

True and False Liberty. Instructions for a Sovereign Pope (1589)

Camillo Paleotti's *De Republica bononiensi*

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Abstract

Is it possible to be a free citizen and the subject of a sovereign contemporaneously? In 1589, Camillo Paleotti, a Bolognese senator and the city's ambassador to Rome, sought to explain how in a treatise directed to Pope Sixtus V. Until his election, the pope had implemented a policy seeking to nullify Bologna's *libertas* and the liberties exercised by its citizens in the governance of the *res publica*. Paleotti composed a brief manuscript treatise, *De Republica*, that is divided into two parts. The first treats the definition of the term *res publica*, the models of the ancient republics, and the problem of the best regime. The second considers Bologna's status within the Papal State, as well as traditional Bolognese customs. My paper centers on the distinction between false and true *libertas* made by Paleotti in addressing the question of whether Bolognese *libertas* is compatible with subjection to the pope.

Keyword: Italy; History; Renaissance; Bologna; Camillo Paleotti

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True and False Liberty. Instructions for a Sovereign Pope (1589)

Is it possible for a *Respublica* to be free when it is under the *imperium* of others?

What is the meaning of *Res publica*? How does one distinguish true liberty from false liberty?

Faced with the events of September 1589 Camillo Paleotti found himself pondering these questions. He was a Bolognese senator and the resident ambassador at the court of Pope Sixtus V and brother to the more famous Gabriele Paleotti, archbishop of Bologna and later a cardinal. The questions that senator Camillo Paleotti was faced with that September threatened the very essence of politics as an art and science, and were not new to him.

For some time Camillo had been dealing with these problems as a senator and a Bolognese ambassador to Rome, in so much as the negotiations in Rome had required him to operate within a political space dually defined by obedience to the prince and defense of civic liberty. In 1572 Camillo had been one of the ambassadors “of obedience” who had paid homage to the newly elected Gregory XIII, conferring on him the allegiance of the city to the Apostolic See and asking him in return to guarantee the liberty of the city, following a tradition in use since 1447, during the papacy of Nicholas V.

In May of 1585 Camillo was again one of the ambassadors “of obedience” who had paid homage to the newly elected Sixtus V, conferring on him the allegiance of the city to the Apostolic See and asking of him the confirmation of the liberty of the city, like it had done with Gregory XIII.

His experience in following the ritual of obedience turned out to be profoundly different in 1585 than it had been in 1572. Though it still involved difficult and complex negotiations (the experience with Gregory XIII had proved to be quite difficult), in 1585 Sixtus V completely interrupted the ritual of obedience as it had been practiced for years. Pope Peretti had accepted the declaration of obedience and loyalty from Bologna, but had not initiated the customary negotiations for the renewal of the agreement between himself and the city which established civic liberty.

In August 1585 the negotiations came to a halt in the face of what was a completely new situation in respect to the practices of the previous one hundred and fifty years. Profound changes could be seen in the voluntarism of the Pope, the activism of the Roman Curia, the policy of the Papal Legates.

From then through the rest of the pontificate of Sixtus V, Camillo Paleotti and his successors as Bolognese ambassadors in Rome were engaged in numerous, increasingly complex negotiations which proved difficult for the city government they represented. In some cases their actions and the requests were seen as acts of rebellion by the Curia and the Pope.

In April 1588 Camillo Paleotti was again in Rome as a resident ambassador. The Bolognese senate had entrusted him with the difficult task of maintaining Bologna’s autonomy as a city which would continue to be «free, and not subject to others, with the exception of his Holiness and the Holy See»¹.

The “others” to which Bologna did not want to be subject were the Apostolic Camera and its *visitatore* Fabio della Corgna. The role of the Apostolic Camera in the politics of the papacy and of the State of the Church is well known and need not be discussed here in detail. For our discussion it is important to recall that its main interest was in annulling and making obsolete any concept or practice that reinforced the notion of a personal relationship between the Pope and cities in which he was understood as the temporal sovereign of territories recognizing themselves as his subjects.

In the summer of 1588, after having been in Rome for a few months, Paleotti was convinced that in order to protect the freedom of Bologna it was necessary to reestablish the tradition of renewal of the agreements which had been abandoned three years before. For Paleotti it was necessary to ask again the renewal of the Pope because those agreements contained «the fundamental principles of our city»².

¹ Archivio di Stato di Bologna, *Ambasciata bolognese a Roma, Lettere all’oratore*, reg. 27, 15 aprile 1588.

² Archivio di Stato di Bologna, Senato, *Lettere dell’ambasciatore*, reg. 61, 6 luglio 1588.

However, it would be sometime before that thought was ever realized. At the end of 1588, his conversations with the Pope's *entourage* still continued to give Paleotti hope that Sixtus V would declare that Bologna was not subject to the jurisdiction of the Apostolic Camera.

But on 15 March 1589 the Pope issued a bull (*Ad Romanum pontificem pertinet*) which cleared any doubt as to his real intentions: all of the cities of Papal States were subject to the Apostolic Camera's jurisdiction, Bologna included.

The city's liberty was in danger, a new type of danger. In response, the city government began a new defensive strategy on a judicial level, through its lawyers. In numerous councils, memorials, writings and arguments which draw on *quaestiones* (and therefore also *auctoritates*) from European legal literature, the attorneys of the city maintained that a prince should never take away that which it has previously given to a city under his rule, and that he should not change or diminish its rights without the consensus of the city. That does not mean that the city did not want to continue to be subject to the Pope as a temporal sovereign. Subjection to the Popes was something that the Bolognese were proud of, an easy yoke, a light burden. It was something completely different than domination. The Apostolic Camera was supposed to respect the articles of agreement between the city and the Pope, in the same way in which the agreements between the Pope and the King of France were respected *ad unguem*. Bologna's liberty from the rule of the Apostolic Camera had to be maintained.

Although the then understanding of the relationship between a prince and his subject cities lent juridical support to the arguments of the city government's attorneys, and allowed them to use contemporary stories as evidence (including Signoio's history), the concrete situation did not give grounds for great hope.

The situation was grave. It seemed as though the city's customary modes of defense were no longer available: petitions, contacts amongst its protecting Cardinals. Sixtus V and the Apostolic Camera seemed intent on annulling not only the constituting privileges of the city's liberty, but also the means by which they might have eventually been reintegrated in their original state (as had happened with previous Popes).

Camillo Paleotti, a member of the city government, an experienced ambassador, a learned man who was engaged in the cultural communication network of his time, believed that in addition to the customary negotiation practices of the time it was also necessary to personally present the city's defense in the form of an erudite written document. Referencing philosophy (Aristotle), history, law and ethics, Paleotti described the correct relationship between the *princeps* the *res publicato* the Pope: a sort of set of instructions to the Prince, following an established literary tradition.

The result was the brief treatise *De Republica bononiensi libri tres*. Two different manuscript drafts and the preparatory drafts (conserved at the Archivio Isolani in Bologna) demonstrate how much Paleotti must have travailed in his reflections³.

Out of love for his native city, Camillo Paleotti "explained" the connection between *Respublica bononiensis* and *libertas* to Sixtus V in order to demonstrate how civic *libertas* did not jeopardize Bologna's loyalty toward the Church, and that anyone who questioned that loyalty was a delirious spreader of lies.

In the face of such lies, it was necessary to reestablish the truth.

In order to do so, Paleotti began by speaking more generally about the question and then moving on to discuss Bologna in particular. The *De Republica bononiensi* is divided into two more or less equal parts. The first part (made up of books One and Two, for a total of 39 pages) is dedicated to defining the concept of *Respublica*, discussing exemplary models of this concept, and the problem of the *optima respublica*. In the second part (book Three, 28 sheets) Paleotti discusses the *status* of Bologna within the State of the Church starting from the second half of the fifteenth century; Bolognese *mores* and *consuetudines*; the difference between true and false *libertas*; and the definition of *libertas* as it applies to Bologna.

After the dedicatory letter to Sixtus V, the treatise begins with a definition of *respublica*:

Haec ea ipsa definitionis formula est, quam Aristoteles nobis praescripsit, dicens, Rempubicam esse institutionem civitatis circa magistratus, et honores publicos, quemadmodum debeant impartiri, et in quo potestas, auctoritas summa debet consistere, et qui sit finis

³ I would like to mention that an edition of one of the copies, the most complete (67 sheets), is currently being prepared by Irene Iarocci, as part of a master's thesis.

cuiusque societas [...] Politiam, seu Rempubicam esse Taxix dispositionem, seu ordinem, institutionem, vel normam civitatis, tum aliorum magistratus, tum proprie eius, qui est princeps omnium, in quo summa regendi potestas, et auctoritas posita est, quod ipsum regimen civitatis appellatur⁴.

Respublica was, then, that which a city instituted in relation to its officials and its mode of distributing public honors; it was the government of the city both in relation to all of its officials as well as its supreme magistrate, who as Prince had the *potestas* and the *auctoritas* to govern, that it is to say the *regimen civitatis*.

It is important to specify that in giving this definition of *respublica*, Paleotti drew on a *communis opinio* that was solidly backed by the politico-juridical thought of the time. Just to give you a short example, from a *vocabularium utriusque iuris*: «Omnis universitas tam civitatis, quam municipii appellatur respublica...»⁵. We find analogous definitions in editions of the works of Bartolo da Sassoferrato from this same period. And we know what kind of *auctoritas* Bartolo was.

Following a narrative structure common to political treatises of the time, Paleotti accompanies his definition of *respublica* with a comparison with ancient ‘republics,’ such as those of Athens, Sparta, Carthage, Crete, Chalcedon, and Rome. Paleotti’s reference to republican models is particularly important since he was working within the same historical context in which historian Carlo Sigonio was working, whose “republican” relevance has recently been noted by Guido Bartolucci in his attentive analysis of *De Republica Hebraeorum*. In his talk⁶, Bartolucci has just demonstrated Sigonio’s attention to the *libertas bononiensis*.

And I think it is important to recall here at this meeting of the *Renaissance Society of America* that some time before Paleotti’s treatise, a different form of republican narrative employed the symbolic code of emblems. In 1555 the philosopher Achille Bocchi had represented the *Libertas populi bononiensis* with an clear reuse of “a” roman republican story⁷.

We should also remember another important aspect of the problem: the examples of ancient republics and also *respublicae Hebraeorum* that were known at that time were usually classified as “mixed states”.

So it is not surprising that Camillo Paleotti follows this tradition in developing his own arguments for a definition of *respublica*.

If the *respublica* or the *politia* of a city is its *regimen*, or in other words, the *regimen* of its *populus*, the *status* of that city is that of a “mixed” state, in the double acceptance in use at the time. As such, the particular *respublica bononiensis* is a *status mixtus*, above all in the sense that it is a *status* made up of optimates and populares, just as Paleotti understood those modern republics that he compared to Bologna: Genoa, Pisa, Lucca, Florence, Siena. But it was also a “mixed” form of “republic” made up of a papal monarchy, optimates and populares.

But it had not always been like this for Bologna. Also here, history provides us with the proof. From a mixed state of optimates and populares, Bologna had become a state mixed with monarchy when in 1447 it put itself under the *patrocinium* of the pontificate of Nicholas V’s on the basis of certain conditions. The result had been that in the administration of the *respublica*, neither the citizens nor the papal governor decided anything separately from one another, but only with common and reciprocal consensus⁸.

The “mixture” is not only a consequence of the form of government. The “mixture,” the *habitus* toward reciprocal communication and common and reciprocal consensus, also derives from the *mores* of the Bolognese people: the first of which is the highest love of their city and its liberty. In order to protect the two their ancestors had established good laws which allowed everyone to participate in the commanding and the obeying, in the duties and the rights.

⁴ Archivio Isolani, E. 50 (2), Camillo Paleotti, *De Republica bononiensi libri tres*, c. 4r.

⁵ Jacob Spiegel, *Lexicon iuris civilis*, Basileae, Hervagius, 1549: *Respublica*.

⁶ Guido Bartolucci, *Historian Engagé: Republicanism and oligarchy in Carlo Sigonio's Political Histories*.

⁷ Achille Bocchi, *Symbolicarum Quaestionum De universo genere, quas serio ludebat, libri quinque*, Bononiae, Apud Societatem Typographiae Bononiensis, MDLV (ed. anast. Roma 1983), CXV, pp. CCXLII-CCXLIII: «Quadratum numero patrum beanda est Libertas populi bononiensis / S.P.Q.B. / Fortis Salutem Affert Sibimet / Ipse Imperans / Sic Fingitur Bononia / Felsina docta tibi denus quater imperat ordo / Denus quadrato perficitur numerus / Libertas, census, leges, custodias, fines / Quattuor hos virtus continet una patrum. / Purpurea hinc albo crux intersecta salutem / In pace, illa decus lilia fulva notant. / Signifer id statuit signum Leo, vincit & iram / Fortis, vexillo hoc imperat ipse sibi».

⁸ Archivio Isolani, E. 50 (2), Camillo Paleotti, *De Republica bononiensi libri tres*, c. 50v: «mixtum illud Reipublicae genus sit habendum, ex regno quodam modo et optimatum et popularium statu conflatum, cum in Reipublicae administratione neque cives ex se, neque Praefecti Pontificii quidquam statuunt, sed communicato cum Senatoribus, ac reliquis Magistratibus consilio, communi omnium auctoritate et consensu ipsi Reipublicae consulatur».

Love of their *patria* and its liberty are components of another Bolognese *mos*: loyalty and *pietas* toward the Pope and the Church. And since these *mores* are something that had been established over time, the repeated occurrence of these events in the past – history – which contributed to making Bologna a “prosperous” *status* must constitute the premise for their persistence in the future. Paleotti writes this very clearly at the end of the chapter dedicated to the *mores* of the Bolognese people. Since a consolidated tradition of liberty made it something which was infeasible.

Also in this case, Paleotti’s treatise does not state anything which was not widespread in the politico-judicial thought of the time. These ideas were maintained – albeit in a more “technical” language – by Bologna’s defense attorneys. «Novitates pariunt discordias», novelty bears discord: the lawyers maintained, citing the *auctoritas* of well-known French jurists such as Du Moulin, Tiraqueau, Rebuffi and the great tradition of Italian *consilia* writings from the 1500s such as that of Tiberio Deciani and di Rolando Dalla Valle. From recent studies on the well-known French jurist Pierre Grégoire – who wrote just after the years that we are discussing here – we know that *mores* played a fundamental role in limiting the law-making powers of the *princeps*.

The *civilis sapientia* of these jurists provided the foundation for Paleotti’s deeply-pondered reflections in *De Republica*.

In order to defend civic *libertas* at a time in which the policy of Sixtus V and the Apostolic Camera tended toward a reduction of singular and particular liberties Paleotti had to demonstrate the difference between true and false liberty.

And above all – as he writes at the beginning of the Chapter *Quae sit habenda vera libertas* – the Bolognese ambassador was well aware that those who were engaged in discussing political issue at the time believed that Bologna’s *libertas* could be broken or eliminated all together⁹. Their argument was that no city could call itself free if it found itself under the *potestas* and the *imperium* of a prince, in this specific case, that of the Pope.

This negation of a possible compatibility between *libertas* and *imperium* made it imperative for Paleotti to prove the opposite. And so, using history, Paleotti showed when and in which situations and with adherence to which city *mores*, Bolognese *libertas* and papal *imperium* had been able to coexist – albeit “precariously” – for the last two hundred and fifty years.

He showed how, on the basis of their *mores*, out of love for their city, and to impede anyone from oppressing their *libertas*, the Bolognese had to act like certain dogs which are normally placid but may bark or attack when provoked¹⁰.

The political relationship between the city and the Pope, between the Pope and the city, required constant negotiation, since *societas* cannot exist without reciprocal communication between prince and subjects. If a prince forgets this, it is necessary to remind him, “present it to him” in the appropriate form.

This was the impetus for Camillo Paleotti’s *De Republica bononiensi* addressed to Sixtus V. The Pope probably never read or even received it. We don’t know. We only know that his policy remained the same. But we also know that those concepts and practices of *respublica* and *libertas* would continue to occupy a central space in Bologna and in Europe. A threatened space. A defended space.

⁹ Archivio Isolani, E. 50 (2), Camillo Paleotti, *De Republica bononiensi libri tres*, c. 59r-v: «Non me autem fugit multa a perspicacibus viris, ac de rebus politicis subtiliter magis, quam ex rei natura ... disceptantibus solere in medium adduci, quae Bononiensium libertatem infringere, ac penitus tollere videntur asserentibus minime dicendam esse eam Rempublicam liberam, quae in alterius sit potestate, atque imperio; at summi Pontifici inquit, omne ius, atque auctoritatem in ea habent civitate, ita quidem ut quicquid velint, iubeantve singulari fide, atque observantia illico a Bononiensibus peragatur. Tum iidem Pontifices illis legatos, Praefectos omnes denique qui ius sanguinis habent, cum summa imperii potestate, nemine unquam recusante, mittunt; Magistratum item perpetuum XL nempe virorum ordinem, qui una cum Legato, aut Pontificio Praefecto toti praesunt Reipublicae, creant, singulos in demortuorum loco, quos volunt, eligendo: Edicta vero omnia, ac municipale ipsum ius nisi Pontificis auctoritate sancitum, aut confirmatum, inane, atque irritum haberi, custodes denique, lictores, ac milites custodiendi, amovendique facultatem a Summo Pontifice prorsus pendere asserunt. Haec sane omnia Bononiensium libertati maxime adversari videntur, quibus si opportune responderimus, tantumque abesse declaraverimus, ut non modo ea libertatem aliqua ex parte non imminuant, sed maxime etiam confirmant, tueantur, atque amplificent, fastigium huic nostrae scriptioni imposuisse iudicari poterimus, ac primum quidem videndum est, ne homines ipsi in compellendis rebus, aut prave interpretantibus halucinentur, neve a depravata loquendi, sive intelligendi consuetudine decepti longe lateque aberrent, turpibusque rebus honesta nomina imponentes, spetieque verborum capti, aliud pro alio accipientes, et in contrarium saepe numero trahentes sensum, se ipsos, atque alios fallant».

¹⁰ Archivio Isolani, E. 50 (2), Camillo Paleotti, *De Republica bononiensi libri tres*, c. 54r: «Sunt quidem ii [Bononienses] natura mites, benigni, atque erga genus omne hominum affabiles, ac mansueti, ita tamen ut iniuriam sibi fieri minime permittunt, in iis praesertim rebus quae ad libertatem ipsorum proscindendam, atque labefactandam spectant, patria namque charitate nihil est illis antiquius, atque ut generosi quidam canes, qui admodum placide videntur, nisi provocos, irritatis vero nihil solet esse truculentius, sic illi blanditiis potius, quam asperitate in officio continentur».

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