée Koslin, ‘Value-Added Stuffs and Shifts in Meaning’, in Koslin and Snyder, *Encountering Medieval Textiles*, pp. 233-249, at p. 236 and p. 242.

48 Scott, *Medieval dress*, p. 97.

49Joanna Woods-Marsden, ‘Introduction: Collective Identity/Individual identity’, in Mary Rogers, ed., *Fashioning Identities in Renaissance Art* (Aldershot, Ashgate, 2000), pp. 1-16, at pp. 2-3.

50  L’Engle, ‘Ad*dress*ing the Law’, p. 146.

5The Duke of Athens who appeared in the *Decameron* as one of the lovers of the Sultan of Babylon's daughter in the seventh tale of Day Two may have been intended as an allusion to this Walter IV.

52 Odile Blanc, ‘From Battlefield to Court: the Invention of Fashion in the fourteenth century’, in Koslin and Snyder, *Encountering Medieval Textiles*, pp. 157-172, at p.159.

53 Giovanni Villani, *Nuova Cronica*, book xii 94.

54 John Najemy, *A History of Florence, 1200-1575* (Oxford, Blackwell, 2006), p. 100.

55 Najemy, *History of Florence*, p. 102.

56 Villani *Cronica*, XI, 94.

57 Carole Collier Frick, *Dressing Renaissance Florence* (Baltimore and London, The Johns Hopkins University Press, 2002), p. 83.

58 Collier Frick, *Dressing Renaissance Florence*, p.101.

59 Scott, *Medieval dress*, p. 85. For further detail, see John H. Munro, ‘The Medieval Scarlet and the Economics of Sartorial Splendour’, in N.B Harte and Kenneth G. Ponting, eds., *Cloth and Clothing in Medieval Europe: Essays in Memory of Professor E. M. Carus-Wilson* (London, Heinemann, 1983), pp. 13-70.

60 Koslin, ‘Value-Added Stuffs’, p.237.

61 Lauro Martines, *Lawyers and Statecraft* ((Princeton N.J., Princeton University Press, 1968), pp.66-8 and Appendix.

62 W.N Hargreaves-Mawdsley, *A History of Legal Dress in Europe until the end of the Eighteenth Century* (Oxford, Clarendon Press, 1963), pp. 4-6.

63 “.. e con gli scarlatti e co' vai e con altre assai apparenze grandissime”: Boccaccio, *Decameron* Day 8, story 9.

64 L’Engle, ‘Ad*dress*ing the Law’, p.144.

65 Boccaccio, *Decameron*, p. 613. The Italian text of the Decameron in V. Branca's Einaudi edition (1992), interestingly refers to “al banco della ragione”; justice was administered in a building termed the palazzo della ragione in several towns and cities in northern and north-central Italy at this time, the Palazzo della Ragione in Padua being a well-known example.

66 Boccaccio, *Decameron*, p. 612.

67 For a discussion of the *beffa* and humour in the *Decameron*, see Mazzotta, World at Play, pp. 186-212.

68 Salvatore Di Maria, ‘Fortune and the ‘Beffa’ in Bandello’s Novelle’, *Italica* Vol 59, No. 4 (1982), pp. 306-315.

69 Mazzotta, World at Play, p. 186.

70 Harold Bloom and Blake Hobby, *The Trickster* (New York, Infobase Publishing, 2010), p. 38.

71 Mazzotta, World at Play, p. 186.

72 Katharine Adams Brown, *Boccaccio's Fabliaux: Medieval Short Stories and the Function of Reversal* (Gainesville, University Press of Florida, 2014).

73 Joy Hambeuchen Potter, *Five Frames for the Decameron: Communication and Social Systems in the Cornice* (Princeton, Princeton University Press, 1982), p. 4.

74 Thomas M. Greene, ‘Forms of accommodation in the Decameron’, *Italica* Vol 45 No. 3 (Sept. 1968), pp. 297-313, at p.299.

75 Trevor Dean, *Crime in Medieval Europe* (London, Longman, 2001), pp. 47-49.

76 Harry Lawton, ‘Giovanni Boccaccio’, in Frank N. Magill, Christina J Moose, Alison Aves, eds., *The Middle Ages: Dictionary of World Biography*, Volume 2 (Abingdon, Oxon. and New York, Routledge, 1998), pp. 150-154, at p.152. Boccaccio’s desire through art to recreate social order out of the plague is addressed in Marga Cottino-James, *Order from Chaos* (Washington DC, University Press of America, 1982).

77 Boccaccio, *Decameron*, pp. 52-53.

78 Dean, *Crime in Medieval Europe*, p. 49.

79 Greene, ‘Forms of accommodation’, p. 299.

80 Boccaccio, *Decameron*, p. 613.

81 Peter Goodrich, ‘Devising Law: On the Philosophy of Legal Emblems’, *NYL Sch. L. Rev*. 57 133 (2012-13), p. 137.

82 Chambers and Dean, *Clean Hands*, p.33.

83 Sara Menzinger, ‘*Consilium sapientum*: Lawmen and the Italian Popular Communes’, in Lawrin Armstrong, and Julius Kirshner, eds., *The Politics of Law in Late Medieval and Renaissance Italy. Essays in Honour of Lauro Martines* (Toronto, Buffalo, London, University of Toronto Press, 2011), pp. 40-54, at p.44.

84 Stern, *Criminal Law System*, p. 142.

85 Moritz Isenmann, ‘From Rule of Law to Emergency Rule in Renaissance Florence’, in Armstrong, and Kirshner, *Politics of Law*, pp. 55-76, at p. 58.

86 Stern, *Criminal Law System*,p. 138 notes the research of Gino Masi to this effect (see Gino Masi, ‘Il sindicato delle magistrrature comunali nel secolo XIV’, *Rivista Italiana per la scienze giuridiche*, 1-2 (1930): 43-115, 331-411).

87 Marco Wan, ed., The Legal Case: Cross Currents between Law and the Humanities, (Abingdon, Routledge, 2012), p. 6.

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