All the Italian cities that formed self-governing communes, from the twelfth century onwards, were eager to devise rules for orderly development. In the period of greatest urban growth, between the twelfth and fourteenth centuries, they pursued this objective so successfully as to meet their needs down to the nineteenth, or even, in many instances, the early years of the twentieth century. However, the cities were not immediately equipped to draw up rules systematically. Even in the central Middle Ages their legislation was seldom uniform, and on some points hesitated between general prescriptions and ad hoc measures. For the most part such laws found their way into the communal statutes, which in some cities originated as early as the twelfth century and became more numerous in the thirteenth and fourteenth. As legislative activity advanced, the statutes began to be presented in quite an orderly fashion, with a whole book devoted exclusively to public works and the administration of the urban environment. These laws deal with such matters as the protection of public land, the control of water, health, and hygiene, the defence of the environment by the preservation of buildings, the prevention of pollution, the disposal of refuse and the promotion of orderly growth.

Milan provides some of the earliest evidence of the deliberations of lawyers on urban issues. The Liber consuetudinum Mediolani was compiled in 1216, but most of its contents date from the mid-twelfth century. When the commune was established, about 1100, Milan had...
an elliptical ground-plan, almost two kilometres across at the widest point. Milan was already facing all the problems of a big city, and these were to be magnified still further by the economic development which involved Italian cities in subsequent centuries. In central and northern Italy and Sardinia, too, cities felt the need to gather their planning regulations into the body of laws governing personal and social relations within the community. Milan had to tackle these problems from the time of the struggle against Frederick I and of the Lombard League, although it was still incapable of considering them in their entirety. But it made them the subject of certain chapters in the Liber consuetudinum, which is chiefly devoted to regulating property relations between private persons and between landowners and tenant farmers, to managing the use of water for irrigation and for driving the mills of the subject territory, and to codifying feudal customs. None the less, one chapter (18) is devoted to easements, i.e. the services afforded by one house to another, involving water butts, balconies, windows, and drains. It is also concerned with the relations between neighbours sharing in the construction of boundary walls between their yards.

One of the most important paragraphs established the minimum distance of one foot (43.5 cm) which must be left between the wall of the house and the boundary of the property, thus allowing water to drip from the eaves and windows to be set on that side.\footnote{LC, 105 (18.7).} Anticipating, however, that with older buildings it might no longer be clear to which of two neighbours the vacant foot of land belonged, the law resolved to deem it the property of the one who by custom had the right to collect rain-water and the right to light; if he only had the right to windows, the foot belonged to his neighbour.\footnote{ibid., (18.10).} Building without spaces between houses was also permitted, so long as there were no windows or openings in the party walls, and so long as rain-water was not discharged over the neighbouring property.\footnote{ibid., (18.11).}

These rules, seemingly intended to resolve disputes between neighbours, in fact helped to alter the appearance of the city by giving the street frontages the continuity they still have today, although the buildings themselves have for the most part been replaced and town-planning schemes have changed the lay-out of the roads. The ancient rule of Roman law, insisting on a minimum distance between a new building and the boundary of the property on which it stood, at first imposed a certain interval between one building and the next. Hence the private passageways which all the statutes of the succeeding centuries, in Milan and elsewhere, describe as androne,\footnote{Bologna, 1250–67, Bologna, 1288 and the Po area in general.} or chiassi,\footnote{Ascoli, 1377.} or
intercaselle. They separated one house from another and allowed sewage and dirty water to drop into the gap, from which they were swept into the public street. In the thirteenth century, however, communal legislation in all cities was designed to compel householders to close these passages and sink their outlets underground, in the interests not only of appearances but also of hygiene and public health.

For Milan there is no documentary evidence about the earliest stage of building activity and custom which these regulations seem to imply. They presuppose quite large units of property, like those on which the more well-to-do families had their houses in the centre of the city, and which can still be detected in early-modern land registers. The regulations enshrined in the Liber consuetudinum suggest that the buildings in the centre must have been quite imposing structures, separated from each other by private passageways within the boundaries of the properties. Some of these passages would later be closed, while others became public ways.

Houses built without intervening spaces, as the Milanese customs allowed, are evidence of another kind of building and of a different distribution of property. This part of the customs was committed to writing in the mid-twelfth century, perhaps between 1162 and 1167, when the citizens were compelled to find distant refuges in the outlying small towns, after Frederick I had ordered the destruction of Milan. Such building practices reflect the divisions into lots which were made when the demand for housing was at its height, at times of heavy immigration, of population explosions, and of favourable economic situations. Even the less powerful social groups could aspire, if not to full ownership, at least to possession of an urban site on which to build a house. This would not, perhaps, be in the centre, close to the seats of civil and religious power and the residences of the most important families, but rather on the outer edge: either just within the walls, if there was room, or immediately outside them, if the commune had transformed these areas from country to town by providing ditches and defences to enclose them, and sewers to receive the outpourings of their drains.

All the urban communes of Italy passed through this phase of transformation, with varying intensity, during the twelfth and thirteenth centuries. The process began with the development of zones in which the blocks of housing are characterized, even today, by elongated parcels of land with very short street frontages. These were laid out by landowners who, when the circuit of the walls was enlarged, found that their gardens, vineyards and fields had become areas of high

9 Perugia, 1342.
10 Bocchi, Atraverso le città, 115–17.
demand for building land. We have no records concerning lay proprietors, but we know what the great churches, which were the biggest landowners in suburban areas, chose to do with their land. By canon law ecclesiastical property was inalienable, because it was intended to provide for the needy and not to make profits. It was permissible to make exchanges, however (as was happening as early as the eleventh century), or land could be granted by various titles - long-term, perpetual, or emphyteutic leases - with a clause 'ad meliorandum', that is, for improvements. The urban equivalent of the typical rural contract of this kind was the building lease. The ecclesiastical body thereby granted the right of occupation in return for rent, so that the land remained the property of the lessor and the house that of the lessee. With the passing of the generations these relationships became exceedingly complicated; but they survived until the time of Napoleon, who, by suppressing ecclesiastical corporations, eliminated the ancient property relations between the owner of the land and the owner of the house.

Lack of records prevents us from proving that all these things occurred at Milan, but the presence in the Liber consuetudinum of paragraph 11 of chapter 18, permitting the construction of undetached buildings, supports the hypothesis that they did. Above all, we can invoke the analogy of many other cities of the Po: for them surviving documents attest it, and the land is still parcelled out today as it was then. Nothing has yet been said of developments in southern Italy, for which we have no relevant documentation either for the twelfth or for succeeding centuries. There are no books of statuti: all legislation concerning public and private life in the city is comprised in 'Customs', generally collected from the fourteenth century onwards. They probably reflect much older customary law, and in content closely resemble the Milanese customs, which we know to be of

13 For example, at Reggio Emilia: see P. Torelli, Le carte degli archivi reggiani sino al 1050 (Reggio Emilia: Cooperative Lavoratori Tipografi, 1921), no. 75 (988); P. Torelli et al, Le carte degli archivi reggiani: Studi e documenti della Deputazione di Storia patria dell'Emilia e della Romagna, sez. Modena, 1939, no. 83 (1065); C. Violante, La società milanese nell'età precomunale (Rome/Bari: Laterza, 1974), 137–44 and 279–90.


15 The presence in Milan of blocks of housing based on long, narrow parcels of land can be read from the plans of the land register of the Habsburg Emperor Charles VI: V. Mazzucchelli, Catasto e volto urbano: Milano alla metà del Settecento (Rome: Istituto Storico per l’Età Moderna e Contemporanea, 1983), 23.


17 V. La Mantia, Antiche consuetudini delle città della Sicilia (Palermo: A. Reber. 1900).
the twelfth century. They deal with the law of succession, the control of dowries, and civil procedure, and say virtually nothing about town planning. The aim of the southern Italian Customs was to regulate relationships within a society forbidden to take decisions concerning the city as such, since it lay under the direct control of the king. They could, however, be concerned with methods of building, and some chapters concerned with the law of property dealt with easements such as the common management of boundary walls, the dripping and collection of rain-water, and the placing of windows at the obligatory minimum distance from the other party’s property, so that light could be admitted.

When the great political conflict between the cities and the emperor had ended with the Peace of Constance in 1183, the cities were able to develop their powers of self-government with greater determination, especially because they could draw upon the fruits of a dramatic economic development. Their objectives were to complete the conquest of their surrounding districts, whilst some pre-eminent cities strove to assert their political and military authority over whole regions. Internally they could pursue a more incisive policy, which would impose order upon civic government and development: this could no longer be left to custom, especially where the population was soon to run to tens of thousands of inhabitants. The main sources used here, especially for northern and central Italy and Sardinia, will be the city statutes. Although it is impossible to know how far the regulations were observed, the statutes are regarded here as good historical evidence, not of the results which they eventually produced, but rather of the policies they were intended to enforce.

The safeguarding of public land and its defence against the encroachments of private individuals was one of the problems which cities had to face most resolutely. The period for which we have records is marked by a very clear desire to maintain control over public land by insisting that at intervals it be acknowledged as such. The object of this was not only to avoid ceding one inch of the land which belonged to everybody, but also to let it be known that encroachments were not permitted, nor would abuses be condoned. In earlier centuries, before urban independence, local governments had scarcely ever had the strength to demand respect for public spaces. For example, scrutiny of the archaeological map of Bologna reveals that certain

18 The sovereign had his decisions executed by the giurati, who in each city were responsible for the supervision of the urban administration in matters relating to refuse disposal, hygiene and the water supply (cf. Capitula regn. Siciliae, ed. F. Testa, i, Palermo: Angelus Felicella, 1741).
19 La Mantia, Antiche consuetudini, 189; L. Volpicella, Le consuetudini della città di Amalfi (Naples: Stamperie de Tirreno, 1849), 32; Consuetudines Neapolitanae cum glossa Napolon (Naples: Ex Regia Typographia Aegidii Longhi, 1677), tit. XX-XXI.
20 At Bologna the most important acknowledgements were made in 1249 and 1294 (Bocchi, Attraverso le città, 108-11); at Siena in 1262 (ibid., 284).
medieval streets, such as the Strada Maggiore, have an arcade which covers the paving of the Roman road, the Via Emilia, where it leaves the city on the eastern side.\textsuperscript{21} This situation was already well established in the thirteenth century, a period from which some of the buildings still survive. We have no direct evidence as to how this happened, but from the results as they now appear it seems clear that in the preceding period structures were attached to the façades of the houses on one side of the street, and this could only have been done by taking over public land. Similar things occurred in almost all Italian cities, especially those in the centre and north of the peninsula, even where in the age of the communes planning policies were very different from those of Bologna.\textsuperscript{22} These invasions of public land were due, not only to weakness of government, but also to the breakdown of any clear distinction in the early Middle Ages between public and private land.

The only structures always clearly understood to belong to the supreme public authority had been the city walls. From the early Middle Ages onwards every operation carried out on them by an authority other than the sovereign had been preceded by a formal authorization:\textsuperscript{23} the walls were a girdle which protected the inhabitants of the city and its suburbs from the possibility of attack.\textsuperscript{24} They were the artefact which marked the distinction between town and country; they were the object which permitted a settlement to call itself a town. When the Italian cities became self-governing communes they were immediately identified by their defences, and they assumed as communities the right to build the walls and to impose every kind of fiscal burden for their maintenance. They considered this a service to everyone, which should therefore be directly administered by the state. Together with the walls the cities identified another public space, the main square, overlooked by the town hall\textsuperscript{25} and very often by the cathedral too: the square on which the market was held every day, with sometimes a special weekly one as well. All citizens were called upon to contribute by property taxes to the maintenance of the square.

The distinction between the public and the private good, however, must have been far less clear in dealing with streets overlooked by houses which were obviously in private ownership. As we see from the

\textsuperscript{21} F. Bergonzoni and G. Bonora, \textit{Bologna romana, i: Fonti letterarie, carta archeologica} (Fonti per la Storia di Bologna. testi 9, Bologna, 1976).
\textsuperscript{22} F. Bocchi, 'Un simbolo di Bologna: i portici e l'edilizia civile medievale', \textit{Atti del Convegno Italo-canadese} (Viterbo, 1988), forthcoming.
\textsuperscript{23} e.g. the diploma of 891 by which Guido empowers Bishop Leodoino of Modena to fortify the city: \textit{I diplomi di Guido e Lamberto}, ed. L. Schiaparelli (Fonti dell'Istituto Italiano per il Medioevo, 36, Rome, 1906) and that of 31 October 900 by which Ludovico III empowers the Bishop of Reggio to fortify the ecclesiastical buildings at the centre of the city: \textit{I diplomi italiani di Ludovico III e di Rodolfo II}, ed. L. Schiaparelli (Fonti dell'Istituto Italiano per il Medioevo, 37, Rome, 1910), 10--15.
\textsuperscript{24} \textit{I diplomi di Berengario I}, ed. L. Schiaparelli (Fonti dell'Istituto Italiano per il Medioevo, 35, Rome, 1903), 136--9: diploma of 904 to the Bishop of Bergamo.
statutes of all Italian cities, in accordance with the principle that a service had to be paid for by those who made direct use of it, the maintenance of streets was the responsibility of the owners of the surrounding houses. Sometimes short streets, little courtyards, and small squares were surrounded by buildings owned by a single family, which was obliged to maintain the houses. Hence the conviction that the street itself was a piece of family property, which could well encourage the street’s inhabitants to administer it as their own. Furthermore, encroachments on public land were particularly liable to occur in small towns confined within walls no longer extensive enough to accommodate the growth of population – especially before the establishment of strong urban governments which were equipped to compel everyone to respect the rules. Similar encroachments must have occurred in much the same way in all towns, both within and outside Italy. Bologna is unique in that, to this day, almost all its streets have arcades. Some 35 kilometres of them within the old town allow citizens and visitors to shelter from foul weather or from the heat of the sun, and even the new quarters on the periphery preserve the same feature to a large extent. Eighteenth-century travellers appreciated this facility and urged it upon all Europe, though without realizing that it derived from very clear-sighted and determined choices made by medieval people.

Surviving documents indicate that the great planning development in Bologna occurred at the beginning of the thirteenth century, when the government began to forbid the construction of porticoes or arcades which would encroach on public land. This measure was not intended to forbid the construction of such extensions altogether, but rather to point out that they should be erected on private ground. Indeed the usefulness of the arcade was recognized at the time, for it not only afforded an easy passage, especially in winter, when the unpaved streets were choked with mire, but also allowed craftsmen to work outside their shops but under cover. They could use daylight from dawn to dusk, and could also assemble bulky objects, as did carpenters, coopers, and rope-makers. Furthermore, the arcade allowed mercers to display their wares without fear of rain or sun; it allowed furriers to work on their furs; and it allowed every other kind of craftsman to regard the portico outside the house as an extension of his own workshop. Hence everyone appreciated the convenience of the arcade. Public administrators believed that they could insist that arcades be built on private land, because it would have been hard to do

\[26\] J. Heers, *Espaces publics, espaces privés dans la ville. Le Liber Terminorum de Bologne (1294)* (Paris: CNRS, 1984), 35–40, holds that these were private spaces in the full sense of the word.


\[29\] At the beginning of the statutes of the carpenters’ guild at Bologna in 1264, preserved at the Archivio di Stato, is a miniature depicting a carpenter working on a bulky object.
without the advantages which they offered. The statutes of 1283 not only firmly confined porticoes to private land; they prescribed that, if a street was already equipped with porticoes or arcades, as almost all streets in Bologna then were, all new buildings erected in it must also have porticoes. They established that the arcades were for public use, and they indicated that the house-owners would be responsible for their maintenance, an obligation which was to be incurred in perpetuity. These measures are still in force, especially the last, which makes the arrangements for maintenance: it is still applied by force of custom, without further legislation beyond the statute of 1288.

It therefore happened during the thirteenth century, if not in the last decades of the previous one, that in Bologna the portico, originally constructed, as elsewhere, on public land for private purposes, became a facility for public use on private land, determining the appearance of the city and making it unique in all the world. In other towns there was no such stringent rule; indeed, it is plain that almost everywhere, during the period from the fifteenth century onwards (for which records become available), few private individuals ever surrendered any part of their land to public use by way of the porch or arcade. Rather, if they intended to build one, they asked the city authorities for permission to use part of the street. Bolognese custom demonstrated its strength with the passing of the centuries. In the nineteenth century many of the arcades found in almost every town were closed off: the excuse was that they were in disrepair and harboured persons of criminal intent. The real reason was that the local bourgeoisie wanted more space for their commercial enterprises. Even in the nineteenth century, however, Bologna succeeded in resisting such policies, by virtue of its own deep-rooted custom, of which all social strata were aware.

At Bologna, too, as in every other town, the need was felt in the thirteenth and fourteenth centuries to regulate the use of the portico or arcade, precisely on account of the widespread exploitation of it by the general public. Hence there was a ban on erecting movable structures which could impede the thoroughfare or injure passers-by – an offence which mercers were especially liable to commit in order to display materials and second-hand clothing. So too were fruiterers and greengrocers. Narrow planks attached to the walls of a building,
however, came to be tolerated. The arcades of public buildings were much more strictly controlled and there were no concessions of any kind, given that the town hall symbolized the city and that everyone had the right of free access to the public offices. It was true that in some towns grain could be deposited there for shelter in bad weather, but this was clearly a concession which took account of the overriding interest of the community in safeguarding a resource of obvious importance. Civic buildings might also be well-equipped for trade: at Vicenza, Padua, Verona, and Bologna, there were shops in public ownership, rented out to produce income for the commune.

It was not only public land that was subject to encroachment. Air space too could be invaded, by balconies, corbels, and eaves. The regulation introduced in every city in the thirteenth and fourteenth centuries, each in its own way, embodied two different concerns - the safety of passers-by, and the prohibition of over-large projections. These excrescences would have stolen light from the buildings on the other side of the street, have failed to respect the minimum distance between one property and another, and have created unstable structures which would have had in the end to be shored up by supports, so that they became a kind of illegal portico. Parma was one of the first cities known to have regulated balconies and porticoes in the same way as Bologna. In 1211 the maximum length of the projection was specified: eaves or porticoes which exceeded this had either to be demolished or reduced to the permitted dimensions. Unfortunately these are not specified in the statutes, because they were evidently well known to everyone to whom the laws were addressed. Eaves were not to project so far as to reduce the distance from the house opposite to less than one braccio and a half (c. 80 cm).

Walkways joining houses on opposite sides of the street, which often belonged to the same owner, were thought of in much the same way. Such constructions, then mostly of wood - though only those of masonry have survived - were tolerated up to the thirteenth century as the product of custom strengthened by time. Subsequently, more for the sake of securing public order than of defending communal spaces, restrictions were imposed on this practice. There was a ban on building bridges in wood or masonry across the public streets, with an obligation to demolish those already in existence, unless they were to serve as dwelling-places. Evidently the rule reflected the fear that such buildings might become vantage-points for ambushing the enemy during civil disturbances, or defensive positions from which noxious materials could be dropped or weapons discharged.

35 Pistoia, 1296, 160.
36 Verona, 1276, 586.
37 Parma, 1255, 336.
38 Verona, 1276, 632.
39 Bologna, 1288, II, 151.
The statutes also dealt with the obstruction of the roads by traffic and with the risk to the safety of citizens caused by the passage of vehicles. Almost all communes forbade peasants who were bringing foodstuffs, hay, straw, firewood, and building materials into the town to ride on the carts themselves. The object was to compel them to lead their beasts by the halter and make them advance at a walking pace. At Verona, once the market places had been clearly delineated, it was stipulated that no waggons might stop on the public streets or bridges, even for the purpose of selling their wares. The traffic problem had already been so clearly recognized as to give rise to a kind of road tax levied upon the owners of waggons whose iron-rimmed wheels were eroding the paving stones. They were ordered to pay a duty, the proceeds of which were earmarked for the maintenance of the streets.

The rules concerned with the drainage of dirty water and sewage from the houses marked an important recognition of responsibility for protecting public health as well as for preserving public decency. They also helped to effect quite striking changes in the city’s appearance. In general the sinks and latrines of the houses simply dropped domestic waste into the side passages which separated one house from another and were shared by both. At first many sinks discharged directly on to the street, so that from the twelfth century onwards steps had to be taken to have the sinks moved. The inhabitants of the houses then endeavoured to clean out the side passages by sweeping all the waste out on to the street, when the rain had failed to clear it. During the thirteenth century this type of passage was made illegal and in the surviving legislation we see the appearance of a different type. Presumably much wider, it ran through the middle of the blocks of houses, parallel to their frontages, passed along the boundaries of the individual lots, and skirted the yards on the inside of the block. This second type of passage represents a more advanced stage in the organization of services, because it collected and removed the drainage of all the houses in the block and made it possible both to link up with the network of waterways in the city and to receive water for cleansing periodically from the public supply. Furthermore, the central drain made it possible to locate the latrines in a place not visible from the

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40 Verona, 1276, 588–9.
41 Treviso, 1283–84, 137; Verona, 1276, 644–5.
42 Reggio, 1265, 251–2; Verona, 1276, 633, 639–40; Ferrara, 1287, 288; Bologna, 1288, II, 137; Pistoia, 1296, 176.
43 Bologna, 1288, II, 139.
44 Pistoia, twelfth century. col. 557.
45 Pistoia, 1296, 189.
46 This is a type of drain still in use (though now underground) in the parts of Italian cities which were urbanized during the thirteenth century. They can be traced, too, through the reconstruction of the land register of Carpi in 1472: Bocchi, Carpi.
47 Parma, 1266, 311; Bologna, 1288, II, 155–6.
street, in such a way that cleaning was guaranteed both by rainwater and by the public sewers.

This more advanced system arose from the need to move away from the street the unhealthy and unsightly latrines which discharged into side passages. For this purpose it was stipulated almost everywhere that outlets must be sunk into the ground if they extended as far as the street, especially if they passed beneath an arcade or portico, whilst passages must be sealed off by a wall at least as high as the first floor of the houses. This rule made for quite radical changes because, with the construction of such walls, the private ways would be eliminated and the façades of the houses would be brought together. Furthermore, with the covering of drains and the construction of sewers, the cities would soon come near to completely reconstituting the system they had possessed in the ancient world, which had been destroyed in the early Middle Ages and replaced by drains open to the sky, which poisoned the air and endangered health. By the thirteenth century many cities had established at least the basic structures of their sewers and compelled private persons to sink their drains; but it was only in the fourteenth century that the system of sewers became efficient, and only in the fifteenth that the largest cities, which had meanwhile become the capitals of great regional states, brought this important public service to completion.

The demand for the rationalization of the public and private drainage system is particularly forceful in the Milanese statutes of the second half of the fourteenth century. All the rules laid down there were designed to modernize the city by removing all its remaining ‘medieval’ characteristics. Artisans were forbidden to work outside their shops, streets were to be widened and straightened, much attention was given to hygiene and to the cleansing of squares and streets, and attempts were made to eliminate the pollution of air and water. The Milanese statutes of the fourteenth century aim to make Milan a well-ordered city, in which the health of the citizens would be protected, by identifying dumps outside the city for the waste products of dirty trades such as tanning, dyeing, and butchery, and by controlling in a very advanced fashion the sewage from houses which ‘made the air diseased.’ Having forbidden the old system of discharging waste into side passages which gave on to the street, and having asserted control over the disposal of rain-water, the Milanese authorities

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46 Note Bologna, 1288, II. 146–7, by which the commune ordered that the drain which passed under the windows of the public palaces and through the Piazza Maggiore should be covered over. It imposed no limits on the volume of water to be devoted to cleaning it.
47 Verona, 1276, 650–1; Siena, 1262. 277–8, 307–8; Pistoia, 1296, 280.
reserved the right to approve arrangements for the private disposal of sewage. Each case was considered individually and permission had to be sought for every new installation, which, in any case, had to discharge its sewage well below the surface of the earth. These rules mark a turning-point in the sanitation system not only of Milan but of all other cities, because they implied on the one hand the construction of underground sewers to convey rain-water into the city ditches, and on the other the installation of domestic cesspits, under the supervision of the commune’s engineers.

Administrators also sought to control public hygiene by persuading the citizens not to pollute the wells for drinking water. They further tried to ensure that the main square – the political centre and the public space par excellence – should set an example to the whole city; to remove the sweepings from the side passages within a specified time; to clean up the main square at regular intervals, especially after the weekly market; to expel from the city centre all industrial enterprises which polluted the air and water and gave rise to excessive noise; to designate public refuse dumps; to guarantee students the best conditions for learning by keeping smithies well away from grammar schools; to prevent food products from being manufactured in such a way as to cause unpleasant odours and noises; and to respect the environment from which came natural resources and wildlife. Such general rules occur in all the cities whose legislation has survived. In all places, large or small, there is a precise concern not only with regulating the town’s development, but also with managing the community’s everyday life in relation to the urban environment. Furthermore, the bigger cities also worked out a series of measures by which they safeguarded their own character. We do not know how far they had a conscious desire to do so, but analysis of the whole corpus of legislation suggests that the individual acts were not just the result of improvisation: there was always an awareness that the ‘beauty’ of the city must be preserved.

53 Bocchi, Il disegno della città, 208–37, especially 227–36.
54 Perugia, 1342, II, 224; Ascoli, 1377, 402.
55 This principle is asserted, if only indirectly, by many prescriptions. The most direct statements relate to the increased penalty for offences committed within the boundaries of the main square, rather than in other parts of the city. Such prescriptions are found everywhere, e.g. Parma, 1255, 286.
56 Bocchi, Attraverso le città, 115–17.
57 Parma, 1255, 130.
58 For examples see Ferrara, 1287, 163; Bergamo, 1331, 129; Arezzo, 1327, 109.
59 Most detailed on this point is Sassari, 1316, 38.
60 Bologna, 1288, II, 103–4.
61 Parma, 1255, 345.
62 For example, Perugia, 1342, 236.
63 Wild-life was protected almost everywhere, e.g. F. Panero, ‘Gli statuti urbanistici medievali di Alba’, Bollettino della Società per gli Studi Storici, Archeologici ed Artistici della provincia di Cuneo, lxxii (1975), 5–74, especially 66.
64 e.g. measures concerning the Piazza del Campo in Siena: D. Balestracci and G. Piccinni, Siena nel Trecento. Assetto urbano e strutture edilizie (Florence: Clusf, 1977); also Ascoli, 1377, 364.
As stated above, legislative activity, the product of policies designed to interpret the wishes of all citizens, gave Bologna its distinctive appearance as an arcaded city. Another example will increase understanding of the relationship between a city and its inhabitants in the light of legislation designed to protect certain things which were believed to give the place a special character of its own. Much of the fourth book of the Perugian statutes of 1342 is devoted to the administration of the urban environment. The first subject dealt with is that ‘Of the fountain in the main square. And of its conduit. And of the cisterns to be made.’ The fountain so dear to the hearts of the Perugians was the one which graces the main square between the cathedral and the Palazzo dei Priori, which Fra Benvignante designed, and which Nicola Pisano and later his son Giovanni built and decorated. They completed it in 1287, and its famous sculptures are illustrated in all the textbooks on Italian art history.

A reading of the lengthy rubric of the statutes indicates that the concerns of the administrators were of various kinds. First, they were anxious that the fountain should be used solely for the purpose of collecting drinking water, and that in no way should this be polluted. But the law was equally concerned with the protection of the whole conduit from which the water flowed and of all those persons who came to use the fountain. For this purpose the Perugian statute-makers created a kind of reservation with a radius of three paces around the steps, and decreed that five or six stone vases should be made and placed on those steps. Persons coming to draw water were to wash their jugs and other receptacles in these vases, and especially their outsides, which might dirty the water as it was being collected. To prevent contamination of the water and to provide a service, thirteen copper cups lined with tin were to be made, and each was to be attached by an iron chain to the pipe from which the water came, to allow people to drink and also to fill their receptacles. Only the implements specified were to be used at the fountain, to prevent damage to the structure itself and pollution of the water. Water was not to be collected in barrels which might be impregnated with oil or must, or be otherwise unclean. There were other prohibitions, too, which throw light indirectly on the bad habits of the Perugians, on the assumption that the definition of a crime implies that there is somebody committing it. These prohibitions seem to reflect the fact that the main square was also the market-place. The water of the fountain was not to be given to animals to drink: indeed, they were not even allowed to approach the steps. People were not to go to the fountain to wash themselves, to do their laundry, or to clean food; nor could anyone draw water to make lime, or work leather, or prepare parchment.

65 Perugia, 1342, 263–8.
66 ibid., 265.
67 ibid., 283
68 ibid., 264.
Heavy fines were envisaged for anyone who soiled the fountain itself or dirtied the waters, and they were heavier still for anyone who damaged it. There was a precise reference to the sculptures, when the penalty was prescribed for anyone who with stone, iron or wood 'broke . . . any of the images carved there', or the pipes, or the basins. Such crimes would incur a very high fine of 100 lire, and if the culprit could not pay he was liable to lose his right hand. Another concern of the Perugian statutes was the protection of those who resorted to the fountain, especially women. 'No man shall do any injury or violence to any woman who goes to draw water or returns from thence.' The protection of the fountain began, moreover, at the aqueduct at Monte Pacciano and ran the whole length of the conduit and cisterns which carried the water as far as the main square and made it always available. Anyone convicted of damaging these would lose his right hand if he could not pay his fine, and would be put to death if the damage inflicted blocked the flow of water. In this, as in all other crimes, fathers were responsible for under-age sons, unless they had been formally released from paternal authority; but if a woman had damaged the pipes (a thing that could well happen, given that drawing water had always been women's work) 'she must be whipped all the way round the square of the commune of Perugia.'

The responsibility for the working of the fountain lay with the supreme executive authority of the state, the podestà. After carrying out a general inspection with the capitano del popolo, with the priors of the guilds, and with two deputies from every quarter, he was obliged every month 'to inspect the course and bed of the aqueduct and of the piping of the fountain in the main square.' It was stipulated that there would be an inquiry as to how well he had performed these constitutional duties; but he was to receive support from the guild priors, who would place at his disposal the finances of the commune and all the resources needed for routine and special maintenance work, 'that we may have plenty of water and that it may flow into the aforesaid fountain.'

Examples of the special protection of the special features of cities could well be multiplied: of the ancient monuments of Rome, of the mole and the aqueduct at Genoa, of the harbour at Cagliari, of the portico

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69 ibid., 265.
71 Perugia, 1342, 264.
72 ibid., 266–7.
73 ibid., 266.
74 ibid., 267.
75 ibid.
76 Rome, 188: De antiquis edificiis non diruendis.
77 Statuto dei Padri del Comune della Repubblica Genovese, ed. C. Desimoni (Genoa: Fratelli Pagano, 1885); 9.
78 F. Artizzu, 'Gli ordinamenti pisani per il porto di Cagliari. Breve portus Kallaretani', Fonte e studi del Corpus membranarum Italicarum, nuova serie, Fonti, v (Rome, 1979), 49–79.
at Ferrara which protected the monumental inscription of the statutes of 1173,\textsuperscript{79} of the public baths at Sassari, and everywhere of the cathedral and the main square. During the fourteenth century the objectives identified during the thirteenth, when city governments had acquired the necessary strength to impose regulations on all the citizens, were vigorously pursued: cities realigned and widened their streets, rationalized their systems of drains and sewers, began or completed new circuits of walls. Using present-day terms, it might be said that in this period ‘medieval’ cities became ‘modern’, because there was no more toleration of the malpractices of builders, of encroachments on public land, of craftsmen working on the streets, of pollution of the ground, air, and water. In the middle of the fourteenth century there was a sudden sharp break when plague smote the whole of Europe, but recovery from the tragedy was fairly rapid: crumbling buildings were replaced by others made more and more of brick and stone and less and less of wood.

The important legislation enacted by the communes in the central Middle Ages was to shape the physical structure of Italian cities for centuries to come. Most of them preserve to this day the features which were created and protected at that time. Regulations in early modern times were for the most part restricted to minor adjustments, improvements in the standard of building, and amalgamations of parcels of land to permit the construction of palaces for the nobility. There was no change in the character of the environment. More recently, parts of the cities have been sacrificed to slum clearance, to traffic flow, to town planning schemes. In general, however, with rare exceptions, ancient and modern have been successfully reconciled, thus allowing the people of today to live in the cities of yesterday. Even in the Middle Ages, however, these Italian cities were already pursuing policies which enabled them to be modernized without losing their own character.

\textbf{APPENDIX}

\textbf{CUSTOMS AND STATUTES CITED}


Modena, 1327: *Statuta civitatis Mutinae anno 1327 reformata* (Monumenti di Storia Patria per le Provincie Modenesi, serie Statuti, i, Parma, 1864).


Parma, 1266: *Statuta Communis Parmae ab anno MCCLVI ad annum circiter MCCCVI* (Monumenta Historica ad Provincias Parmensem et Placentinam pertinientia, Parma, 1857).


Piacenza, 1327: *Statuta varia civitatis Placentiae* (Monumenta Historica ad Provincias Parmensem et Placentinam pertinientia, Parma, 1860).


