

INSIDE AND OUTSIDE A MONOPOLY:
TRANSHUMANT PASTORALISTS AND THE PUBLIC MANAGEMENT
OF PASTURES IN SOUTHERN TUSCANY (14th–15th C.)

DAVIDE CRISTOFERI
(Université libre de Bruxelles / FNRS)

This article focuses on the interaction between transhumant pastoralists and Sienese officials within the public management of pastures in the late medieval city-state of Siena. Between 1353 and 1419, a monopolistic system of accessing common and private pastures in Southern Tuscany, called *Dogana dei Paschi*, was developed and established by Siena by means of law enforcement, commons expropriation and military conquest. The aim was to provide winter grazing to transhumant herds from the Apennines, the Latium and the Sienese territory in exchange of fiscal revenues. The *Dogana*, however, suffered from external competition and lack of control, while highly depending on foreign herds from beyond the Sienese borders. Outside the Sienese monopoly of pasturages, transhumant pastoralists were entrepreneurs, livestock owners, and shepherds with freedom of movement because of their citizenship, while under the rule of the *Dogana* they formed an heterogeneous pastoral community, called *vergaria*, provided with a special legal status, rights and duties. In both cases, pastoralists and the *vergaria* were in constant bargaining with Sienese officials in order to be able to graze as much and to pay as less as possible. In this regard, they contributed to shaping the legal framework of the *Dogana*. Examining archival records from Siena, such as laws, deliberations and trials recorded in the 14th and 15th centuries, this paper explores the legal definition, regulation and perception of transhumant pastoralists in Tuscany. It moreover analyses their bargaining power and interactions with Sienese officials concerning frauds, collusion and trespassing inside and outside Sienese borders, in order to shed light on the social structure and provenance of herders and livestock owners in late medieval Tuscany.

Keywords: Transhumance, Dogana dei Paschi, vergaria, Tuscany, late Middle Ages.

**TUSCAN TRANSHUMANCE AND PASTORALISTS
IN THE WESTERN MEDITERRANEAN: THE ROLE OF INSTITUTIONS**

This article studies the interactions between the *Dogana dei Paschi* of Siena, a specific institution to manage winter grazing, and the community of transhumant pastoralists in late medieval Tuscany. Concerning medieval and early modern transhumance in the Italian peninsula, Tuscany is well known as the third most relevant region after the Kingdom of Naples in the South and the Papal State in

Latium.¹ Indeed, during the 16th–17th-centuries, at the zenith of transhumance, Southern Tuscany counted in around 300,000 heads of livestock wintering every year, mostly sheep, while those roaming between Abruzzo and Apulia, in Southern Italy, were over 2,000,000.² Nonetheless, the Tuscan territory, extending between the wooded hills and marshes of Maremma, southwards to the city of Siena and the Tyrrhenian coasts, was the first in Italy to be governed by a public office of pastures for transhumant herds, from 1353 onwards (Fig. 1).³

Generally known as *Dogana* (from the Arabic *dīwān*, i.e. public accounting office, later monopoly), this public office represents the Italian version of Braudel's "weighty institutions" entitled to manage transhumant flows in the late medieval and early modern Western Mediterranean.⁴ The development of such institutions shows the emergence of a market-oriented large-scale transhumance, in which a great variety of actors such as the fiscal state, seigneurial powers, great livestock owners and even the remunerated shepherds and subsistence farmers were all involved in the progressive commercialisation of the rural economy.⁵ Through the *dogane*, Italy's medieval and early modern kingdoms and city-states participated in the increasingly profitable management of transhumance by controlling the access to road networks and to collective and private grazing lands in exchange for fiscal revenues. In this regard, they differed from Castilian and Aragonese kings who granted the right of passage to powerful livestock owners and herders' associations such as the *Mesta* in exchange for fiscal revenues, but without directly addressing the private and feudal market of pastures.⁶ Furthermore, Italian institutions differed also from the organization of transhumance in Southern France, where

¹ Ovidio Dell'Omodarme, "Le dogane di Siena, di Roma e di Foggia: un raffronto dei sistemi di 'governo' della transumanza in età moderna," *Ricerche storiche* 26, n. 2, 1996, p. 259–303.

² See Danilo Barsanti, *Allevamento e transumanza in Toscana: pastori, bestiami e pascoli nei secoli XV–XIX*, Florence: Medicea, 1987, p. 266; John Marino, *Pastoral Economics in the Kingdom of Naples*, Baltimore and London: The John Hopkins University Press, 1988, Appendix.

³ Davide Cristoferi, *Il «reamo» di Siena. La costruzione della Dogana dei Paschi e la svolta del Tardo Medioevo in Maremma (metà XIV – inizi XV secolo)*, Rome: Istituto Storico Italiano per il Medioevo, 2020, p. 35–48, 175–186. Maremma, from the Latin *maritima*, despite initially indicating a coastal area, changed in meaning to refer to the coastal and inland system of marshes and woodland developed in Tyrrhenian Central Italy during the Middle Ages. In this regard, it can be used as a synonym of Southern Tuscany.

⁴ For the origin of the term *dogana* and its circulation on the Italian peninsula, see Ennio Cortese, *Il diritto nella storia medievale, II: il Basso Medioevo*, Rome: Il Cigno Galileo Galilei, 1995, p. 319. Braudel argues that "any transhumance presupposes complicated internal and external structures and weighty institutions", Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, Berkeley and Los Angeles: University of California Press, 1995, p. 94.

⁵ For a discussion, see Chris Wickham, "Pastoralism and underdevelopment in the Early Middle Ages," in *L'uomo di fronte al mondo animale nell'Alto Medioevo*, Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 1985, p. 400–55; Jean-Marie Martin, "Les débuts de la transhumance: économie et habitat en Capitanate," *Bollettino dell'Istituto Storico Italiano per il Medio Evo* 109, n. 2, 2007, p. 117–37.

⁶ See Marie-Claude Gerbet, *Un élevage original au Moyen Âge. La péninsule Ibérique*, Paris: Atlantica-Séguier, 2000.

entrepreneurs, private agents, local tolls and seigneurial and collective pastures managed seasonal pastoralism from the bottom.⁷

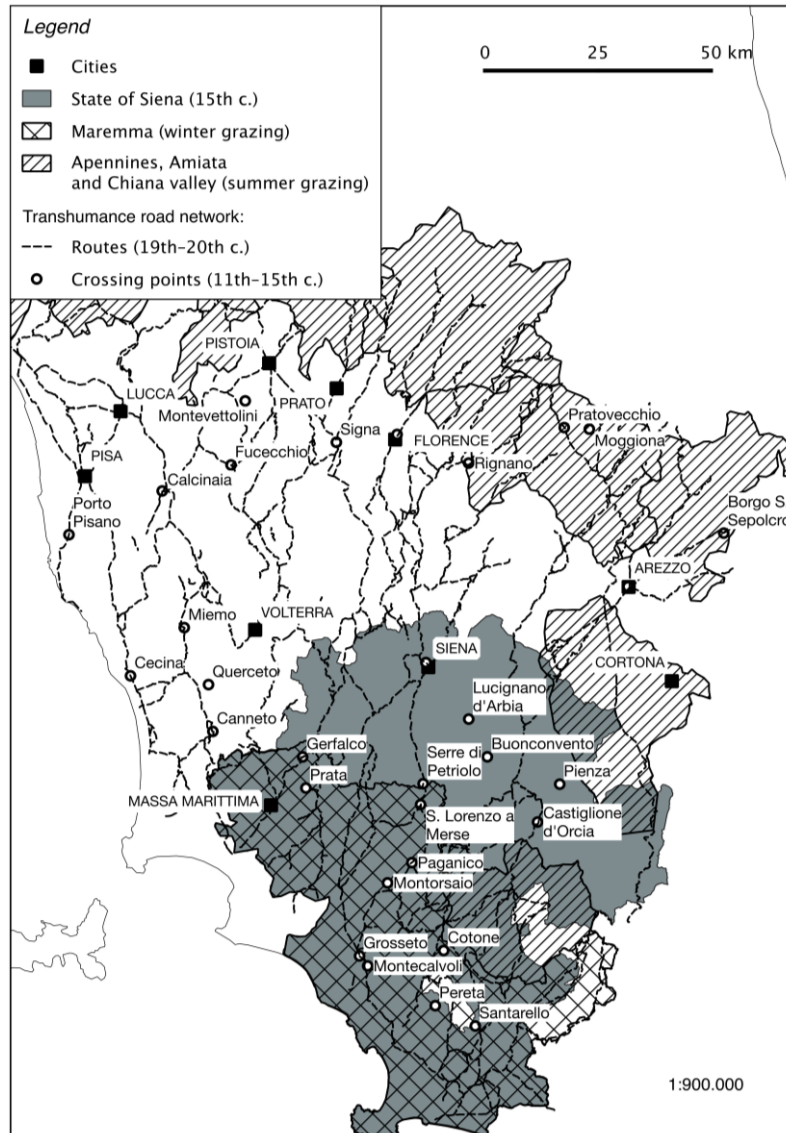


Figure 1

⁷ Sylvain Burri, Vanessa Py-Saragaglia and Roxanne Cesarini, “Moving up and down throughout the seasons: winter and summer grazing between Provence and the southern Alps (France) ad. 1100–1500,” in *Historical Archaeologies of Transhumance across Europe*, eds. Eugene Costello and Eva Svensson, London: Routledge, 2018, p. 197–218.

The *Dogana dei Paschi* (i.e., of pasturages) of Siena diverged from its sibling institutions such as the *dogane* of Latium and Southern Italy by ruling only half of the transhumant activities in Tuscany, that is winter grazing.⁸ The majority of shepherds came from the Apennines beyond the Sienese borders, where they organized the summer grazing. In fact, they were under the rule of cities such as Florence, Arezzo, Pistoia, and Lucca, where a relevant part of the capital invested in livestock belonged to their urban elites.⁹

This geopolitical constraint deeply affected the power relation between the *Dogana dei Paschi* and the transhumant pastoralists who wintered in Sienese pastures as well as their legal and social status under the Sienese rule. Outside the Sienese monopoly of pasturages, transhumant pastoralists were entrepreneurs, livestock owners, and shepherds with freedom of movement because of their citizenship, while under the rule of the *Dogana* they formed a heterogeneous pastoral community, called *vergarìa* (from the Latin *vervecarius*, i.e., shepherd), subordinate to the authorities of Siena during the winter grazing. In both cases, however, they constantly negotiated with Sienese officials the access to pastures before and during the winter grazing period. Their goal was to graze as much as possible while paying as little as possible. The officials of the *Dogana* accepted this bargain because the transhumant pastoralists and their livestock constituted the “best source of revenues of the city-state” of Siena.¹⁰ For their part, Sienese officials also considered this transhumant community not only a source of revenues, but also a specific group to ally or inspect according to season, financial need, and the rise of free rider’s behaviors among pastoralists.¹¹

In order to explore these complex interactions, firstly, this paper analyses the legal and social status and perception of the *vergarìa* and its members under the rule of the *Dogana*. Secondly, it presents an analysis of the negotiations between transhumant pastoralists from the Apennines and Sienese officials before winter grazing. Lastly, it also looks into the conflicts, collusions, and bargaining during winter grazing. Prior to this, an analysis of the development and structure of the *Dogana dei Paschi* is provided below to contextualize the dynamics at the center of the article.

⁸ Dell’Omodarme, “Le dogane di Siena,” p. 259–303. The kingdom of Naples and the Papal states governed transhumant flows from the mountain summer grazing to the winter pastures within their state borders.

⁹ Davide Cristoferi, “«...In passaggio, andando e tornando...». Per un quadro delle transumanze in Toscana fra XII e XV secolo,” *Rivista di Storia dell’Agricoltura* 49, n. 1, 2019, p. 3–82.

¹⁰ Siena, Archivio di Stato di Siena (ASS), Consiglio generale, Deliberazioni, 208, fols. 127r–127v (13 January 1419): “Questa signori nostri è una rendita, la migliore che abbia el comune, per Dio sappiasi mantenere”.

¹¹ Cheating behaviors in access to common resources have been investigated as the free rider problem in social sciences. See Elinor Ostrom, “*Governing the Commons*”: *The Evolution of Institutions for Collective Action*, Cambridge: Cambridge University Press, 1990. For a historical perspective, see Martine de Moor, Paul Warde and Leigh Shaw-Taylor, eds. *The management of common land in north-west Europe, c. 1500–1850*, Turnhout: Brepols, 2002.

**THE DEVELOPMENT AND THE STRUCTURE
OF THE *DOGANA DEI PASCHI* OF SIENA (C. 1353–C. 1419)**

In 1353, the city council of Siena reformed the management of pastures, tolls, and grazing rights that Siena owned across Southern Tuscany, previously organized per community and rented out to private contractors.¹² All these rights should be managed by a new public office of pasturages, from 1366 onwards called the *Dogana*.¹³ The access to this new system should be granted to whoever was able to pay the unified tariff based on the amount and race of the animals concerned; for instance, four golden florins per 100 sheep.¹⁴ The reform aimed at a twofold goal, both coping with the drop of fiscal revenues and reorganising the depopulated southern territories by replacing the declining grain cultivation with market-oriented transhumant livestock breeding.¹⁵

All these issues were direct consequences of the Black Death of 1348. The plague, together with the subsequent epidemics, warfare, and famines struck Southern Tuscany hard between 1350 and 1450, pushing Siena to reorganise its territory as a grazing land.¹⁶ This was achieved throughout a sixty-six-year process of law enforcement, military conquest and commons expropriation, driven by the greed for grass, i.e. for revenues, of Siena.¹⁷ In 1419, the enactment of the first statute of the *Dogana dei Paschi*, finally, marked the end of this process and confirmed the relevance of transhumant pastoral economy in Southern Tuscany under the rule of the Siense monopoly of pasturages.¹⁸

The management of the so-called *paschi* designed in 1419 was based on the establishment of a Siense grazing right, that of the *Dogana*, overriding all the local rights on collective, seigneurial and private pastures, and crop fields.¹⁹ Furthermore, the decrease in population and labor force and of the extensive grain-cropping

¹² ASS, Consiglio generale, Deliberazioni, 152, fols. 31v–32r (20 June 1353). For the precedent system, see Valentina Costantini, *Carni in rivolta. Macellai a Siena nel Medioevo*, Ospedaletto (Pisa): Pacini 2018, p. 27–48.

¹³ ASS, Consiglio generale, Deliberazioni, 152, fols. 31v–32r (20 June 1353); 175, fol. 51v (22 November 1366).

¹⁴ ASS, Consiglio generale, Deliberazioni, 152, fols. 31v–32r (20 June 1353).

¹⁵ ASS, Consiglio generale, Deliberazioni, 152, fols. 31v–32r (20 June 1353). For a discussion, see Cristoferi, *Il «reame» di Siena*, p. 35–46.

¹⁶ On the crisis of Siena and its territory in late Middle Ages, see Maria Ginatempo, *Crisi di un territorio: il popolamento della Toscana senese alla fine del Medioevo*, Florence: L.S. Olschki Editore, 1988; William Caferro, *Mercenary companies and the decline of Siena*, Baltimore and London: The John Hopkins University Press, 1998.

¹⁷ See Cristoferi, *Il «reame» di Siena*, p. 35–81.

¹⁸ The statute has been published in Ildebrando Imberciadori, “Il primo Statuto della Dogana dei Paschi maremmani (1419),” in Ildebrando Imberciadori, *Studi su Amiata e maremma*, eds. Zeffiro Ciuffoletti and Paolo Nanni, Florence: Accademia dei Georgofili, 2002, p. 97–126. For a discussion, see Cristoferi, *Il «reame» di Siena*, p. 81–90.

¹⁹ See Alessandro Dani, “Profili giuridici del sistema senese dei pascoli tra XV e XVIII secolo,” in *La pastorizia mediterranea. Storia e diritto (secoli XI–XX)*, eds. Antonello Mattone and Pinuccia F. Simbula, Roma: Carocci Editore, 2011, p. 254–75.

system of Southern Tuscany had boosted the exploitation of fallow land as pastures.²⁰ In this way, the officials of the *Dogana* were able to favor the increasing majority of transhumant herds generating income over the local tax-exempt livestock, while the cultivated land was reduced in surface and left under the threat of the herds.²¹ The goal was to collect as much revenue as possible, as claimed by the motivations and discussions recorded in Siennese laws: “if you do so, the pastures will be worth 2,000 golden florins more” (1353), “seems better to get as much revenue as possible for the city-state than nothing” (1408), “this is the best source of revenues of the city-state, for God’s sake, let’s keep it” (1419).²² In fact, Siena gained over 350,000 golden florins of gross revenue while spending roughly 72,000 golden florins between 1361 and 1417.²³

In order to make this system work and to manage the herds, the pastoralists, and the financial resources, four officials were elected every year among the citizens of Siena. Together with the service staff, recruited among rural inhabitants, and a Siennese accountant, they divided time between Siena, Northern and Southern Tuscany, according to the transhumant season and the needs of the office.²⁴ Between June and September, they visited the shepherds and livestock owners grazing their herds in the Apennines in order to bargain the conditions of the contract, called *fida* (i.e. trust), for the next winter grazing.²⁵ These conditions concerned the *erbatico*, i.e. the toll per sheep grazing (from the Latin *herba*, i.e. grass), and the insurance against cattle rustling or the rise of food prices.²⁶

From September to October, the pastoralists moved with their flocks of sheep along traditional routes towards Southern Tuscany (Fig. 1).²⁷ The officials and their staff were waiting for them at the Siennese borders or at specific crossroads to control the livestock movements and to tax the herds going towards Latium.²⁸ The accounting of the animals admitted to graze in Southern Tuscany, called *calla* (from the Latin *callis*, i.e. road), was one of the most demanding operations that the officials and the accountant of the *Dogana* supervised. The *calla* would last some days and was usually made, between November and December, by mounted staff.

²⁰ Regarding the agricultural system in Southern Tuscany, see Giuliano Pinto, *La Toscana nel tardo medioevo. Ambiente, economia rurale, società*, Florence: Sansoni, 1982, p. 93–155.

²¹ See Cristoferi, *Il «reame» di Siena*, p. 133–44.

²² See ASS, Consiglio generale, Deliberazioni, 152, fols. 31v–32r (20 June 1353): “se questo farete varanno e paschi duo milia fiorini de toto più che non valgliono a vendiragli scianati”; ASS, Consiglio generale, Deliberazioni, 203, fol. 61r (17 January 1408): “Utilius esse videatur quod de herba capiantur fructus plures quam haberi possint pro comuni quam nichil habere”; and ASS, Consiglio generale, Deliberazioni, 208, fols. 127r–127v (13 January 1419): “Questa signori nostri è una rendita, la migliore che abbia el comune, per Dio sappiasi mantenere”.

²³ See Cristoferi, *Il «reame» di Siena*, p. 164–75 and tables 6–10.

²⁴ *Ibidem*, p. 145–64.

²⁵ See Cristoferi, *Il «reame» di Siena*, p. 145–64.

²⁶ *Ibidem*.

²⁷ See Paolo Marcaccini and Lidia Calzolari, *I percorsi della transumanza in Toscana*, Florence: Polistampa, 2003.

²⁸ Alessandro Lisini, *Provvedimenti economici della Repubblica di Siena nel 1382: tratti da un testo a penna del senese R. Archivio di Stato*, Siena: Enrico Torrini, 1895, articles LXVII, LXXXVII, CII.

Their task was channelling the herds along a fenced road to count the animals.²⁹ Once a herd was counted and recorded, a double receipt was issued to the shepherd and the officials to make the final payment at the end of the winter grazing period. The little evidence available shows a range of 60–90,000 sheep accounted per year between 1417–19.³⁰ Later on, from January to April, the sheep grazed across the territory managed by the *Dogana*. In this period, the officials and their staff patrolled the pastures and administered justice among the members of the *vergaria* and between these pastoralists, called *fidati* (i.e., who signed the *fida*), and rural communities.³¹ Finally, between April and May, the officials controlled the way back to the Apennines and collected the toll from the shepherds.³²

To secure a constant flow of annual revenues, however, the *Dogana* would need, first, the monopoly of pastures and, second, the control over the shepherds and the grazing territory within, and possibly also beyond, Sienese borders.³³ Although the first objective was achieved quite easily through *Dogana*'s law enforcement, despite the resistance of rural communities, the territorial extent, the competition with neighboring states and the constant warfare in 14th-century Southern Tuscany made the achievement of the second objective a rather challenging one. Within Sienese borders, around twenty to thirty men among officials and staff were responsible to patrol pastures scattered across a territory of around 4,000 km² to detect potential free riders. Moreover, the officials had to compete with the lower tariff and the security service provided to the pastoralists from the Apennines by the *Dogana del Patrimonio di S. Pietro*, i.e. of the Papal territory around Viterbo, in Latium, beyond Sienese borders.³⁴ This *dogana*, together with other neighbouring competitors such as the Orsini counts, could lure the *fidati* to cross the borders without paying tolls to Siena.³⁵ Such temptation was even stronger in case of war, over taxation of herds or overexploitation of pastures, quite common phenomena in the 14th and 15th centuries.³⁶

STATUS, PERCEPTION AND COMPOSITION OF THE *VERGARIA* IN THE STATUTE OF THE *DOGANA DEI PASCHI* (1419)

Focusing on the statute of 1419, this section offers a compelling overview of the legal status and perception of transhumant pastoralists who, each year, formed a

²⁹ Lisini, *Provvedimenti economici*, article XCVII.

³⁰ See Cristoferi, *Il «ream» di Siena*, p. 75.

³¹ Imberciadori, "Il primo Statuto," p. 104–09.

³² ASS, Statuti di Siena, 31, fols. 144v–145r (25 July 1365).

³³ For a discussion, see Cristoferi, *Il «ream» di Siena*, p. 175–86. Cf. also: Dell'Omodarme, "Le dogane di Siena," p. 259–303.

³⁴ See Cristoferi, *Il «ream» di Siena*, p. 175–86. On the *Dogana del Patrimonio di S. Pietro*, see Jean Claude Maire Vigueur, *Les pâturages de l'Eglise et la douane du bétail dans la province du Patrimonio (XIV–XV siècle)*, Rome: Istituto Nazionale di Studi Romani, 1981.

³⁵ See Maire Vigueur, *Les pâturages de l'Eglise*, p. 30–47.

³⁶ Cristoferi, *Il «ream» di Siena*, p. 71–90.

temporary community, the *vergaria*, subjected to the law of the *Dogana*. Furthermore, as the arrival point of the institutional development of the *Dogana*, the statute allows for observing the evolution and the differences of legal status established by the ruler.³⁷

Every year, the *vergaria* lasted from September to May. It was composed of “every person who would like to come and herd or order someone else to herd whatever animals in the pastures of the city-state” admitted (*fidate*) by the Sieneese officials.³⁸ This implied that the pastoralists would sign a contract (the *fida*) in which they promised to pay the toll before the end of the winter grazing season in May.³⁹ In exchange for the toll, the *fida* allowed them to access the pastures with their herds and gave them the possibility to trade and bring back foodstuff and livestock without paying taxes and customs.⁴⁰ More importantly, the contract served as a safe-conduct protecting the pastoralists, their staff and livestock from any retaliation by Sieneese citizens, officials, and the army.⁴¹ At the same time, the *fida* was concerned only with the pastures, which implied that in case of war, cattle rustling or raids, any damage or loss of livestock was not protected by insurance.⁴² In these cases, the toll to pay could be reduced.⁴³

Once admitted, the pastoralists of the *vergaria* were supposed to graze their sheep and cattle within the pastures assigned to them by the officials. Borders were established according to the area of provenance, the period of the year and, probably, the quantity and kind of animals.⁴⁴ More importantly, it was also made compulsory that the *fidati* should not cross the borders towards the neighbouring pastures of the *Dogana del Patrimonio di S. Pietro*. However, they could cross the border if they paid the toll beforehand. And even then, they could only do so if they did not bring any foodstuff or other commodities with them in order to avoid smuggling.⁴⁵ As this ban was often not respected, another law was issued to reinforce the internal monopoly of pastures that forbade Sieneese shepherds and livestock breeders to move their herds outside the *Dogana* and Sieneese borders. In general, four different articles of the statute targeted Sieneese pastoralists, stressing the pressure of Siena on its own pastoral community.⁴⁶

For all these crimes and other unspecified legal matters, the members of the *vergaria* could be denounced, judged, condemned and fined up to twenty-five pounds by the officials of the *Dogana*.⁴⁷ Sieneese officials, however, also acted as

³⁷ *Ibidem*, p. 81–90.

³⁸ Imberciadori, “Il primo Statuto,” 119, article 18: “Tutti quelli che volessero venire a condurre o fare condurre ne’ paschi del comune a pasciare ogni bestiame di qual conditione si sia”.

³⁹ For an example of contract of *fida*, see ASS, Capitoli, 19, fols. 12r–12v (10 January 1391).

⁴⁰ ASS, Capitoli, 19, fols. 12r–12v (10 January 1391).

⁴¹ *Ibidem*.

⁴² Imberciadori, “Il primo Statuto,” 119, article 18.

⁴³ See Cristoferi, *Il «reama» di Siena*, p. 145–64.

⁴⁴ Imberciadori, “Il primo Statuto,” p. 115–17, articles 4–5, 7.

⁴⁵ *Ibidem*, p. 122–24, article 43.

⁴⁶ *Ibidem*, p. 116–19, articles 6, 11, 12, 15.

⁴⁷ *Ibidem*, p. 120, article 22.

mediators for the interests of both Siena and the pastoral community. For instance, since 1417, the members of the *vergarìa* had to elect and provide salary for one of the officials of the *Dogana*, the so-called *capovergaio*, as their representative and supervisor.⁴⁸

Looking at the motivations of granting judicial power to the officials helps to understand the rhetorical perception of transhumant pastoralists among Siennese rulers. Echoing a deliberation of the city council from 1356, the statute states that shepherds and *vergari*, “by their own long customary [traditions] and their habits resembling those of the animals, could be governed and curbed by specific terms and restraints by no other means than the fear of punishment”.⁴⁹ Indeed, such long-term prejudice comparing animals and shepherds as rule breakers found some parallels in the illegal acts of transhumant pastoralists frequently reported in the records of Siena’s city council.⁵⁰

Furthermore, the roots of the prejudice against shepherds can be found also in the so-called satire of the *montanaro*, i.e., the highlander.⁵¹ During the 13th–15th-centuries, this satire along with the satire of the *villano* (which mainly addressed the peasants) developed across Tuscan urban culture. It expressed the increasing socio-economic and cultural disparities between the late medieval urban and rural worlds.⁵² In these stories, the highlander is often presented in the character of a (transhumant) shepherd, a woodsman or a charcoal burner, and described mainly as solitary, fierce, rough, clever, and violent.⁵³ This depiction reduced the highlander to the level of the wild and domestic animals he was expected to hunt or breed especially from an urban perception.⁵⁴ In the Siennese sources, however, not only highlanders, such as transhumant pastoralists, but also Southern Tuscan inhabitants and shepherds were represented in such a way, showing the same social, political and cultural gap between the Siennese rulers and the resident and temporary population in the territory of the *Dogana*.⁵⁵

⁴⁸ See ASS, Consiglio generale, Deliberazioni, 207, fols. 262r–263v (12 February 1417); Imberciadori, “Il primo Statuto,” 124, article 44.

⁴⁹ Imberciadori, “Il primo Statuto,” 120, article 22: “Per una loro lunga consuetudine, e loro costumi so’ simili a quelli delle bestie e quali per niuna ragione se non per paura di pene con dovuti termini et freni si governarebbero”. Cf. ASS, Consiglio generale, Deliberazioni, 157, fols. 35r–35v (30 March 1356).

⁵⁰ Cristoferi, “«...In passaggio, andando e tornando...»,” 38. Only ten crimes, such as brawls with injuries, murder and cattle-stealing, are reported in the records of the *Consiglio generale* between 1375 and 1422.

⁵¹ On this satire, see Giovanni Cherubini, “La società dell’Appennino settentrionale (secoli XIII–XV),” in Giovanni Cherubini, *Signori contadini borghesi. Ricerche sulla società italiana del basso medioevo*, Florence: La Nuova Italia, 1974, p. 121–23.

⁵² On the satire against the *villano*, see Gabriella Piccini, “Satira anticontadina a Siena alla fine del Medioevo,” in *Dalla Congrega all’Accademia. I Rozzi all’ombra della suvera fra Cinque e Seicento*, ed. Mario de Gregorio, Siena: Accademia dei Rozzi, 2013, p. 93–116; Filippo Ribani, “Il contadino ladro. Sfumature di una figura letteraria bassomedievale,” *Studi Medievali* 49, n. 2, 2018, p. 619–46.

⁵³ Cherubini, “La società dell’Appennino,” p. 121–23.

⁵⁴ *Ibidem*.

⁵⁵ See Cristoferi, “«...In passaggio, andando e tornando...»,” p. 38–39.

Despite the common perception and the homogeneous set of rules framing the presence of Tuscan pastoralists in the *Dogana*, the statute of 1419 acknowledged also the heterogeneous composition of the *vergaria*. In this temporary community, different groups can be detected according to the provenance and the social and economic role. Such differences led to some formal privileges and inequalities: a great livestock owner, as resident of Siena, had a far more prominent position than a remunerated shepherd roaming with his herds between the Apennines and Southern Tuscany. In this regard, the former could benefit from its prominent position to obtain special agreement with the *Dogana*: in 1410, a certain Pighetta from Florence, linked to the Spini, a powerful Florentine family of merchants and bankers, brought 2,900 sheep to the *Dogana*.⁵⁶ Because of warfare, Pighetta was forced to move back his flock and to pay the *fida* despite such circumstances. He managed to avoid this due to a specific official petition presented by a member of the Siense Tolomei family who was well connected to the Florentine Spini.⁵⁷ Remunerated shepherds or small livestock breeders, especially from Southern Tuscany, on the contrary, had to face issues such as overtaxation or the competition for pastures with less agency or negotiating power, especially if alone.

In regard to the heterogeneous composition of the Tuscan pastoral community, the statute distinguished between *vergai*, shepherds (*pastori*), guardians of cattle (*guardiani di bestie*) and livestock owners or merchants (*mercanti di bestie* or *bestiali*).⁵⁸ As the supreme manager of the herd, the *vergaio* was in charge of all the operations of transhumance: bargaining the *fida*, guarding, organizing the movements, breeding and selection, shearing, cheese-making, selling the wool, the animal and the cheese on the market and paying the salaries of his staff. Usually, the *vergaio* shared part of the revenues with the owner.⁵⁹ His staff was often composed of remunerated shepherds (the *pastori*), sometimes specialised per race or operation, as the guardians of cattle, who were paid in money, products, and clothes. Impoverished shepherds working as wage laborers represented the bottom layer of Tuscan pastoral society. The term *pastore*, however, could also identify small and medium livestock breeders from the Apennines or the Siense countryside who conducted their own flocks in association with those of other fellows, or who leased livestock (*bestiame a socio*) from great livestock owners, or both.⁶⁰ Great livestock owners, were particularly relevant as butchers, suppliers and merchants of animals for slaughter, work or for cheese, wool and leather production in late medieval Tuscany.⁶¹ According to the size of their business, they resided in great cities such as Florence, Siena, Pisa and Arezzo or in rural market towns or in

⁵⁶ See ASS, Concistoro, Scritture concistoriali, 2141, fol. 37r (26 May 1410).

⁵⁷ *Ibidem*.

⁵⁸ Imberciadori, "Il primo Statuto," 120, article 22: "Vergari, pastori, guardiani di bestie et mercanti di bestie overo vulgarmente detti bestiali".

⁵⁹ Cristoferi, "«...In passaggio, andando e tornando...»," p. 31–32.

⁶⁰ *Ibidem*," p. 33–34.

⁶¹ See, Costantini, *Carni in rivolta*, p. 77–120.

crossroad centres towards Southern Tuscany such as Massa Marittima: they served as connection between the centres of production and consumption (Fig. 1).⁶²

The statute of 1419 acknowledged also the different provenance of pastoralists by granting specific access to the *Dogana*. Pastoralists from the Apennines nearby Lucca (Garfagnana) and Pistoia (Pistoiese Mountain) accessed from the northwest, near Montemassi and Prata. Those from the Apennines nearby Florence (Mugello) and Arezzo (Casentino) accessed from the north, near Paganico. Shepherds and livestock owners from the Valtiberina and Romagna region (Faggiola), together with those from the Sienese territories (Orcia and Chiana valleys, the Mount Amiata), accessed from the northeast, nearby Cinigiano and Cotone (Fig. 2).⁶³

Furthermore, a significant demarcation regards the access to pastures among the *fidati*. Foreign pastoralists owned the majority of transhumant livestock and brought golden money from outside the city-state; as a consequence, Siena favoured these external pastoralists over shepherds and livestock owners from its own territory.⁶⁴ For instance, in 1366, the Sienese city council established the primacy of foreign (transhumant) herds in the pastures of the community of Magliano over local cattle, to which the officials of the *Dogana* assigned “limits and time” of grazing.⁶⁵

The Sienese group was divided in turn between pastoralists resident within the territory of the *Dogana* and those who lived outside the monopoly but were still under the rule of Siena. Due to the monopoly of the *Dogana*, as in the case of the inhabitants of Magliano, the rural communities of Southern Tuscany endured an increasing restriction of their right of free grazing.⁶⁶ As a result, when the local pastoralists exceeded the boundaries set by Siena, they were supposed to pay. To give an example, in 1373, the inhabitants of Batignano could graze only six sheep every year for free on their own territory. During the ploughing seasons, they could graze also four oxen. If the inhabitants had more, they had to pay two pounds per every 20 sheep and 24 liters of grain for every bovine animal.⁶⁷ Contrary to this, Siena’s great and medium livestock owners could exploit the free grazing rights of these rural communities by leasing animals to local shepherds and impoverished livestock owners. Evidence shows that, in 1400, Siena granted free and unlimited grazing rights to the herds of the inhabitants of Cotone if leased from Sienese citizens.⁶⁸

⁶² A fiscal survey of Massa Marittima, for instance, recorded several medium and great livestock owners in 1420. Among these, a certain Giovanni son of Geri, one of the richest men in the town, owned 140 bovines, 900 sheep and goats, 12 horses, 6 buffaloes and 5 oxen. See: Pinto, *La Toscana nel tardo medioevo*, 64.

⁶³ See Cristoferi, *Il «reame» di Siena*, 86–87. A detailed analysis of the provenances is provided in: Cristoferi, “«...In passaggio, andando e tornando...»,” p. 34–35.

⁶⁴ See Cristoferi, *Il «reame» di Siena*, p. 46–47.

⁶⁵ ASS, Statuti di Siena, 31, fol. 10v (2 October 1366): “confines et tempus”.

⁶⁶ Cf. ASS, Statuti di Siena, 31, fol. 10v (2 October 1366).

⁶⁷ ASS, Statuti dello Stato di Siena, 10, fols. 64r–65v (1373).

⁶⁸ ASS, Consiglio generale, Deliberazioni, 199, fol. 95r (14 April 1400).

Finally, in 1416, livestock owners and shepherds from Siena and Southern Tuscany, identified as *Biancani*,⁶⁹ received the same privileges of grazing as the foreigners. However, they had to pay a tariff higher than the standard one (eight and half golden florins per 100 sheep) in exchange.⁷⁰ Although a few years later, this price difference was abolished under the pressure of Sienese livestock owners, the deregulation of accessing the territory of the *Dogana* was not without controversy. Sienese records increasingly show over-exploitation of pasturelands and conflicts among the *vergarìa*, due to the fact that local pastoralists could reach and exhaust the pastures before the foreigners came.⁷¹

Moreover, among the pastoralists admitted to the *Dogana*, Siena established further formal and informal differences. For example, the hospital of *S. Maria della Scala* of Siena, which was under control of the Sienese government in charge of the welfare of the capital, was granted free grazing rights for 1,000 sheep and 100 bovine animals in 1361.⁷² In this way, the hospital, one of the greatest landlords of the city-state, was able to feed for free one fifth of its livestock.⁷³ In summer, the livestock was bred across the estates and farms of the hospital around Siena whereas, in winter, it was moved by the tenants and shepherds of *S. Maria della Scala* to Southern Tuscany, where the hospital had two granges specialised in animal husbandry.⁷⁴ Additionally, the exemption was raised up to 300 bovine animals and 250 pigs during the 15th century.⁷⁵ The city-state clearly benefitted from bestowing such privileges as the cost of food provisioning and land management of the main welfare institution of Siena was reduced in the long run.⁷⁶

To resume, the statute of 1419 shows a heterogenous pastoral community despite the common legal framework and perception provided by Siena. In fact, the socio-economic disparities found among members of the *vergarìa* were acknowledged and enhanced by the rules of the *Dogana*. In this regard, the most significant inequality was that established between foreign herders and the local pastoralists of Southern Tuscany concerning the access to pastures.

⁶⁹ The origin of this term is unclear. It appears in the statute of 1419, identifying all the pastoralists living in the state of Siena and, more specifically, those from the area of the Mount Amiata and of the valleys of Orcia and Chiana. For a discussion, see Cristoferi, *Il «reamo» di Siena*, p. 86–87.

⁷⁰ ASS, Statuti di Siena, 39, fols. 41v–43r (12 May 1416).

⁷¹ On the tariff, see ASS, Consiglio generale, Deliberazioni, 208, fol. 159v (28 March 1419). On the impact of the deregulation, see ASS, Consiglio generale, Deliberazioni, 208, fol. 109v (13 September 1418).

⁷² ASS, Consiglio generale, Deliberazioni, 168, fols. 19v–20r (1 October 1361).

⁷³ On the property and the livestock of the hospital, see Stephan R. Epstein, *Alle origini della fattoria toscana. L'ospedale della Scala di Siena e le sue terre (metà '200-metà '400)*, Florence: Salimbeni, 1986, p. 91–98.

⁷⁴ Epstein, *Alle origini della fattoria toscana*, p. 91–98.

⁷⁵ ASS, Dogana dei Paschi, Statuti, 5, fols. 7v–8r (27 February 1429); 5, fol. 42v (15 January 1445).

⁷⁶ Epstein, *Alle origini della fattoria toscana*, p. 91–98.

TRANSHUMANT PASTORALISTS OUTSIDE THE MONOPOLY: TRANSACTION COSTS AND BARGAINING POWER

This section explores how and to what extent the legal framework established by Siena was subject to negotiations every year, before winter grazing, when transhumant pastoralists were outside the rule of the *Dogana*. Indeed, in the 14th and 15th-centuries, Tuscan transhumant pastoralists generally enjoyed a strong bargaining power with the officials of the *Dogana* concerning the tariff and the conditions of the *fida*. This power, as mentioned above, was mainly due to the acknowledged economic relevance of transhumant herds for the treasury of the city-state of Siena and due to the constant competition between the different *dogane* of Central Italy. As a result, the herders' negotiating power was even stronger before winter grazing when pastoralist, on the one hand, needed information and guarantees about where to send their herds during winter. On the other hand, Sienese officials were pushed by the city-state to attract as many flocks as possible and on almost any terms to increase the yearly revenues of the *Dogana*.⁷⁷

During the summer, while grazing in the Apennine Mountains, livestock owners and shepherds, after accounting expenses and revenues from the past transhumant season, planned the upcoming winter grazing period on the basis of relevant information.⁷⁸ A first series of information considered the demand and the price of products such as wool, meat, leather, cheese and livestock on the markets. The pastoralists took into account trends from the previous year and pre-agreements of purchase in order to decide whether wintering their herds was worthwhile for how long and with how many animals.⁷⁹ At the same time, transhumant pastoralists needed to know in advance the cost, the quantity and the quality of the pastures available for winter grazing. In addition, they were in need of information about warfare and the movement of mercenary companies and armies across their pastures and routes, a particularly frequent phenomenon in 14th-century Southern Tuscany.⁸⁰ In this regard, it was also fundamental to be informed about the insurance, possible discounts, and other protective measures that would be provided by each *dogana* in case of raids and cattle rustling. The availability and reliability of such information allowed transhumant pastoralists, individually or in groups, to choose

⁷⁷ ASS, Consiglio generale, Deliberazioni, 201, fols. 64r–64v (23 November 1403). In 1403, the task to negotiate (a lower) toll to attract more transhumant pastoralists and, in turn, increase the revenues of the *Dogana* was appointed to the officials.

⁷⁸ According to economic theory, the cost of collecting and processing this information can be interpreted as transaction costs. For a theoretical framework, see Douglass C. North, *Transaction costs, institutions, and economic performance*, San Francisco: ICS Press, 1992.

⁷⁹ See Cristoferi, “«...In passaggio, andando e tornando...»,” 54; ASS, Consiglio generale, Deliberazioni, 208, fols. 127r–127v (18 December 1418). In 1357, a merchant from Casentino purchased in advance six hundred pounds of wool from sheep wintering in Southern Tuscany while, in 1418, many livestock owners did not even winter their flocks in Southern Tuscany because of an ongoing epidemic, the increase of prices, and the decreasing value of livestock.

⁸⁰ See Caferro, *Mercenary companies*.

the potentially best option for winter grazing, to plan the routes towards the *Dogana* chosen and to bargain the conditions of the *fida*.⁸¹ This information was partly collected between spring and autumn on the local and seasonal markets frequented and along the routes from other transhumant shepherds, merchants and travellers and partly provided by the city-states, the *dogane* and the seigneuries where the pastoralists usually wintered their flocks.⁸²

In this regard, the aforementioned annual missions of Sieneese officials to the Apennines, each year between June and September, aimed at providing transhumant pastoralists with the information they needed, at discussing and offering solutions to the issues they claimed from the past season, at collecting the unpaid *fida*, and at reaching agreements for the next winter.⁸³ In fact, in order to attract herds and shepherds, this mission lowered the transaction costs of organising the winter grazing and even provided competitive conditions for the pastures needed. The Apennine pastoralists, on their part being outside the monopoly of the *Dogana dei Paschi*, could ask to adjust the tariffs and the conditions established by the Sieneese city council in their favour. If this was not the case, they could always decide to bring their herds, and thus their money, to another pasture owner.⁸⁴ For instance, a few months after the reform of 1353, the city council of Siena granted the officials of the public pasturages to offer lower tolls when bargaining the *fida* payments with transhumant pastoralists.⁸⁵ Moreover, it was also established to protect the herds on the way back to the Apennines and to reduce the tax on exporting livestock for slaughter outside the Sieneese territory – a tax that was usually paid by the pastoralists in heads of cattle intended for the meat market of Siena.⁸⁶

The constant negotiation for the *fida* shaped the development of the *Dogana dei Paschi* between the second half of the 14th century and the first decades of the 15th century. Officials granted all the *fidati* the protection against any retaliation for debts and crimes in 1362 and the discount of one-third of the toll to pay in case of cattle rustling in 1369. In addition, they also conceded the right to import and sell

⁸¹ See ASS, Consiglio generale, Deliberazioni, 197, fol. 154r (10 September 1395); Imberciadori, “Il primo Statuto,” 114, article 1. In 1395, pastoralists refused to enter the land of the *Dogana* until they were assured against cattle-rustling and raids. In 1419, one-third of transhumant flocks did not winter in Southern Tuscany due to the mismanagement of pastures of the precedent year.

⁸² Cristoferi, “«...In passaggio, andando e tornando...»,” p. 12, 54. Here are few examples of the circulation and the collection of information among pastoralists. During the thirteenth century, the city-states of Siena and Volterra sent letters to the Apennine region of Mugello to inform transhumant pastoralists about an ongoing warfare in their territory. During the summer of 1388, a blacksmith of Poppi in Casentino made an agreement with a shepherd from the neighbouring village of Garliano. The shepherd received in lease 60 sheep to be wintered in Southern Tuscany in exchange for half of the revenues from the sale of the lambs, the cheese, and the wool. On the road and market network in late medieval rural Tuscany, see Charles M. De La Roncière, *Firenze e le sue campagne nel Trecento: mercanti, produzioni e traffici*, Florence: L.S. Olschki Editore, 2005.

⁸³ On the annual visits of Sieneese officials to the Apennine Mountains see the footnote above.

⁸⁴ ASS, Consiglio generale, Deliberazioni, 177, fol. 6r (6 August 1367); 177, fol. 20v (30 September 1367). In 1367, pastoralists refused to enter in the *Dogana* until Siena withdrew a tax on the export of livestock for the meat market.

⁸⁵ ASS, Consiglio generale, Deliberazioni, 153, fols. 30v–31r (8 October 1353).

⁸⁶ *Ibidem*.

grain at a lower price to all the members of the *vergaria* during the famine in 1370⁸⁷. All these benefits were included in the legal framework of the *fida* in the statute of 1419.

Other exceptions in favour of the transhumant pastoralists could be negotiated at the Sienese borders, immediately before or after accounting and recording the herds during the *calla*. In the first case, attested since 1388, livestock owners and shepherds could declare less heads of cattle per herd recorded during the *calla*.⁸⁸ This practice, although carried out with the consent of the Sienese officials, who were allowed to grant, sometimes, a 6–7 per cent discount on the toll to pay in May, was illegal and, consequently, was condemned repeatedly, but in vain, by the city council of Siena.⁸⁹ The discount manifested as an *ex-post* legalization of the fraud committed by the shepherds during the *calla*.

Another *ex-post* legalization often resulted from the request to sign a *fida* contract for half of the standard tax, usually made by some pastoralists after the *calla*, between December and January.⁹⁰ They explained such requests with the minor quantity and quality of grass that their animals had been able to find at that time of the winter grazing.⁹¹ More probably, these shepherds had been illegally wintering between Sienese and private pastures, waiting the right moment to ask for lower prices.⁹² The Sienese government, however, granted a lower *fida* in such cases ever since 1397.⁹³ Indeed, they thought that it was “better to get as much revenue as possible for the city-state than to get nothing”.⁹⁴

TRANSHUMANT PASTORALISTS INSIDE THE MONOPOLY: CONFLICTS, COLLUSION AND BARGAIN

This section analyses the interactions between transhumant pastoralists and Sienese officials during the winter grazing period. As mentioned above, once

⁸⁷ See ASS, Consiglio generale, Deliberazioni, 169, fol. 44r (16 September 1362); 179, fols. 73r–73v (21 September 1369); 180, fol. 84r (16 September 1370). The date of these deliberations – always in Mid-September, on the eve of winter grazing – proves that they were the outcome of summer negotiations with transhumant pastoralists.

⁸⁸ See Lisini, *Provvedimenti economici*, articles XCVII, CX.

⁸⁹ See Lisini, *Provvedimenti economici*, article XCVII; ASS, Consiglio generale, Deliberazioni, 196, fol. 50v (26 February 1388); 196, fol. 101r (10 February 1389); 207, fols. 262r–263v (12 February 1417); 208, fol. 109v (13 September 1418); 208, fols. 127r–127v (18 December 1418); 209, fol. 7v (12 December 1419).

⁹⁰ See ASS, Consiglio generale, Deliberazioni, 198, fol. 62v (3 December 1397).

⁹¹ See ASS, Consiglio generale, Deliberazioni, 209, fol. 7v (12 December 1419).

⁹² ASS, Consiglio generale, Deliberazioni, 203, fols. 71r–72r (19 March 1408).

⁹³ ASS, Consiglio generale, Deliberazioni, 200, fols. 57v–58r (13 January 1402); 203, fol. 61r (17 January 1408); 206, fols. 120r–120v (15 January 1414); 207, fol. 255v (15 January 1417); 208, fols. 127r–127v (18 December 1418); 209, fol. 7v (12 December 1419); 209, fol. 83v (13 December 1420); 209, fol. 174v (12 December 1421).

⁹⁴ ASS, Consiglio generale, Deliberazioni, 203, fol. 61r (17 January 1408): “Utilius esse videatur quod de herba capiantur fructus plures quam haberi possint pro comuni quam nichil habere”.

admitted and recorded in the *Dogana* in accordance with the negotiated conditions, pastoralists changed their legal status and became *fidati* of the *vergaria*, that is, subjected to the judicial power of the officials. They were also supervised and represented by one of the officials, the aforementioned *capovergaio*. Although the change of the legal status slightly affected the constant bargaining between the rulers and the *fidati*, it boosted the possibility for conflicts and collusions among these actors, pushing Siena to act as a mediator and a stakeholder at the same time. In this respect, the transhumant pastoralists still constituted a privileged group in comparison with the local pastoralists who wandered throughout Southern Tuscany, as mentioned above. Despite agreements and privileges, however, transhumant pastoralists were not only misused variously but also faced overtaxation by Sieneese officials, condemnation by local communities for damaging their fields, and often cattle-rustling. In case they did not consider themselves sufficiently protected; they moved their herds outside the Sieneese borders as a last resort. However, they also attempted to avoid or postpone the payment of the *fida*, to smuggle livestock or products, to cross the borders assigned by the officials and to exhaust the pastures available, pushing Siena, on its part, to tighten-up rules and punishments.⁹⁵

As a consequence, this large variety of interactions ensued various conflicts, collusions, and negotiations among the *vergaria*, the local communities and the officials of the *Dogana*.⁹⁶ Indeed, each of these actors pursued his own interest within the temporal and spatial limits of winter grazing in Southern Tuscany.⁹⁷ For the pastoralists, this implied grazing as much as possible (in security) with minimum payment. For the officials of the *Dogana*, this implied collecting maximum revenues by permitting as many animals as possible to graze without paying much attention to the long-term sustainability of grazing lands. Ultimately, for the local communities, this meant a greater concern to save both their crop fields and collective pastures or to rent them out in an undercover competition with the *Dogana*.⁹⁸ In this context, Siena's greed for revenues played a major role in shifting their favour towards transhumant pastoralists, sometimes proving detrimental to the legal framework of the *Dogana*.⁹⁹ This shift was also favoured by the progressive depopulation and proletarianization of the rural communities in Southern Tuscany, struck by epidemics and warfare.¹⁰⁰

⁹⁵ See Imberciadori, "Il primo Statuto," p. 106–10.

⁹⁶ See Davide Cristoferi, "I conflitti per il controllo delle risorse collettive in un'area di dogana (Toscana meridionale, XIV–XV secolo)," *Quaderni Storici* 52, n. 2, 2017, p. 317–47.

⁹⁷ For a discussion of the relationship between short-term strategy and overexploitation of commons, see Garrett Hardin, "The Tragedy of the Commons," *Science* 162, n. 3859, 1968, p. 1243–48; Ostrom, "Governing the Commons".

⁹⁸ Lisini, *Provvedimenti economici*, article CVII. Since 1382, half of the revenues from the collective pastures rented to transhumant shepherds was collected by Siena. According to Sieneese sources, however, these resources were used by rural communities against the intention of the ruler.

⁹⁹ Cristoferi, *Il «reame» di Siena*, p. 86–87. As shown by the many exemptions approved.

¹⁰⁰ See, for a discussion, Alfani Di Tullio, *The Lion's share. Inequality and the Rise of the Fiscal State in Preindustrial Europe*, Cambridge: Cambridge University Press, 2019, p. 141–142. With the term 'proletarianization', the authors refer to the European-scale process within which

A careful look at the trials, negotiations and crime reports recorded in the deliberations of the city council allows for exploring these different levels of interaction and to listen to the voices of the actors involved, although, of course, mediated by the Sienese documents. A first series of conflicts concerns Sienese and foreign shepherds and livestock owners, as mentioned above, and was solved by the authorities of Siena in the second decade of the 15th century by equalising rights and duties to access pastures and to pay the *fida*.¹⁰¹

Another horizontal struggle that was solved by the intervention of Siena involved the members of the *vergarìa* and the local communities. In the summer of 1382, several transhumant pastoralists declared that they would not winter in the *Dogana* because certain Sienese rural communities had “approved new deliberations and through these, they had condemned the animals and their owners for the damages” they had caused to crop fields”.¹⁰² Previously, Siena had allowed pastoralists to repay only the damage caused by their herds. After the protest of 1382, Siena forbade once more any fine or retaliation against the *fidati* and pastoralists could continue grazing their sheep as customary.¹⁰³ However, the same conflict occurred again in the following year, when the town of Grosseto asked for the right of prosecuting the shepherds who had damaged its fields.¹⁰⁴ The community claimed unbearable damage in wheat, vines, and the commons caused by transhumant herds. Though in 1383 the contemporary concerns for grain cropping in Southern Tuscany pushed for the approval of the petition of Grosseto,¹⁰⁵ when the pastoralists threatened with yet another strike, their privileges were nevertheless granted once more.¹⁰⁶

Due to the profit-oriented management of the *Dogana* and the trends in grain production and demographic pressure, these conflicts kept recurring in the following years.¹⁰⁷ It is not surprising then to find that a guardian of a grain field of Grosseto was prosecuted for the murder of a transhumant shepherd in 1421, a year of food shortage.¹⁰⁸ A certain Pietro, son of Antonio, was protecting the field from animals as “it is customary [...] at that time in Southern Tuscany”.¹⁰⁹ The trespassing shepherd

peasants lose the ownership of the means of production, thus becoming dependent on selling their labour for wages, between 1400 and 1800. Regarding the proletarianisation of Tuscan pastoral society, see Cristoferi, *Il «reame» di Siena*, p. 190–202.

¹⁰¹ See ASS, Statuti di Siena, 39, fols. 41v–43r (12 May 1416); Consiglio generale, Deliberazioni, 208, fol. 159v (28 March 1419).

¹⁰² ASS, Consiglio generale, Deliberazioni, 192, fol. 7r (13 August 1382): “Faciunt ordinamenta et per illa condempnant bestias et patronos pro dampnis”.

¹⁰³ ASS, Consiglio generale, Deliberazioni, 192, fol. 7r (13 August 1382).

¹⁰⁴ *Ibidem*, 193, fol. 7v (23 July 1383).

¹⁰⁵ See Gabriella Piccinni, “Siena, il grano di Maremma e quello dell’Ospedale. I provvedimenti economici del 1382,” *Bullettino Senese di Storia Patria* 120, 2013, p. 174–89.

¹⁰⁶ ASS, Consiglio generale, Deliberazioni, 193, fol. 27v (11 October 1383).

¹⁰⁷ See Cristoferi, “I conflitti per il controllo,” p. 331.

¹⁰⁸ ASS, Consiglio generale, Deliberazioni, 209, fol. 236v (11 September 1422).

¹⁰⁹ *Ibidem*: “Comme è usança guardare e grani da le bestie in Maremma in esso tempo”. Maremma refers to and can be used as a synonym for Southern Tuscany.

was first invited to leave, but when he tried to strike the guardian, he was killed at once. The incident was reported to the city council of Siena because the rural communities of Southern Tuscany aimed for the dismissal of Pietro.¹¹⁰

The most significant conflict endured by transhumant pastoralists was evidently the one with the *Dogana*. As mentioned earlier, disputes often concerned misuse and overtaxation by the officials as well as frauds and trespassing borders by the members of the *vergaria*.¹¹¹ Since the end of fourteenth century, due to Siena's greed for revenues, its officials often pushed for extra-taxes (*sopraggettito*) during the winter grazing period. They attributed these extra-taxes to conditions as various as a contribution to the salary of the staff, for the soldiers defending the *vergaria*, for permitting access to new pastures, or to support the revenues of the *Dogana* in times of decline.¹¹² The timing of this increase in taxes seems to suggest that the overtaxation was a kind of a compensation for the lower *fida* granted to shepherds after the *calla*.¹¹³ Pastoralists reacted as usual: at first, they sent the *capovergario* to complain to his colleagues and to the city council in order to ask for a delay or a reduction of the payment, and then they refused to pay or simply moved outside the borders of the *Dogana*.¹¹⁴

In these cases, Siennese officials acted as intermediaries between the city of Siena and the *vergaria*. Indeed, they were also interested to find an agreement for, since 1412, some of them were paid through shares of the revenue. As once they complained to the *fidati* escaped to Latium, they were "made in desperation" because the pastoralists were not coming to the pastures of the *Dogana*.¹¹⁵ The pastoralists, for their part, responded that "when we had been invited to move to your place [i.e., the *Dogana*'s], your officials had promised us the best benefits since a long time, but now it is the opposite".¹¹⁶

Pastoralists could also enjoy impunity in case of frauds and trespasses. This was due not only to their economic relevance for Siena, but also to their collusion with Siennese officials. Sometimes this collusion was simply overlooking frauds difficult to detect and prosecute, such as those made at the *calla*. In these cases, either reducing the number of sheep declared or the total price per herd was the

¹¹⁰ ASS, Consiglio generale, Deliberazioni, 209, fol. 236v (11 September 1422).

¹¹¹ Officials could also be prosecuted for misuse, see Piero Lusini, *Uomini e bestiami nella Maremma dei Paschi. Il processo al cavallaro Pietro di Mariano da Manciano (1578–1579)*, Firenze: Associazione Studi Storici Elio Conti, 2019.

¹¹² On the different motivations, see ASS, Consiglio generale, Deliberazioni, 208, fol. 138r (13 January 1419); 197, fol. 124r (16 December 1394); 208, fols. 49v–50r (14 December 1417); Regolatori, Revisioni, 4, fols. 319r–320r (1 February 1390–1 September. 1390).

¹¹³ See the previous section and ASS, Consiglio generale, Deliberazioni, 198, fol. 62v (3 December 1397).

¹¹⁴ See, for instance, ASS, Consiglio generale, Deliberazioni, 208, fol. 138r (13 January 1419).

¹¹⁵ ASS, Consiglio generale, Deliberazioni, 208, fol. 138r (13 January 1419): "Voi ci mettete in disperazione di non volere venire ne vostri paschi".

¹¹⁶ ASS, Consiglio generale, Deliberazioni, 208, fol. 138r (13 January 1419): "Voi sapete che quando voi ci veniste ad invitare a casa vostra voi ci prometteste che da voi aremmo più piacere che da officio che fusse gia buon tempo e ora è il contrario".

outcome of an on-terrain bargain between shepherds and controllers.¹¹⁷ In other cases, however, officials were bribed by livestock owners who wanted to export their livestock to more profitable meat markets outside Siena.¹¹⁸ During the 15th century, export of livestock for slaughter, regardless whether transhumant or not, was allowed by Siena only under a specific license granted by the officials of the *Dogana*. By granting too many licenses (whose payment was their salary), the officials were soon blamed of destroying the Sieneese meat market and of raising the food price.¹¹⁹ Indeed, the constant availability of low-priced meat on the city market was a sensitive topic for the Sieneese government and a source of continuous conflict also with transhumant livestock owners during the 14th and 15th centuries.¹²⁰

Another great cause of conflict between shepherds and the rulers of Siena was the transgressing of the borders set within the *Dogana*. An orderly division of time and space of pastures was considered pivotal in the statute of 1419 in order to keep the revenues of the *Dogana* consistent and high.¹²¹ On the contrary, during the second decade of the 15th century, officials and shepherds experienced the opposite as the revenues *dei Paschi* were decreasing due to a lack of control and the overexploitation of pastures.¹²² In this context, transgressing the borders assigned by the officials was a quite common practice for shepherds. They often explained such illegal behaviour blaming the insufficient carrying capacity of the pastures; once their animals had exhausted the grass available, they needed to be brought elsewhere.¹²³ Sieneese officials, on one hand, indeed tended to usually allow as much sheep as possible for grazing in order to gain more revenues. Transhumant pastoralists, on the other hand, were in constant competition with each other to move to better pastures in order not to lose any advantage in grazing.¹²⁴ As a result, the statute of 1419 attempted a complex re-organization of winter grazing.¹²⁵

¹¹⁷ See the previous section and Lisini, *Provvedimenti economici*, article XCVII.

¹¹⁸ ASS, Consiglio generale, Deliberazioni, 207, fols. 6v–7r (7 April 1415).

¹¹⁹ *Ibidem*.

¹²⁰ ASS, Consiglio generale, Deliberazioni, 153, fols. 30v–31r (8 October 1353); Statuti di Siena, 31, fols. 158v–160v (6 August 1367); Consiglio generale, Deliberazioni, 181, fols. 130v–131r (18 May 1382). Between 1353 and 1367, the officials of the *Dogana* attempted in vain to force transhumant pastoralists to sell one-fourth of their livestock wintering in Southern Tuscany on the meat market of Siena, while in 1382, they required the delivery of 50 lambs for every 100 sheep admitted to Sieneese pastures for the meat market of Siena.

¹²¹ See Imberciadori, “Il primo Statuto,” 114, article 1.

¹²² Imberciadori, “Il primo Statuto,” 114, article 1. In the Statute of 1419, by both officials and pastoralists, the lack of control and the overexploitation of pastures were blamed as the main cause of the decrease of one-third of the transhumant flocks recorded the previous year.

¹²³ See ASS, Consiglio generale, Deliberazioni, 209, fol. 11r (16 December 1419); 209, fol. 16r (12 January 1420).

¹²⁴ In 1446, after “having seen other shepherds doing the same”, some pastoralists “thought that they were granted to do so; furthermore, they did not want to lose any advantage for their herds” (ASS, Consiglio generale, Deliberazioni, 224, fols. 120v–121r, 122v, 129r, 130r (1446): “vedendo molte altre bestie rumpere esse rendite credendo che così fosse licito de fare perché le bestie loro non fossero peggio che l’altre, fecero el simile”).

¹²⁵ See Imberciadori, “Il primo Statuto,” 115–19, articles 4, 7, 16. For an analysis, see Cristoferi, *Il «reamo» di Siena*, p. 85–88.

This re-organization was based on four periods and areas (called *rendite*) of grazing across the territory of the *Dogana* with three arrival zones (Fig. 2). In the first period, between September and November, the *fidati* were divided according to their place of origin, as mentioned above: pastoralists from the Apennines nearby Lucca and Pistoia accessed from the northwest (1°a). Those from the Apennines nearby Florence and Arezzo accessed from the north (1°b). Shepherds and livestock owners from the Valtiberina and Romagna region, together with those from the Sienese territories, accessed from the northeast (1°c). Then, between November and the period of the *calla*, usually made at Montecalvoli at the end of December, the herds moved southwards on the right (2°ab) and on the left (2°c) of the river Ombrone, according to their arrival zone. In the third period, between the *calla* and the 15th of January, all the herds grazed in a large area between the river Ombrone and Albegna (3°). The fourth and last period of grazing took place between the river Albegna and Fiora (4°) and lasted until May, before the return to the Apennines.

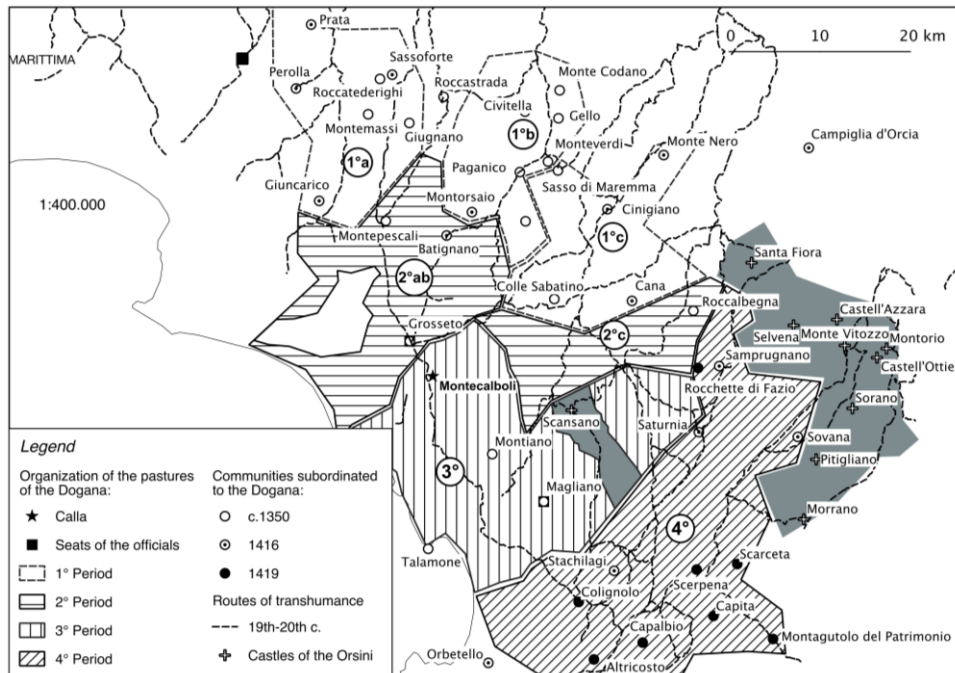


Figure 2.

In the context of such complex re-organization, the statute established that any herd trespassing a border had to be confiscated and sold on the livestock market. However, such measures were impossible to apply. In the following winter, thousands of sheep crossed the borders escaping from the bad pasturelands concentrated in the second zone and those caught by the officials could not be sold

on the markets as they were either too sick or too undernourished.¹²⁶ As a result, the punishment for transgressing the borders between pasturelands was soon cancelled while the organisation of pastures probably survived, with some variation, until its definitive abolition in the new statute of the *Dogana* of 1572.¹²⁷

CONCLUSION

In late medieval Tuscany, transhumant pastoralists formed a heterogeneous community with a complex socio-economic stratification and a changing legal and social status in line with the Sienese public monopoly of pasturages. Both these features confirm the influence of city-states and urban market elites in shaping transhumance as well as the rural economy and society in late medieval Central and Northern Italy. The *Dogana dei Paschi* played a pivotal role in governing transhumant flows across Southern Tuscany and in re-organising the economy and society of this area by favouring both foreign and Sienese pastoralists and herds over local rural communities already in crisis between 1353 and 1419. Although able to record and gather hundreds of pastoralists and their herds of different provenance and social background, this top-down monopoly could not fully control them either outside or even inside the Sienese borders. Furthermore, despite offering the widest number of pastures available in Tuscany, the *Dogana* suffered from internal and external competition while its revenues highly depended upon herds from outside the Sienese territory. These issues favoured the formal and informal agency of Tuscan pastoralists. Indeed, among the pastoralists, there were impoverished cattle-owners, remunerated shepherds, specialised managers and great and medium livestock owners, merchants, and entrepreneurs. The latter were especially relevant economic actors due to the control of capital such as livestock, of the chain of market supply and, in turn, of the flows of fiscal revenues towards the increasing budget of the city-state of Siena.

The shepherds in charge of the management of thousands of sheep shared the bargaining power of their masters with the officials of the *Dogana* before and during the winter grazing. This power was fundamental to reduce the transaction costs for organising the following transhumant seasons as well as the expenses in pastures. Room for negotiation, however, partly reduced once pastoralists were admitted to the Sienese monopoly of pasturages because of the judicial power granted to its officials. Agreements could also be ineffective because of the overtaxation and the grass shortage that pastoralists often complained about. Crossing monopoly and pastures borders, cheating or being complicit with the

¹²⁶ See ASS, Consiglio generale, Deliberazioni, 209, fol. 11r (16 December 1419); 209, fol. 16r (12 January 1420).

¹²⁷ Cristoferi, *Il «reame» di Siena*, p. 85–88.

Sieneſe officials, conſequentially, was not only a way for ſhepherds to purſue their own intereſt but alſo a means to put Sieneſe institutions under preſſure in order to achieve better conditions or to curb damages. Being outside or inside the Sieneſe monopoly of paſturages could thus imply the uſage of different ſtrategy to purſue the ſame intereſt, i.e., maximum grazing with minimum payment. In this regard, the tranſhumant ſhepherds not only ſucceeded moſt of the time, but they alſo contributed to ſhaping the development and the legal framework of the *Dogana dei Paſchi* of Siena, in combination with the greed for revenues of its rulers, during the 14th and 15th centuries.