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Everyday crime, criminal justice and gender in early modern Bologna
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CHAPTER 6. PRACTICES OF THEFT AND ITS PROSECUTION IN A STAGNATING TEXTILE TOWN

On Monday 9 February 1756 dyer Giuseppe degli Agostini made his way to one of the criminal court's notaries to denounce a theft that had occurred at his apartment near Porta Sant'Isaia the day before.¹ He describes having had a pig slaughtered two months previously and keeping six salted pieces in his apartment. After his wife left their apartment door open when they went out, upon their return they found some of their cured ham missing. A trail of salt grains led them to the apartment of one of their fellow tenants, Catarina Benserati. This evidence was presented to Bologna's *Tribunale del Torrone*, and Catarina was brought in for questioning. Catarina, a widowed Bolognese spinner, excused her actions by saying she had walked past the apartment, had seen the meat through the open door and had hidden it in her room – but only as a joke. She claimed she had intended to return it later, but was unable to do since she was incarcerated in the meantime. The case was concluded when, a week later, the ham was returned to Giuseppe, and Catarina was released from custody that same day without a criminal sentence.

While in many ways atypical, this case serves well to illustrate some of the general characteristics and circumstances of the many quotidian thefts in early modern Bologna. For both male and female offenders, thefts from houses by opportunistic neighbours featured prominently among the cases passing through the criminal court. The example, however, also speaks to the specific position that female offenders held before the early modern Italian justice system. While Italian criminal court casebooks above all brimmed with violent altercations, thefts and other property offences did form an increasingly important focus of law enforcement. Yet there is significant evidence that female property offenders like Catarina were disproportionately dismissed of criminal culpability. This chapter, which examines the gendered dynamics of theft in early modern Bologna, therefore aims to shed light on both of these aspects: on the differences and similarities in everyday practices between male and female offenders as well as on the legal attitudes that framed women's encounters with the law in early modern Italy. It argues that the comparatively low share of female property offenders in Bologna was engendered by a pervasive culture of institutionalisation, peace-making and judicial paternalism towards women.

¹ ASBo, Torrone, 8179-2, fasc. 16.

To this end, this chapter will start with a discussion of the legal attitudes towards thieving by the Bolognese authorities. Bologna's local criminal by-laws provide evidence for a continuing hardening of the attitudes towards property offending. They furthermore demonstrate that ideas about the prosecution and punishment of property crime were inherently gendered. The next part discusses various aspects of everyday practices of thieving based on the representative samples of denunciations and *processi* collected from the *Torrone* between the mid-seventeenth and mid-eighteenth centuries. Because of the small number of women in these representative samples, an additional set of theft *processi* involving female offenders has been collected to be able to scrutinise women's involvement in more detail. Based on these sources, this section examines the importance of theft among offenders denounced and prosecuted in early modern Bologna, the role of women in these cases and the judicial treatment in practice, to point out two peculiarities of early modern Italy's legal culture: the pervasive peace-making practices and the significant judicial indulgence towards women's involvement. Following this, the social characteristics of these property offenders will be discussed, suggesting that Bolognese thieves belonged to the working poor that incorporated occasional theft as part of their makeshift economies. The subsequent sections discuss what types of goods were stolen and where they were stolen from, and furthermore attempt to trace the journeys of these stolen goods through the urban environment. They suggest that the differences in practices and treatment of male and female thieves must be understood as existing alongside a wide range of shared behaviours, demonstrating the complexity of the relationship between thieving and dynamics of gender.

Legal attitudes towards theft

Property crimes in early modern Italy have received little scholarly attention, especially compared to elsewhere in Europe. Examinations of Italy's administration of criminal justice reveal the new political regimes' preoccupation with curbing the endemic violence as well as rural banditry rather than thefts and other property offences.² However, from a legal perspective the differences were not as pronounced. Based on legal treatises and theological-ethical debates, Paolo Prodi argued that theft was increasingly conceptualised not only as a sin but also as an infraction of the concrete societal rules about the possession and use of

² See, for example, Tedoldi, *La spade e la bilancia*, 119-135; C. Povo, 'Aspetti e problem dell'amministrazione della giustizia penale nella repubblica di Venezia, secoli XVI-XVII', in G. Cozzi (ed.), *Stato, società e giustizia nella Repubblica Veneta (sec. XV-XVIII)* (Rome: Jouvence, 1980) 220-236.

goods from the twelfth century onwards.³ Combined with a fundamental change in Christian solidarity regarding poverty, this reconceptualisation led to an expansion of repressive penal legislation concerning crimes against property and the prescription of increasingly heavy punishments for thieves, in Italy and elsewhere in early modern Europe.

In a normative sense, the Bolognese authorities indeed regarded property offences as grave violations of public and private order during the seventeenth and eighteenth centuries. Scholars have contended that criminal courts prosecuted these kinds of offences with great determination, even if the value of the stolen goods was quite small.⁴ In the Bolognese criminal by-laws, the prescribed penalties for property offences – or “theft and other similar offences” (*furto, & altri simili delitti*) – were indeed severe. The *Bando Generale* of 1610, promulgated by Legate Benedetto Giustiniani, prescribes a place in the pillory or whipping combined with banishment for a first-time thief without extenuating or aggravating circumstances. Thefts of great value as well as second-time offenders could, however, be punished by a 10-year sentence to the galleys and the third to death by hanging. With aggravating factors however, death sentences were readily prescribed.⁵

It is generally assumed that the authorities’ attitudes towards crimes against property offences hardened further during the eighteenth century, in Italy and elsewhere in early modern Europe.⁶ Some scholars have argued that for Bologna a growing social concern about the increased unemployment and impoverishment of the city and its inhabitants due to the crisis in the textile industry formed the backdrop to this development.⁷ The criminal by-laws are sources in which such an increasing concern with property offences was most visible. Legate Fabrizio Serbelloni’s 1756 *Bando Generale* is the first heavily revised summation of criminal by-laws since the beginning of the seventeenth century and is viewed as a reflection of the changing penal attitudes in Bologna.⁸ This summation of the criminal by-laws for the first time explicitly discusses the social dangers of theft. The opening paragraphs on theft state that this crime was in some ways considered to be more dangerous than homicide. The reasoning for this was as follows: while homicide was a great evil, it was essentially not repeatable. Theft on the other hand could be repeated endlessly. According to these criminal

³ P. Prodi, *Settimo non rubare. Furto e mercato nella storia dell’Occidente* (Bologna: Il Mulino, 2009) 108, 208-209, 244.

⁴ Angelozzi and Casanova, *Donne criminali*, 243.

⁵ *Bando generale Giustiniano 1610*, 26-29.

⁶ For the situation in England, see Gray, *Crime, prosecution and social relations*, 68; J. McEwan, *Negotiating support. Crime and women’s networks in London and Middlesex, c.1730-1820* (Unpublished PhD thesis, University of Western Australia, 2008) 147.

⁷ Angelozzi and Casanova, *Donne criminali*, 243; Angelozzi and Casanova, *La giustizia criminale a Bologna nel XVIII secolo*, 142-147.

⁸ Angelozzi and Casanova, *La giustizia criminale a Bologna nel XVIII secolo*, 219-220.

by-laws, it was the potential frequency that made theft most pernicious to both public and private order.⁹ Although the rigorous punishment of theft may seem cruel and unjust, the document continues, the growing human malice and proclivity for this offence required such sentencing, because without it, it would be impossible to cope with the “impetuous torrent of thieves.”¹⁰

Moreover, compared to the older by-laws, the 1756 *Bando Generale* defines in much more detail what is understood as theft, which categories of indictable property offences are distinguished and what the corresponding sentences were. In these new criminal by-laws the value of the stolen goods, recidivism and aggravating circumstances were key determinants for the severity of the punishment (see table 22). ‘Normal’ theft was called *furto semplice* and consisted of a range of larcenous activities. Aside from the act of stealing itself, it also covered the receiving of stolen goods. In line with juridical opinions elsewhere in early modern Europe, the Bolognese authorities considered receiving stolen goods to be just as bad as stealing itself.¹¹ According to Serbelloni’s *Bando Generale* of 1756, these two acts were treated and punished in the same way, since one could not operate without the other.¹² Three types of receiving actors are distinguished. First, those who had acted in good faith, buying from acquaintances, were not subject to punishment aside from having to return stolen goods without reimbursement of money spent. Those who had acted in ‘bad faith’, for example by buying goods from strangers or at night not only had to return the goods or pay a monetary substitute, but if they sold the goods on they were furthermore liable for prosecution by the criminal court. A third category describes the true accomplices, who faced the same sentences as thieves. For pickpockets (*borsaiolo*) and purse cutters (*tagliaborse*), the same punishment guidelines were prescribed as for thieves.

The category of *furto qualificato* considered aggravating factors that, according to the norms of the 1756 *Bando Generale*, included the use of fake keys, lock picking, climbing walls with ladders or forcing windows or doors open. Even if the value of the stolen goods was relatively low, these kinds of thefts were punishable by death. The criminal by-laws state that this was due to people having no other options to protect their belongings than through

⁹ “L’Omicidio seguito, che sia eg’è certamente un grandissimo male, mà non è di sua natura reiterabile; all’icontra il Furto ha in se questa pessima essenza, e da questa reiterazione seguendono la frequenza diviene perniciosissimo alla pubblica, e privata quiete, e di pessimo esempio.” See *Bando generale Serbelloni 1756*, 39.

¹⁰ Ibidem: “Sembierà a tal’uni queste pena crudele, ed ingiusta [... ma] vedendosi l’umana malizia sempre più accrescersi, ed esser facile, a proclive a questo Delitto, è stato più che necessario esacerbar le pene control il medesimo, senza le quali si renderebbe impossibile di far argine ad un Torronte così impetuoso di Ladri.”

¹¹ K. Callahan, ‘On the receiving end. Women and stolen goods in London 1783-1815’, *The London journal* 37:2 (2012) 106, 108.

¹² Angelozzi and Casanova, *Donne criminali*, 96; *Bando generale Serbelloni 1756*, 53-55.

TABLE 22. SENTENCES FOR COMMON PROPERTY OFFENCES IN THE CRIMINAL BY-LAWS OF 1756			
Category	Condition	Value*	Punishment
'Furto semplice'	First time	<10	Pillory or Strappado
	"	10-50	Lashing
	"	50-100	5 years galleys
	"	100-300	7 years galleys
	"	300-500	10 years galleys
	"	500-1000	Life-long galleys
	"	>1000	Death by hanging
	Second time	Any	10 years galleys
	Third time	<20	Life-long galleys
	"	>20	Death by hanging
	Fourth time	15-20	Death by hanging
'Furto qualificato'	Aggravating circumstances	>10	Death
Swindle	First time	<25, 25-500, >500	Strappado, Lashing, Galleys
	Second/third	Any	5 years galleys
	More times	Any	10 years to life-long galleys
Robbery	Type of good/ time of theft		Life-long galleys to death by hanging
Property damage	Location/ what is damaged		Life-long galleys to death by hanging
Source: <i>Bando generale della legazione di Bologna e suo contado, fatto pubblicare li 12. Ottobre 1756 dall'eminentiss., e reverendiss. sig. cardinale Fabrizio Serbelloni, legato a latere di detta città</i> (Bologna 1756) 40-62.			
* Counted in Roman <i>scudi</i> (1 Roman <i>scudo</i> = 5 Bolognese <i>lire</i>)			

these locks and walls. Their violation was thus interpreted as a public offence against the papal prince who was responsible for the protection of the city and its houses.¹³ Another aggravating factor that is mentioned separately was connected to labour relations. Responding to a perceived need to sanction this particular behaviour, Serbelloni's *Bando Generale* pays specific attention to domestic thefts, i.e. thefts committed by domestic servants or employees. As they were considered deceitful and difficult to defend oneself against, these kinds of thefts were subject to harsher punishments.¹⁴ Compared to the *furto semplice*, the prescribed sentences were always a tier more severe. For example, while a first-time theft of an item worth 50 to 100 lire was prescribed a sentence of 5 years to the galleys in case of a simple theft, a theft of the same value by domestic servants would lead to a 7-year sentence.

¹³ *Bando generale Serbelloni 1756*, 42-43.

¹⁴ *Ibidem*, 44-46; Angelozzi and Casanova, *Donne criminali*, 93.

Although quite specific in the punishments it prescribed per crime category, the criminal by-laws left ample room for the judge's discretion. In the introduction of Cardinal Benedetto Giustiniano's *Bando Generale* of 1610, it is declared that the inviolable laws must be observed by "each person of any sex, status, level, quality or condition."¹⁵ However, early modern justice was tailor made and in Bologna the judge was also explicitly given the discretion to take into account the causes, persons, places, time, the 'quality' and quantity and other mitigating or aggravating circumstances when passing judgement.¹⁶ That factors like age and gender were considered among the 'personal qualities' that could lead to a reconsideration of the prescribed punishments can be observed in the core text of Giustiniano's *Bando Generale*. Being younger than fourteen years old for example exempted offenders from the death penalty for theft, and women were not to be sentenced to three pulls of the cord (*strappado*) for the taking away of possessions from fields or gardens as men were, but rather to three months of incarceration.¹⁷ Similar distinctions can also be observed for other kinds of offences.

Serbelloni's 1756 *Bando Generale* for the first time explicitly mentions sex as a factor of systematic sentence differentiation. By then, these criminal by-laws no longer distinguish appropriate punishments for men and women in the text about the specific crimes itself. Instead, they stress in the introductory remarks that the judge is free to impose judgement on women proportional to their sex, commuting punishments like the galleys and public *strappado* to the more suitable options of confinement, exile or lashing.¹⁸ Understanding how and to what extent the penal norms transcended the theoretical realm and were put into practice thus requires further scrutiny of the criminal court records.

The prosecution and sentencing of property offences in practice

Rather than property crimes, it was violence that constituted the main reason for an encounter with the law in early modern Bologna. As we have examined earlier, the widespread culture of violence and peace-making drew many *bolognesi* to the criminal court.

¹⁵ *Bando generale Giustiniano 1610*, 4.

¹⁶ *Ibidem*, 72.

¹⁷ *Ibidem*, 26, 28.

¹⁸ *Bando generale Serbelloni 1756*, 3-4: "Dichiara, che in tutte, e single disposizione del presente Bando sono comprese le Donne, benchè di esse non se ne veda fatta alcuna espressa menzione, e loggiaceranno alle pene cominate, come se inciascun Capitolo fossero particolarmente nominate, nelli Delitti però a loro convenienti, e possibili a commettersi, e nelle pene altresì proporzionate al lor sesso, mentre rispetto alle pene non convenevoli, come di Galera, Corda in pubblico, e simili, si commuteranno nella Rilegazione, Esiglio, Carcere, Frusta, ed altre ad arbitrio secondo la qualità delle Persone, e circostanze de' fatti."

The authorities were interested in investigating and prosecuting the more serious and lethal forms of violence, but victims of pettier violence also found in the court an important institutionalised forum for conflict resolution. The fact that these violent encounters filled up such large parts of the *Torrone's* casebooks understandably also affected the general image of recorded crime. Table 23 shows the share of property offences among denunciations and investigation dossiers (*processi*) for the city of Bologna between the mid-seventeenth and mid-eighteenth century. It demonstrates that the several hundreds of complaints and the on average 80 criminal investigations concerning property offences each year made up about one-sixth of the denunciations and just over a quarter of the *processi*.¹⁹ These shares seem rather modest compared to those found in towns in northern Europe, where criminal courts were as a rule far more prone to prosecute theft and other property offences.²⁰ However, as has already been discussed, the preponderance of crimes against the person rather than against property seems to have been part of a broader pattern shared among towns in early modern Southern Europe.²¹

Despite constituting a modest portion of the *Torrone's* judicial dealings, theft and other property offences were considered serious threats to public order. The interest in prosecuting property crimes was not only visible in the harsh sentences prescribed by the criminal by-laws, but was also reflected in the increased importance of property offences among the *processi* between the mid-seventeenth and mid-eighteenth century. Among the denunciations 17 per cent of the offenders were accused of property crimes, compared to 26 per cent of the offenders at the level of the *processi*. While some other crimes, such as the petty acts of violence that were so prevalent among the denunciations, were almost never turned into a formal investigation, this was different for property offences. Even if they concerned small-value thefts, it has been argued that the authorities were keen to try to

¹⁹ During the period under investigation, the *Tribunale del Torrone* employed 8 notaries who recorded the denunciations. One of them was the chief-notary who oversaw the others. My samples of the notebooks of one notary per focus year have led me to estimate that the number of denunciations for property crimes must have ranged between 200 and 450 each year. For an average 45% of the thefts reported to the Torrone no suspects were identified, for example because the thefts had transpired at night-time or for other reasons had no witnesses. The indicated number of *processi* here is based on an exhaustive survey of (extant) criminal court investigation dossiers for the five sample years.

²⁰ Noordam, 'Strafrechtspleging en criminaliteit in Delft', 228; *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.2, March 2015), Tabulating offence category, between 1674 and 1800. Counting by defendant; G. Morgan and P. Rushton, *Rogues, thieves and the rule of law. The problem of law enforcement in north-east England, 1718-1800* (London: UCL Press, 1998) 60; Schwerhoff, *Historische Kriminalitätsforschung*, 116.

²¹ Cohn, 'Women in the streets, women in the courts', 26; Blastenbrei, *Kriminalität in Rom*, 284; Mantecón, 'The patterns of violence in early modern Spain', 254, Abreu-Ferreira, *Women, crime and forgiveness*, 17; Ruff, *Crime, justice and public order*, see figure 1.01 in the introduction, n.p.

locate and prosecute the offenders.²² It was not uncommon for a criminal investigation concerning petty theft to be more elaborate and complex than a homicide trial, in some cases involving dozens of testimonies and hundreds of folios.²³

TABLE 23. THE SHARE OF PROPERTY OFFENCES AMONG DENUNCIATIONS AND <i>PROCESSI</i> , CA. 1655-1755.			
	Among female offenders	Among male offenders	Among total known offenders
Denunciations	11%	18%	17%
<i>Processi</i>	39%	25%	26%

Sources: Sample 1 and 2a (see appendix), counted by defendants.

Interestingly, property offences made up a significant part of the crimes for which women were subjected to a formal investigation. Table 23 shows that there was a discrepancy between the share of property crimes among the denunciations and the *processi* for both men and women, but this was particularly stark for female defendants. At the level of the denunciations, only 11 per cent of the female offenders were accused of having committed a property crime, this number being far outweighed by the denunciations that dealt with some sort of violence. Among the *processi*, however, the share of property offences rose to 39 per cent for female defendants, making it the most important crime category for women at this level. This was most likely not only due to the perceived seriousness of property crimes. After all, the fact that property offences ranked so highly on the types of crimes for which women were investigated was also contingent on the fact that other offences brought before the *Torrone*, such as their violent encounters, were not. The judicial ambiguity that female property offenders faced will be treated more extensively later in this section.

Among the different property offences committed by men and women reported to the *Torrone*, theft figured prominently. Table 24 breaks down the types of property offences found among the denunciations and investigation dossiers between the mid-seventeenth and mid-eighteenth century. These property crimes ranged from violation of the terms of seizure, property damage to animals, trees, shops or houses, to robbery, cutpursing or pickpocketing, swindle and theft. These categories are based on contemporary classifications found in the *processi* themselves. With most of these criminal investigation dossiers, the crime that the defendant was charged for was written down in the right top corner of the front cover. Theft (*furto*) therefore consists of the theft, both achieved and attempted, of goods or animals of

²² Angelozzi and Casanova, *Donne criminali*, 243.

²³ Angelozzi and Casanova, *La giustizia criminale a Bologna nel XVIII secolo*, 143.

values big or small, with or without breaking in, during the day or at night.²⁴ This category furthermore includes the receiving of stolen goods, since neither the criminal by-laws nor the *processi* classifications differentiated between the acts of stealing and receiving.²⁵ The category of theft constituted over three-quarters of the male and female property offenders that came before the *Torrone*.

TABLE 24. TYPES OF URBAN PROPERTY CRIMES BEFORE THE <i>TORRONE</i> , CA. 1655-1755								
	Theft (<i>furto</i>)	Swindle (<i>truffa</i>)	Cutpursing (<i>crumenari</i>)	Robbery (<i>rapina</i>)	Property damage (<i>danno dato</i>)	Violation of seizure (<i>violazione di sequestro</i>)	Misc	Total
Female offenders (N=91)	86%	6%	1%	1%	3%	3%	-	100%
Male offenders (N=583)	76%	5%	1%	11%	3%	1%	3%	100%

Sources: Calculations based on all denunciations and *processi* concerning property crimes from samples 1, 2a, 2b and 3 combined (see appendix), counted by defendants.

The prosecution of property offences was not solely a matter of top-down control. While the authorities had a real interest in prosecuting these kinds of cases, there is substantial evidence that the victims of property crimes also made strategic use of the criminal court. This is perhaps most apparent in the renunciations which will be discussed later, but can also be observed in early stages of these theft cases. The roles of victims and other private individuals in the identification of suspects in the preliminary stages of the criminal process in early modern Europe are well-known.²⁶ In early modern Bologna, the overwhelming majority of the theft cases were brought to the court's attention within a few days after the theft by the victims themselves, rather than through public officials or lawmen. When reporting a theft to a notary of the criminal court, a little over half of the victims already had vague or more concrete suspicions about the identity of the offender. Court records reveal that these accusations were often based on rumours heard in the neighbourhood and sometimes on a personal investigation. In a case from 1705, for example, the widow Orsola Borzaghi initially had no knowledge about who had stolen her two dresses, estimated to be worth about 25 *lire*. After visiting a prison to ask if anyone there had any information, one of the incarcerated women pointed her towards the eighteen year-old,

²⁴ *Bando generale Giustiniano 1610*, 26-28; *Bando generale Serbelloni 1756*, 39-62.

²⁵ Angelozzi and Casanova, *Donne criminali*, 96; *Bando generale Serbelloni 1756*, 53-55.

²⁶ C. Herrup, 'New shoes and mutton pies: Investigative responses to theft in seventeenth-century East Sussex', *The historical journal* 27:4 (1984) 817; Rublack, *The crimes of women*, 28.

unmarried silk weaver Anna Bellisia, whom she then denounced to the *Torrone*.²⁷ Importantly too, the aim of Orsola's excursion was clear. In her denunciation she explains lodging a criminal complaint to the court to have the thief reprimanded and, furthermore, to be reimbursed for the damages.²⁸

Despite this clear interest in finding and prosecuting thieves, the casebooks reveal that both authorities and plaintiffs were only able to do so for a limited number of them. Aside from the offenders recorded in the table above, there were many thefts that for example transpired at night-time or for other reasons had no witnesses. This occurred quite frequently: for about 45 per cent of the thefts among the denunciations no suspects were identified. Even following a formal investigation, at the level of the *processi* about one-fifth of the theft cases still do not record a suspect.²⁹ There is little evidence that this inability to locate a certain share of the culprits was a specificity of the Bolognese or Italian criminal justice system. More than anything they reveal the range and richness of the judicial administration of these criminal court cases.

Among the property offenders that were identified and indicted as part of a formal investigation, a little less than half of the male and female defendants were found guilty. Table 25 shows the sentences issued by the *Torrone's* judges for property offences between the mid-seventeenth and mid-eighteenth centuries. What stands out here is the importance of banishment (*esilio*). Out of the 393 defendants found among the *processi*, nearly a quarter of all defendants were sentenced to be banished from the Bolognese territory for an undetermined amount of time. This seems to be in contrast to the harsher sentences prescribed by Bologna's criminal by-laws. However, banishment was commonly used as an instrument to moderate strict laws and often replaced capital punishments or a sentence to the galleys.³⁰ Based on the registers of people sentenced to death, Angelozzi and Casanova argued that more defendants were sentenced to death for property offences than for any other type of crime in early modern Bologna.³¹ Nevertheless, the sampled Bolognese casebooks reveal that capital punishments for thefts and other property offences was relatively uncommon between the mid-seventeenth and mid-eighteenth centuries.

²⁷ ASBo, *Torrone*, 7602-2, fasc. 26.

²⁸ *Ibidem*, fol. 1v: "Però son comparsa as esporre querela contro chi sarà stato il ladro [...] ad effetto, che sia castigato et io rifatto del danno."

²⁹ This was calculated based on the exhaustive sample of *processi* for the years 1655, 1675, 1705, 1725 and 1755, which include 39 investigations for theft in which no suspect is identified (out of 209 theft cases).

³⁰ Nubola, 'Giustizia, perdono, oblio', 14; Tedoldi, *La spade e la bilancia*, 144, 152; Rose, *Homicide in North Italy*, 132.

³¹ Angelozzi and Casanova, *Donne criminali*, 244.

TABLE 25. REGISTERED SENTENCES FOR PROPERTY CRIMES AMONG <i>PROCESSI</i> , CA. 1655-1755				
	Female defendants		Male defendants	
Capital punishment	-	-	-	-
Exile	10	17%	78	23%
Galleys	-	-	21	6%
Incarceration	4	7%	11	3%
Corporal punishment	-	-	1	0%
Fine	-	-	4	1%
Pardon	5	9%	17	5%
Surety/ <i>precetto</i>	6	10%	48	14%
Cancelled/absolved	17	29%	72	21%
Unknown	16	28%	83	25%
Total	58	100%	335	100%
Source: Combination of the <i>processi</i> from sample 1 and additional <i>processi</i> involving female offenders from sample 3 (see appendix).				

In early modern Italy there was a strong connection between banishment (*esilio*), reconciliation and pardon. In many other regions distinctions were made between lifelong banishments – which entailed the offender losing all civil rights and having his or her possessions confiscated – and temporary banishments from the town, region, province or country for periods of 1 to 50 years.³² In Bologna the convicted suffered exile from the entire legal territory for generally indeterminate periods of time, until he or she was able to make peace with the victim or the victim’s family. After this peace accord had been achieved, offenders could request a pardon for their crimes. Although not systematically recorded by the Bolognese criminal court records, most of the Bolognese property offenders who were pardoned initially received a banishment sentence. The rates of pardon for property crimes were significantly lower than for crimes such as homicide. While nearly 40 per cent of the recorded killers could count on a pardon, this was the case for less than 10 per cent of the property offenders. Nevertheless, the culture of reconciliation played a significant role in how property offences were dealt with in early modern Bologna.

The importance of peace-making procedures is also apparent in the cancellations of *processi*. Over one-fifth of the criminal court investigations for property offences were halted. Reasons for halting an investigation could be the lack of evidence, because the defendant

³² A. Schmidt and J.M. Kamp, ‘Excluding the unwanted? Banishment in early modern cities: Frankfurt am Main and Leiden in the 17th and 18th centuries’ (Unpublished conference paper, Urban History Conference 2016).

was considered innocent, or because a settlement had been reached between the plaintiff and the defendant. The criminal court records suggest that at least half of the cancelled criminal court cases were halted because the complaint had been withdrawn by the plaintiff (*rinuncia*). This generally meant that a peace accord or another kind of agreement had been reached, often involving some form of compensation.³³ Again the proportion of cancelled cases is lower than for various acts of violence, but is nevertheless indicative of the pervasiveness of the culture of peace-making in the criminal justice system.³⁴ Reconciliation appeared to have played an important part in the judicial dealings of both male and female offenders.

More salient gender differences in sentencing can also be discerned. Although the sample size of female property offenders is too small for any real statistical analysis, table 25 reveals some typical differences that have also been observed in other early modern towns.³⁵ A sentence to man the oars of the papal galleys, for example, was reserved for male offenders. Female property offenders, on the other hand, appear to have been somewhat more likely to be incarcerated than their male counterparts. Ideas about the gendered suitability of certain punishments, also reflected in the criminal by-laws, arguably played a role in shaping these patterns. They should also be viewed within the context of the early proliferation of institutions for ‘problematic’ women and girls in Italy following the Counter-Reformation.³⁶ Fearing their potential poverty-driven immorality, a continuum of correctional and charitable institutions – unprecedented in number and scope – sought to help, supervise and correct women in various stages of their lives. The case against domestic servant Maria Cantelli illustrates this cycle of care and control from which she could not escape.³⁷ She was sent out from the workhouse (the *Mendicanti*) where she was residing to work as a domestic servant in a noble house. When her employer wanted her to return to the work house after eight days, Maria fled with some of her employer’s clothing and pearls worth 15 *filippi*. Upon her capture she stated she had resorted to the theft because she had dreaded returning to the workhouse, “where the circumstances and people were so bad.” Despite her plea, she was transported to the *Mendicanti* not long after.

³³ Niccoli, ‘Rinuncia, pace, perdono’, 224.

³⁴ Sara Cucini also observed that theft cases were less frequently halted than those for violence, see S. Cucini, *Législation statutaire et gouvernement pontifical en Italie centrale. Le cas de l’administration de la justice criminelle à Bologna, deuxième moitié du Xve siècle* (Unpublished PhD thesis, Université Paul-Valéry, 2014) 359.

³⁵ King, *Crime and law in England*, 170.

³⁶ Cohen, *The evolution of women’s asylums since 1500*, 3, 8; Terpstra, *Cultures of charity*, 17.

³⁷ ASBo, Torrone, 7859-2, fasc. 51, especially fol. 13r and 16r.

Although the outcomes of the formal investigations of male and female suspects appear very similar apart from these more classic gendered punishment types, there are important signs that women's involvement in property crimes was not always taken as seriously as men's. Overall, women made up 14 per cent of the accused property offenders among the denunciations and only a little over half that (7.7 per cent) at the level of the *processi*. In their examination of early modern Bologna's criminal court dossiers, Angelozzi and Casanova observed a considerable degree of indulgence in the treatment of female property offenders. While women were given harsh sentences for normatively 'female crimes' such as infanticide, female offenders were often absolved before even being formally interrogated if they had one or more male co-offenders in other types of crimes – especially in the case of theft.³⁸ Angelozzi and Casanova concluded that this indulgent 'chivalry' should not be viewed as a display of favour, but rather as paternalism rooted in ideas of women's minority and subordination in every social sphere. Women's involvement was thus often considered irrelevant, regardless of their role in the crime.

That women with male co-offenders might receive little scrutiny from the criminal court for their roles in property crimes becomes apparent from a case that deals with the theft from Elena Leni.³⁹ She complained to the criminal court that clothing and jewellery worth around 300 *scudi* (or 1500 *lire*) had been stolen from her house and accused her husband Pietro Maria Gentili as well as her two tenants: the married couple Marco Antonio and Camilla Alberti. Both the husband and the male tenant were captured by the criminal court's lawmen, held in prison for twelve days and were tortured for a confession through the *corda*. Despite the contradictions in their stories, they insisted on their innocence and the two men were liberated into exile until they were able to receive a pardon several months later. Interestingly, however, despite the fact that all of the evidence seemed to point as much as to Camilla as to the two men, she not only escaped torture but was furthermore released after only a short initial interrogation. That the role of Camilla in this theft – as a young woman in the presence of men – was so readily dismissed is certainly telling of the attitude of the magistrates in the criminal process.

In sum, although property offences were considered grave crimes in early modern Bologna, judicial practice diverged significantly from the letter of the law. The specific functioning of the legal system across the Italian peninsula played an important role in

³⁸ Angelozzi and Casanova, *Donne criminali*, 239, 242; Casanova, 'Crimini di donne, giudici benevoli', 1.

³⁹ ASBo, Torrione, 5674, fol. 301r-352v, 570r-589v, as discussed in Angelozzi and Casanova, *Donne criminali*, 244-246.

bringing about this disparity. The legal culture that accepted and stimulated peace-making efforts so prevalent among cases of violence was also apparent among the judicial dealings of property offences, despite of the importance attached to prosecuting these types of crimes. The prosecution of property offences was furthermore contingent on gender expectations and gendered notions of responsibility, culpability and judicial relevance. As we have seen, this affected not only how property offences were punished but also the extent to which the authorities considered women to be criminal actors in the first place.

Nevertheless, out of the women who were subjected to such a formal investigation by the criminal court, property offences constituted the most important crime category. If and to what extent the circumstances and characteristics of these crimes were gendered therefore deserves further scrutiny. Because of its importance among property offences dealt with by the *Torrone* during the mid-seventeenth and mid-eighteenth centuries, it will be thefts and the related activities of receiving that take centre stage in this examination.

The social profile of thieves and economies of makeshift

Economic conditions and particularly experiences of poverty have played important roles in the scholarly thinking about the contexts of property crimes. The increasing economic deterioration has figured prominently in the scholarship about *antico regime* Italy. A prevailing idea since the 1950s has been that Italy became increasingly poor throughout the sixteenth and seventeenth centuries as economic leadership shifted from the Mediterranean to the north-west Atlantic.⁴⁰ In his work from the late 1980s, Stuart Woolf surmised that this pauperism was reflected in the decline of urban employment, falling levels of consumption, the organisation of institutional charity and the growing exploitation of female and child labour.⁴¹ However, more recent works have argued for regional differentiation and have furthermore shifted this caesura to the eighteenth century. While great cities like Venice lost out in sea transport during the seventeenth century, towns like Bologna endured only relatively mild decline – at least until the mid-eighteenth century, when living standards worsened drastically in Italy due to the decline of real wages and a significant increase of

⁴⁰ For an overview, see A. Cavaterra, 'Economia, povertà e consumi in età moderna', in B. Coccia (ed.), *La quarta settimana: Storia dei bisogni e dei consumi degli italiani che oggi non arrivano alla fine del mese* (Rome: Editrice APES, 2009) 15-25; P. Malanima, 'Urbanisation and the Italian economy during the last millennium', *European review of economic history* 9 (2005) 97-98; Black, *Early modern Italy*, 32-35.

⁴¹ Woolf, *The poor in Western Europe*, 51-53.

price levels.⁴² While the real economic crisis was still to come, Bologna's stagnating textile industry undoubtedly impacted the lives of many underemployed and underpaid inhabitants relying on textile work to make ends meet throughout the seventeenth and eighteenth centuries.

The problem of pauperism was – as far as the Bolognese criminal court was concerned – predominantly one of men. Unfortunately without offering any quantitative backing, Angelozzi and Casanova describe observing an increasing frequency of pickpocketing and small-value thefts as well as cases against male beggars and vagabonds deprived of any credible means of subsistence in the *Torrone's* casebooks, particularly after 1750.⁴³ Interestingly, they found evidence for neither a similar surge in property crimes nor for vagabonding or begging among female offenders. Concerning property crimes, for example, they encountered 30 female offenders (constituting 13.6 per cent of the total number of female offenders) in their samples of *processi* and denunciations from 1671 compared to only 16 (8.6 per cent of all recorded female offenders) in 1775-1779.⁴⁴ While the *Torrone* increasingly dealt with the criminal deeds of men presumably related to their deteriorating economic hardship, this was not the case for women. A partial explanation may be found in the fact that ever since the Renaissance in Italy the answer to women's poverty and the threat of their poverty-driven sexual immorality was institutionalisation rather than criminalisation.

The relationship between poverty and theft prosecutions is not only inconclusive for Bolognese women but has been debated in early modern European historiography more broadly. The results from statistical analyses linking indictments for property offences to price indexes in early modern Europe provide unclear results. Beattie found “a general relationship” between these variables for the late eighteenth-century rural parishes of Surrey and Sussex, but found that the situation for London was more complex.⁴⁵ Neither the massive peaks in indictments for property crimes, nor the long-term trends in the city of London seem to have been related to the development of prices. Similarly, German historians also found no or only marginal evidence for the correlation between rye or bread

⁴² Black, *Early modern Italy*, 35; Guenzi, 'L'identità industriale', 449; P. Malanima, 'An age of decline. Product and income in eighteenth-nineteenth century Italy', *Rivista di storia economica* 12:1 (2006) 111; P. Malanima, 'I consumi in età moderna. Crescita o decline?' in E. Sori and R. Giulianelli (eds.), *Consumi e dinamiche economiche in età moderna e contemporanea* (Napels: ESI, 2011) 44.

⁴³ Angelozzi and Casanova, *Donne criminali*, 71.

⁴⁴ In my own sample of *processi*, 33% of female defendants among the *processi* were accused of property offences in 1655 and 38% in 1755. In Angelozzi and Casanova's sample, this concerned 13.6% of the offenders in 1671 and 8.6% in 1775/9. See table 2 in Angelozzi and Casanova, *Donne criminali*, 73.

⁴⁵ J.M. Beattie, 'The pattern of crime in England 1660-1800', *Past & present* 62 (1974) 91

prices and property offences in sixteenth-century Cologne and eighteenth-century Frankfurt.⁴⁶

The difficulty of finding quantitative evidence for the link between economic hardship and theft has recently been confirmed by Kilday. In her statistical analysis of rural Oxfordshire during the second half of the eighteenth century she set off the variables of wages, prices and weather conditions against the indictment levels for theft to show that the correlations were rather weak. This suggests that while temporary poverty may have been a motivating factor for some to steal, “motives for theft may well have been more closely related to opportunism and acquisitiveness.”⁴⁷ Similar conclusions have recently been drawn for towns in early modern Holland, which also endured crisis in various economic segments during the second half of the eighteenth century.⁴⁸ While the share of property offences rose in some towns, in others such as Leiden (which, like Bologna, endured a significant textile crisis) it did not.

The influence of economic fluctuations on criminal activity was thus noticeable but not straightforward. Bologna’s seventeenth-century criminal records also attest to this. Angelozzi and Casanova, for example, observed a temporary increase in thefts committed by women in the period from 1625-1629. A grain shortage and the rise in bread prices in the city seem like good explanations for this development.⁴⁹ In these crisis years, thefts constituted far higher shares than in the sampled years before and afterwards.⁵⁰ However, for other periods with similar crises this connection is less apparent. When another increase in bread prices in 1671 provoked riots and attacks on bakeries in the city of Bologna, no evidence can be found in the records of the *Torrone* indicating any proportional or absolute increase in the reported thefts among women’s crimes.⁵¹

When the effects of economic fluctuations on property crime are debated, scholars generally agree that the context of theft in the early modern period was generally one of large parts of the population living a hand-to-mouth existence. For this they commonly draw on Olwen Hufton’s concept of the ‘economy of makeshifts.’⁵² Originally devised to

⁴⁶ Schwerhoff, *Köln im Kreuzverhör*, 358-361; Eibach, *Frankfurter Verhöre*, 93-99.

⁴⁷ A.M. Kilday, “Criminally poor? Investigating the link between crime and poverty in eighteenth century England’, *Cultural and social history: The journal of the Social History Society* 11:4 (2015) 521.

⁴⁸ Van der Heijden, *Women and crime*, 74-75.

⁴⁹ Angelozzi and Casanova, *Donne criminali*, 96.

⁵⁰ In their samples of denunciations and *processi* taken together, thefts constituted 6.6% of women’s crimes in 1583-1587 and 13.6 per cent in 1671. See Angelozzi and Casanova, *Donne criminali*, 73.

⁵¹ L. Ferrante, “‘Tumulto di più persone per causa del calo del pane...” Saccheggi e repressione a Bologna (1671, 1677)’, *Rivista storica italiana* 90 (1978) 770-809.

⁵² O. Hufton, *The poor in eighteenth-century France, 1750-1789* (New York: Oxford University Press 1974) 259.

summarise the eighteenth-century French experience of marginality, this concept refers to the wide range of disparate activities and survival strategies that poor commoners employed to support themselves in the face of economic hardship. At first these makeshifts only included economic activities that complemented the often temporary and poorly paid jobs, such as subsistence migration, begging and gleaning. However, as the concept was adopted by others, making shift came to include the numerous and often combined short-term strategies and local resources that ensured the survival of individuals and families, including formal and informal relief as well as various types of marginal criminality such as prostitution and petty theft.⁵³

This overarching notion of makeshift economies is also useful to contextualise the situation in early modern Bologna. Here, as elsewhere in Europe, a combination of need, greed and opportunity occasionally drove its inhabitants to steal in their attempts to make shift.⁵⁴ While the criminal by-laws expressed worry about the repeatability of theft and its effects on public order, only few professional thieves passed through the Italian criminal courts before the nineteenth century.⁵⁵ In early modern Bologna, the criminal court records for example only make occasional references to defendants being repeat offenders or *ladri famosi*. Among over more than one hundred identified offenders of theft in the formal investigation dossiers, only 14 were recorded as having a criminal history.⁵⁶ Since recidivism was an aggravating factor in sentencing, it does not seem very likely that the people whose criminal past was unrecorded in the criminal court dossiers were known to be repeat offenders.

The Bolognese sources furthermore provide little evidence for the incorporation of thieves into larger criminal associations. In cases where stolen wares were sold on, the

⁵³ For an overview of the evolution of Olwen Hufton's concept of the economy of makeshift, see A. Tomkins and S. King, 'Introduction', in S. King and A. Tomkins (eds.), *The poor in England 1700-1850. An economy of makeshifts* (Manchester University Press, 2003) 12-13.

⁵⁴ Brackett, *Criminal justice and crime*, 118; P. Wettmann-Jungblut, "'Stelen inn rechter hungersnodt'". Diebstahl, Eigentumsschutz und strafrechtliche Kontrolle im vorindustriellen Baden 1600-1850' in: R. van Dülmen (ed.), *Verbrechen, Strafen und soziale Kontrolle. Studien zur historischen Kulturforschung* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1990) 154-155.

⁵⁵ J.K. Brackett, 'The Florentine criminal underworld. The underside of the Renaissance', in W.J. Connell (ed.), *Society and individual in Renaissance Florence* (Berkeley: University of California Press, 2002) 301, 308; L. Lacché, *Latrocinium. Giustizia, scienza penale e repression del banditismo in antico regime* (Milan: Giuffrè Editore, 1988); Angelozzi and Casanova, *Donne criminali*, 94, 96; Dean, *Crime and justice in late medieval Italy*, 186.

⁵⁶ In the entire extended sample (derived from samples 2 and 3, see appendix 1) only 16 men and 4 women were described as having previously been in contact with the law for a criminal offence. However, the written court records do not provide systematic information on all offenders, even for those officially indicted by the criminal court and/or incarcerated for questioning. Among the 108 offenders of theft in the *processi* alone, 28 were investigated regarding their previous criminal activities; 14 of them were recidivists.

criminal court actively tried to establish who was involved in the distribution of the stolen goods and whether intermediaries were accomplices in the crime or had acted in good faith.⁵⁷ Nevertheless, while the small percentage of armed robbers commonly offended in small groups, the *Torrone's* criminal court records appear to suggest that the large majority of thieves operated independently. Indeed, for three-quarters of the thefts recorded by the *Torrone* only one offender was accused.⁵⁸ This was the same for male as for female defendants and has also been observed for sixteenth-century Rome.⁵⁹ In the quarter of the cases where the *Torrone* did identify co-offenders, women were more likely to commit thefts in mixed-sex groups (mostly their husbands or other male family members) than in groups with only other women. The opposite is true for men, who more commonly offended in all-male groups. The Bolognese pattern in which women and men largely committed thefts on their own corresponds with those observed in other towns in early modern Europe, where this predominantly unorganised and occasional theft consisted one of the many short-term strategies used to get by.⁶⁰

The most important characteristic for property offenders throughout the mid-seventeenth and mid-eighteenth centuries is that they had some sort of occupation, however menial. Although unemployment appears to have been more common among defendants accused of thieving than for other crimes, the roles of the truly destitute mendicants was limited: out of over a hundred property offenders whose occupational status was recorded, only four were described as poor beggars going around the city asking for money and food. Scholars have referred to this kind of group as the structural poor, i.e. those incapable of earning a living for reasons of age, mortal illness or physical handicap and hence fully dependent on assistance or begging.⁶¹ There are contemporary estimations of Bologna's urban poor for the year 1639, which suggest that a little over two per cent of the Bolognese inhabitants belonged to the category of beggars (*mendicanti, poveri che cercano per la città*).⁶² This means that the share of beggars before the criminal court was roughly equal to their share among the urban population.

While detailed information is lacking for most of the criminal court cases, this sample suggests that it is likely that a significant share of thieves brought before the *Torrone*

⁵⁷ Angelozzi and Casanova, *Donne criminali*, 96; *Bando generale Serbelloni 1756*, 53-55.

⁵⁸ The thefts for which no offender was identified are excluded in this calculation.

⁵⁹ Blastenbrei, *Kriminalität in Rom*, 193.

⁶⁰ Van der Heijden, *Women and crime*, 75-76.

⁶¹ Black, *Early modern Italy*, 105; Woolf, *The poor in Western Europe*, 6.

⁶² L. Ciammitti (et al), 'Fanciulle, monache, madre. Povertà femminile e previdenza a Bologna nei secoli XVI-XVIII', in *Arte e Pietà: I patrimoni culturali delle Opere Pie* (Bologna: CLUEB, 1980) 448.

probably belonged to the large group of the conjunctural poor: consisting of a group of inhabitants that was usually dependent on low wages or casual employment, but could also include artisans, small retailers and petty officials.⁶³ They all found themselves in a fragile equilibrium, could fall easily and repeatedly beneath subsistence level and experienced cyclical poverty. Italian and French case studies have shown that the proportion of the urban poor could include as many as 50 to 70 per cent of all households.⁶⁴ Contemporary estimations of Bologna's urban poor for the year 1639 surmised that the group receiving charitable assistance during Eastern and Christmas consisted of over half of the urban population.⁶⁵ It is unlikely that this share of the working poor diminished during the subsequent period, as the repercussions of the shrinking textile sector and consequent reforms of the production process were felt increasingly by the many textile workers in Bologna.⁶⁶

In general, the occupations of those accused of theft in the Bolognese criminal records represent a broad dissection of predominantly lower-class society. Defendants of both sexes indicate performing a wide range of professions for their livelihoods, albeit on-and-off or underemployed. While some of the accused held esteemed occupations such as civil notaries or worked as skilled master artisans and shopkeepers, most of those involved in theft belonged to the city's large group of textile workers, cobblers, bricklayers, porters, servants and market sellers. The court records shed some light on the precarious nature of their employment. In August 1674 the married woodworker Giovanni Biaccati had stolen two rings and gold earrings worth 21 *lire* from his neighbour's unlocked trunk when he was in her house listening to a violinist playing on the street opposite to her apartment.⁶⁷ A testimony by the culprit's former boss underlines how the irregularity of work drove artisans like Giovanni to other forms of employment. When times were tough and he could not find work in his profession as a woodworker, Giovanni competed for unstable and ill-paid porter jobs. Although the court records did not record Giovanni's perspective because he had fled the city together with his wife, this example clearly illustrates the role of underemployment and cyclical hardship in the lives of early modern *bolognesi* and the temporary alleviation theft could provide.

⁶³ Black, *Early modern Italy*, 105; Woolf, *The poor in Western Europe*, 6.

⁶⁴ Woolf, *The poor in Western Europe*, 6.

⁶⁵ For this calculation I have used Ciammitti et al's data for 1693 and compared them to the 1,701 estimates of the total urban population provided by Bellettini, which was the nearest in time. Compare Ciammitti, 'Fanciulle, monache, madre', 448; Bellettini, *La popolazione di Bologna*, 48.

⁶⁶ Guenzi, 'L'identità industriale', 449, 470-472, 507.

⁶⁷ ASBo, Torrione, 7028-2, fasc. 7.

When we concentrate on the women whose occupational statuses were recorded in the criminal court files sampled, we find similar situations as for men. Female offenders worked as market sellers and domestic servants and performed odd jobs. An important share of these women were active in the textile industry in the less prestigious and poorly paid functions of spinners, weavers, hosiers and seamstresses that relied on the uncertainties of piecework and the capricious supply of work through a kind of putting-out system headed by merchant contractors.⁶⁸ Catarina Benserati, the widow who stole salted pork from her neighbours, for example, described herself as a woman living how god wanted her to through spinning and some charity bestowed upon her by her neighbours.⁶⁹ She was only one example of the broad category of the working poor who lived just above or on subsistence level and attempted to maintain a livelihood through the household's combined labour efforts, occasional charity and, for some, opportunistic theft.

There are some indications to suggest that married locals were prominent among Bologna's thieves. For both male and female property offenders, the criminal court records suggest that over two-thirds were married. Furthermore, fewer than one in seven of the accused property offenders were recorded as being from outside of the Bolognese *legato* and thus as foreigners. These findings go against the dominant historiographical grain that stresses the important link between high mobility, economic vulnerability and thieving. In his well-known contribution on women's criminality in eighteenth-century Surrey, John Beattie for example contrasted the socioeconomic profile of thieving women to those who came before the court for violence. While most of the women accused of crimes against the person were married, prosecutions for theft revolved around single and widowed women.⁷⁰ Similarly, in his examination of the social background of female property offenders in late eighteenth-century London, Peter King found that over two-thirds of them were single or widowed and over half of them were born outside the metropolis.⁷¹ Scholarship on early modern towns in Holland and in Frankfurt am Main has painted a similar picture of young female migrant thieves.⁷²

⁶⁸ Terpstra, 'Working the cocoon', 48-49; Dumont, 'Women and guilds in Bologna', 7, 9; Guenzi, 'La tessitura femminile', 250

⁶⁹ "Io sono una povera donna vecchia che vivo come iddio vuole con filare e con qualche carità che mi viene fatta dalli vicini", ASBo, Torrone, 8179-2, fasc. 16. Also see 6620, fol. 285.

⁷⁰ Beattie, 'The criminality of women', 101-102, 106-107.

⁷¹ P. King, 'Female offenders, work and life-cycle change in late-eighteenth-century London', *Continuity and change* 11:1 (1996) 69, 72, 75.

⁷² Van der Heijden, *Women and crime*, 74; Kamp, 'Female crime and household control', 538.

The character of the source material itself may have contributed to the particular social profile emerging from the Bolognese criminal court records. During the early modern period, the judicial sources' administration of biographical data such as marital status and birth place increased and was progressively standardised, but was still at best patchy by the mid-eighteenth century.⁷³ Especially unreliable was the marital status for men for example, as it was only recorded for about one-fifth of the male property offenders in the sample. The modest sample size of property offenders employed here prohibits us from making any statistically valid claims for either marital status or birth place. Furthermore, although over half of the court records shed light on the birth place of the defendants, the interpretation is ambiguous. While the majority of property offenders were recorded as being 'Bolognese' (*Bononien*), it is not entirely clear whether this only referred to Bologna's urban centre or to the entire legal territory of the *legato*, including a vast terrain of 4,000 square kilometres of its suburban and rural counterparts.⁷⁴ According to Matteo Troila, Bologna's endemic urban population deficit was mainly replenished by the inhabitants from its suburbs, an agricultural zone of between five and twelve kilometres adjacent to the city walls.⁷⁵ More research is necessary to demonstrate whether or not these men and women who were born outside the city were also legally considered migrants by the *Torrone*, as they would have been in many other European towns.

While caution should thus be exercised in interpreting this imperfect source material, these social profiles can also be partly explained by the demographic, social and economic context of early modern Bologna. Firstly, pertaining to the suggested 'localness' of Bolognese property offenders in particular, various studies have asserted that in communities characterised by low migration theft was naturally more commonly committed by non-migrants.⁷⁶ Indeed, for rural Tuscany, it has been argued that theft was linked to a "common misery of a peasantry that always lived on the edge of survival."⁷⁷ The same has been argued for the eighteenth-century S n chass e of Libourne in France, where three quarters of reported thefts involved "the more stable members of local society."⁷⁸ For the small textile

⁷³ For female defendants, 57% of the cases include her marital status and 50% a birth place. For male defendants, this was 22% (for marital status) and 58% (for birth place).

⁷⁴ For fifteenth-century Bologna, Sara Cucini observed a relatively fair split between citizens (32%) and those being born in the *contado* (37%) among criminal offenders. 'Only' 21% of the offenders were foreigners (and the provenance of 10% was unknown). See Cucini, *L gislation statutaire et gouvernement pontifical*, 369.

⁷⁵ M. Troilo, 'Popolazione e propriet  attraverso le fonti fiscali bolognesi nell'et  moderna', *Popolazione e storia* 12:1 (2011) 25.

⁷⁶ Kilday, 'Criminally poor?', 513

⁷⁷ Brackett, *Criminal justice and crime*, 100.

⁷⁸ Ruff, *Crime, justice and public order*, 122.

town of Prato, the large majority of criminal defendants in the eighteenth century also constituted locals who were by and large born in the city.⁷⁹ It is not inconceivable that the thieving population in Bologna, as a middle to large town that did not belong to the important pull areas for temporary migration or agricultural mobility on the Italian peninsula, displayed similar traits.⁸⁰

Scholars have also contended that economic characteristics of towns contributed to the social composition of the men and women appearing before the criminal court. Reflecting on the discrepancy between London's higher and Newcastle's lower shares of single female property offenders, Gwenda Morgan and Peter Rushton hypothesised that the difference may have been related to the distinctive economic life of Newcastle.⁸¹ They suggest that the slow growth of the town and the character of (largely seasonal) employment possibly drove more impoverished married women towards crime. However, that criminal courts in various early modern European towns with similar economic structures and circumstances were preoccupied by an apparently different population of thieves, suggests that other factors than purely economic ones were probably more decisive.

The social composition of property offenders may also have been influenced by social factors relating to the extrajudicial or informal control exerted by households. It is widely accepted that women's crimes all over early modern Europe were more likely to be handled by less formal methods of conflict resolution than men's.⁸² Certain categories of women, such as the generally single domestic servants, are believed to have been extra vulnerable to underreporting to the criminal court as their crimes were probably dealt with within the sphere of the household.⁸³ There are no reasons to believe that Italy was any different, particularly since the *paterfamilias* had considerable legal room to manoeuvre in exercising control over his wife, children and servants.⁸⁴ For Italy it may be argued that this line of reasoning can be extended to the category of single women more broadly. After all, some scholars have emphasised that the importance attributed to women's sexual honour was

⁷⁹ Zuliani, 'Reati e pene nel vicariato di Prato', 312.

⁸⁰ According to Alberto Guenzi, immigration to Bologna, especially to the city, was very modest in the fifteenth century, rarely exceeding 1,000 per year. See A. Guenzi, 'L'immigrazione urbana e rurale a Bologna in una fonte del secolo XV', *Rassegna degli Archivi di Stato* 44 (1984) 149-163; M. Sanfilippo, 'Il fenomeno migratorio italiano: storia e storiografia' in A. Miranda and A. Signorelli (eds.), *Pensare e ripensare le migrazioni* (Palermo: Sellerio, 2011) 245-272; J. Lucassen, *Migrant labour in Europe 1600-1900* (London: Croom Helm, 1987) 259.

⁸¹ Morgan and Rushton, *Rogues, thieves and the rule of law*, 101-102.

⁸² Schwerhoff, *Köln im Kreuzverhör*; Shoemaker, *Prosecution and punishment*, 292; King, *Crime and the law*, 202-10; Gray, *Crime, Prosecutions and social relations*, 9, 170-1; Dinges, 'The uses of justice', 159-75.

⁸³ Beattie, 'The criminality of women', 94; Kamp, 'Female crime and household control', 543.

⁸⁴ Cavina, *Nozze di sangue*, 25; Arru, 'The distinguishing features of domestic service in Italy', 556; Sbriccoli, 'Deterior est condicio foeminarum', 83-84.

above all channelled into households' and institutions' attempts to control the movements of unmarried women.⁸⁵ That married women were so well represented among Bologna's thieving population may have been due to the notion that married women were able to move more freely through Italian cities than single women could, exposing them to more opportunities for theft.

Although the socio-economic characterisations leave much room for further thought, most of Bologna's thieves appear to have belonged to the large group of the city's working poor. Their often ill-paid and irregular labour activities were merely complemented by theft, if the opportunity presented itself, as part of their economy of makeshifts.⁸⁶ In this sense, the situation in Bologna very much reminds us of accounts of other early modern towns. It was furthermore largely comparable for male and female property offenders. The next paragraphs will explore the relationship between thieving, the physical and social urban landscape and dynamics of gender in more detail.

Stolen goods

In the early modern period as much as nowadays, what goods were stolen depended on the opportunities that people had for thieving. Theft and consumer culture are therefore closely interlinked. Some prominent scholars have emphasised that the history of changing patterns of consumption should be traced back to the Italian Renaissance. It is commonly held that in Italy the globalisation of trade networks occurred centuries earlier than in Northern European regions, bringing, from the eleventh century onwards, new material goods such as gems, ceramics, cottons, brocades and Turkish carpets back to Italy and the rest of Europe.⁸⁷ Connected to this, Richard Goldtwaihe famously argued that the consumer society was therefore born not in Northern Europe in the seventeenth and eighteenth centuries, but in Renaissance Italy.⁸⁸ Other scholars have questioned the extent to which this consumer culture of Renaissance Italy was able to spread to non-elite segments of the population, if it was sustained throughout the early modern period and furthermore whether this prefigured

⁸⁵ Palazzi, 'Tessitrici, serve, treccole', 374.

⁸⁶ For a recap of criminological theories about the role of employment as either facilitating or halting property crimes, see B. Gallée and J. Ligthart, 'De remmende werking van huwelijk en arbeid op vermogensdelicten. Rotterdam, 1812-1820', *Tijdschrift voor criminologie* 57:4 (2015) 353-367.

⁸⁷ J.M. Ferraro, 'The manufacture and movement of goods', in: J. Jeffries Martin (ed.), *The Renaissance world* (New York 2007) 88; A. Clemente, 'Storiografie di confine? Consumo di beni durevoli e cultura del consumo nel XVIII secolo', *Società e storia* 109 (2005) 591

⁸⁸ R. Goldtwaihe, *Wealth and demand for art in Italy, 1300-1600* (Baltimore: John Hopkins University Press, 1993) 16.

the developments in eighteenth-century London or Paris.⁸⁹ After all, most forms of retailing remained remarkably stable in Italy and the growth of a mass market remained absent. Combined with declining wages and increasing price levels, Italy's early modern period is generally discussed not as the seed-bed of 'modern consumer culture' but from the perspective of economic decline.⁹⁰

Nevertheless, scholars have convincingly demonstrated that the structure of consumption in Italy did change significantly throughout the early modern period. The available data suggest that a considerable drop in the consumption of foodstuffs coincided with a significant rise in that of durable goods.⁹¹ Alongside economic indicators, important evidence for a widening demand for consumer goods is derived from probate inventories. Research on these sources reveals an expansion in the number and types of objects held by households across the social spectrum, both in cities in Italy and in the countryside.⁹² Furthermore, the rise of a 'fashion system' increased the demand for certain types of clothing and new accessories such as neckerchiefs.⁹³ Despite the economic decline, the mercer trade in Venice, for example, underwent spectacular growth during the seventeenth century.⁹⁴ Moreover, the second-hand clothing market boomed in all main towns, bringing a great range of attire within easier reach and responding quickly to consumers' changing tastes. For various regions studies have suggested that there was a link between the growing demand for fashionable commodities and the choice of items that were stolen.⁹⁵

Scholars have theorised that patterns of theft did not only reflect consumption patterns, but that they were also contingent on dynamics of gender. In the historiography on

⁸⁹ E. Welch, *Shopping in the Renaissance. Consumer cultures in Italy 1400-1600* (New Haven: Yale University Press, 2005) 4-5, 14; Ferraro, 'The manufacture and movement of goods', 96; Clemente, 'Storiografie di confine', 590-592.

⁹⁰ For an overview, see Cavaterra, 'Economia, povertà e consumi in età moderna', 15-25; Malanima, 'Urbanisation and the Italian economy during the last millennium', 97-98; Black, *Early modern Italy*, 32-35.

⁹¹ P. Malanima and V. Pinchera, 'A puzzling relationship. Consumptions and incomes in early modern Europe', *Histoire & mesure* 27:2 (2012) 198; Malanima, 'I consumi in età moderna', 67.

⁹² P. Hohti, "'Conspicuous' consumption and popular consumers: material culture and social status in sixteenth-century Siena", *Renaissance studies* 24:5 (2010) 660; Malanima and Pinchera, 'A puzzling relationship', 214; R. Ago, *Gusto for things. A history of objects in seventeenth-century Rome* (University of Chicago Press, 2013) 7, 127.

⁹³ C.M. Belfanti and F. Giusberti, 'Clothing and social inequality in early modern Europe: introductory remarks', *Continuity and change* 15:3 (2000) 361-362.

⁹⁴ P. Allerston, 'Meeting demand: Retailing strategies in early modern Venice', in B. Blondé, E. Briot. N. Coquery and L. van Aert (eds.), *Retailers and consumer changes in early modern Europe. England, France, Italy and the Low Countries* (Tours: Presses Universitaires François-Rabelais, 2005) 170, 182; Belfanti and Giusberti, 'Clothing and social inequality in early modern Europe', 361, R.T. Rapp, *Industry and economic decline in seventeenth century Venice* (Cambridge: Harvard University Press, 1976) 103; R. Mackkenney, *Tradesmen and traders. The world of guilds in Venice and Europe, c.1250-c.1650* (London: Croom Helm) 90-97, 102-111.

⁹⁵ B. Lemire, 'The theft of clothes and popular consumerism in early modern England', *Journal of social history* 24:2 (1990) 258; Beattie, *Crime and the courts in England*, 187; Hufton, *The poor in eighteenth-century France*, 259; M. Vanbellinghen, 'Diefstal en heling van kleding en textiel: Antwerpen, 1775-1785', *Tijdschrift voor sociale geschiedenis* 21:4 (1995) 387; Van der Heijden, *Women and crime*, 71-72.

women's involvement in theft, it has often been emphasised that the thefts of men and women differed regarding types of stolen goods, value, venue, mode and motivation.⁹⁶ Various studies have stressed the distinctiveness of women's larcenous activities, tying their thefts to their traditional association with providing food for the family and direct household consumption.⁹⁷ A notable example of this is Barbara Hanawalt's study of female felons in fourteenth-century England dating from the late 1970s. She argued that women primarily stole grain, clothing and household goods of low value, reflecting the economic interests of women since their preoccupation was with the home.⁹⁸ Since then, various scholars have challenged this binary distinction. Both Walker (for seventeenth-century Cheshire) and subsequently Dean (for late medieval Bologna) have suggested that men and women generally stole the same kinds of items and that the value of these goods was not necessarily lower than that of goods stolen by men.⁹⁹

The types of goods that were stolen in early modern Bologna support the notion that some of the patterns of theft were not as gender specific as was commonly believed. Figure 7 shows the types of goods that were stolen according to the gender of defendants before the *Torrone*. It reveals that clothing, clothing accessories and textiles were among the most commonly stolen items. The category of 'clothing' consisted of items such as capes, coats, busts, skirts, dresses, shirts, stockings and shoes and constituted the largest category of stolen items. The category of 'textiles' includes household linen, raw materials and assorted textiles found around houses and shops. Together, about 37 per cent of the theft cases brought before Bologna's criminal court concerned these kinds of textiles.

The Bolognese criminal court records nuance the distinctiveness of women's theft of linens and old clothing. The prominence of these types of items among their spoils is commonly portrayed as the outcome of women's specific social and economic roles, their prominence in the less formal trading networks of second-hand domestic goods and

⁹⁶ Beattie, 'The criminality of women', 89-96; O. Ulbricht, 'Einleitung. Für eine Geschichte der weiblichen Kriminalität in der Frühen Neuzeit oder: Geschlechtergeschichte, historische Kriminalitätsforschung und weibliche Kriminalität', in: O. Ulbricht (ed.), *Von Huren und Rabenmüttern. Weibliche Kriminalität in der Frühen Neuzeit* (Cologne/Weimar/Vienna: Böhlau, 1995) 19.

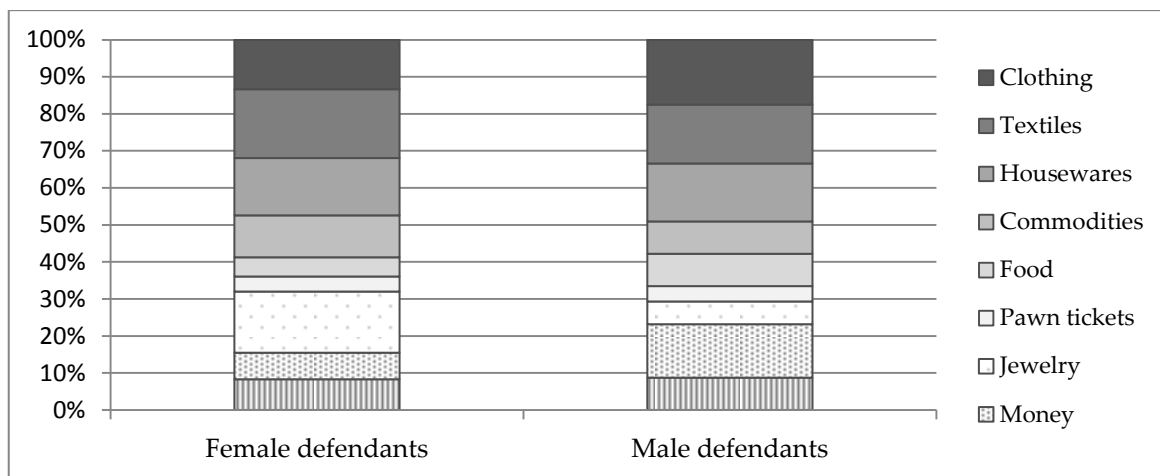
⁹⁷ Spierenburg, 'How violent were women?', 13; McEwan, Negotiating support, 159; J. Philips and A.N. May, 'Female criminality in 18th-century Halifax', *Acadiensis* 31:2 (2002), n.p. Retrieved from <https://journals.lib.unb.ca/index.php/Acadiensis/article/view/10721/11437>.

⁹⁸ Hanawalt, 'The female felon in fourteenth-century England', 262 and Hanawalt, *Crime and conflict*, 122.

⁹⁹ Walker, *Crime, gender and social order*, 159-209; G. Walker, 'Women, theft and the world of stolen goods' in J.I. Kermode and G. Walker (eds.), *Women, crime and the courts in early modern England* (London 1994) 81-105; Dean, 'Theft and gender', 399-415.

pawnbroking and their subsequent knowledge about these types of goods.¹⁰⁰ However, there is little evidence for such a gender distinction in early modern Bologna. The *Torrone's* casebooks suggest that clothing, household linen and a variety of miscellaneous textiles were about as important for female defendants as for their male counterparts. Among both female and male defendants about one-third were accused of stealing these types of goods. The situation laid out by the criminal court records thus provides little quantitative evidence for the notion that the theft of clothing and household linen was a particularly gendered activity in early modern Bologna.

FIGURE 7. STOLEN GOODS BY GENDER OF THE OFFENDER, CA. 1655-1755



Source: Calculations based on the thefts captured in denunciations and *processi* with a total of 56 female defendants and 199 male defendants (sample 2 and 3, see appendix).

- Housewares: e.g. furniture, pots and pans, plates, vases, kettles
- Commodities: e.g. raw materials, metals, building materials, tools and knives

That clothing and textiles were the most common items stolen in Bologna was undoubtedly related to their importance within the early modern material culture and plebeian commercial circuits.¹⁰¹ Probate inventories from seventeenth-century Rome, for example, show that clothing formed the bulk of the possessions of both men and women.¹⁰² Similarly, together with household linens, clothing consisted of the most important category

¹⁰⁰ Walker, 'Women, theft and the world of stolen goods', 88-89, 94, 97; Gray, *Crime, prosecution and social relations*, 76, 89; L. MacKay, 'Why they stole. Women in the Old Bailey, 1779-1789', *Journal of social history* 32:3 (1999) 629, 633; S. Howard, 'Investigating responses to theft in early modern Wales. Communities, thieves and the courts', *Community and change* 19 (2004) 421; Kilday, 'Criminally poor?', 515.

¹⁰¹ Term coined by B. Lemire, 'Plebeian commercial circuits and everyday material exchange in England, c. 1600-1900', in B. Blondé, P. Stabel, J. Stobart and I. van Damme (eds.), *Buyers & sellers. Retail circuits and practices in medieval and early modern Europe* (Turnhout: Brepols, 2006) 245; I. Cecchini, 'A world of small objects: Probate inventories, pawns and domestic life in early modern Venice', *Renaissance and Reformation. Special issue: The material culture of debt* 35:3 (2012) 47.

¹⁰² R. Ago, 'Il linguaggio del corpo' in C.M. Belfanti & F. Giusberti (eds.), *Storia d'Italia. Annali 19. La moda* (Turin: Einaudi, 2003) 120.

of stolen goods Europe-wide.¹⁰³ They were relatively easy to steal and conceal, were very expensive and were among the most sought-after and easily disposable commodities since people outside of the higher ranks largely depended on used garments to clothe themselves.¹⁰⁴ It is therefore assumed that second-hand clothing, whether acquired legally or illegally, therefore had guaranteed value and was assured of sale in early modern economies.¹⁰⁵ In a city like Bologna, in which a large group of its inhabitants worked in the textile industry, this value was apparently recognised by male and female thieves alike.

While the Bolognese criminal court records testify to a great demand for clothing and other textiles, they also reveal a significant demand for a range of other types of goods. Most of these goods were as important to female offenders as to their male counterparts. Domestic goods such as furniture, plates, vases and kettles made up about one-fifth of the goods stolen in early modern Bologna. Despite women's normative association with domestic service, these goods were of equal importance to offenders of both sexes. A range of work tools (hammers, knives, tailor's scissors and so forth), building materials, metals and raw materials are counted among the category of commodities and consisted of one-eighth of the total items pilfered in the city by men and women alike. Similarly, one in twenty thefts concerned pawn tickets for either jewellery, clothing or household linens. Pawns could be redeemed by bringing the funds of the loan and the interest and the copy of the pawn slip (*scrittario*) to the *monte*. As the amount of the loans was usually one-half to two-thirds of the assessed value of the pawn, collecting and selling the pawned objects on the markets could be a lucrative endeavour.¹⁰⁶

There were some differences between the extent to which male and female offenders stole certain kinds of items too. The category of food was more important to male offenders than to their female counterparts. It consisted both of actual foodstuffs such as beans, meats, fish, bread, fruits and agricultural produce such as wheat and grain, and of a range of animals such as chickens, horses, cows, sheep, oxen, goats and donkeys. About one in ten of the male offenders were accused of stealing goods in this category, while this was only the case for one in twenty female thieves. Lastly, money and jewellery were also regularly stolen

¹⁰³ Van der Heijden, *Women and crime*, 71; Walker, 'Women, theft and the world of stolen goods', 87.

¹⁰⁴ Hohti, 'Conspicuous' consumption and popular consumers', 666; Lemire, 'The theft of clothes and popular consumerism', 256-257.

¹⁰⁵ Lemire, 'The theft of clothes and popular consumerism', 265.

¹⁰⁶ M. Carboni, 'Converting goods into cash: An ethical approach to pawnbroking in early modern Bologna', *Renaissance and Reformation. Special issue: The material culture of debt* 35:3 (2012) 71; M.G. Muzzarelli, 'From the closet to the wallet. Pawning clothes in Renaissance Italy', *Renaissance and Reformation. Special issue: The material culture of debt* 35:3 (2012) 25.

but at different levels. Interestingly, jewellery like gold, silver and coral necklaces rings and pearls figured more prominently on the list of goods stolen by female thieves (16 per cent) compared to men (six per cent). The opposite is true for money, which made up 14 per cent of the goods pilfered by male defendants and only half that by their female counterparts.

Although in the past many scholars emphasised the distinctiveness of female thieving, the examination of the stolen goods in the Bolognese criminal court records reveal that a great many similarities defined the character of stolen goods by male and female defendants alike. They are suggestive of a world of production and exchange in which both women and men played important roles. Some differences in what was stolen have been found as well, notably regarding the theft of money and jewellery. A closer look at the court records suggests interesting contextual differences between these two types of cases. Both jewellery and money were commonly derived from trunks and cupboards at home by the victims' neighbours or acquaintances. However, in just over half of the cases money was also stolen from other types of places: in night-time streets, from taverns and from shops, commonly by men whom the victims did not know or did not know well. Thus, while the difference between what men and women stole should not be overstated, it is imperative to examine the extent to which the spatial and social contexts of thieving were gendered.

The geography of theft

Scholars generally agree that the criminal activities of men and women were shaped by the geographic and social boundaries of their everyday lives. This has also given rise to the notion that the geographies of theft were distinctly gendered because of the different opportunities that men and women had.¹⁰⁷ In the previous chapter on violence it was argued that the concept of separate spheres has been widely dismissed for the early modern period, as it failed to capture the complexities of quotidian realities in the past.¹⁰⁸ However, while women are believed to have made regular use of most urban spaces alongside of their male counterparts, we have seen that the home and its immediate neighbourhood surroundings figured prominently among the spaces where women's violence erupted. The importance of houses for women's labour in the textile industry and sites of sociability have been proposed as contributing to this phenomenon. While gender norms by no means succeeded in enclosing women inside of domestic walls, there is evidence that both the lives and crimes of women

¹⁰⁷ MacKay, 'Why they stole', 629-630, 633.

¹⁰⁸ Cohen, 'To pray, to work, to hear, to speak', 294; Jacobsen Schutte, 'Society and the sexes in the Venetian Republic', 363.

in Bologna – more so than for men – unfolded mainly within the neighbourhood. This also seems to have been the case for theft.

Bologna’s geography of theft entailed a broad range of ‘public’ and ‘private’ locations: from homes and shared spaces within the apartment complexes, to work shops, markets, mills, granaries, theatres and churches. Theft from residential locations was the most prevalent (see table 26). This most commonly concerned the apartments or rooms that victims rented, and the variety of goods stolen from this residential environment was broad, ranging from clothing, household linen, jewellery and domestic commodities such as furniture, pans and pots, to foodstuffs, money and pawn tickets. Many of these thefts were highly opportunistic, as is shown by the case against Giuseppe Carboni.¹⁰⁹ On 20 February 1725 Giuseppe Carboni was taken for questioning by the chief constable for his involvement in theft. He admitted that he had seized the opportunity to take away two copper vases when his neighbour Marina Landi had left the door to her house unlocked. Similarly, in 1675 Girolama Negrini, a married chestnut seller, had also stolen a large copper vase worth 9 lire when her neighbour Violanta had left her front door open.¹¹⁰ To a lesser degree *bolognesi* also stole from the shared spaces within the apartment buildings, such as clothing hung to dry in courtyards and hallways.¹¹¹ All in all about one-third of all accused male thieves and nearly three-quarters of their female counterparts are reported to have stolen from people’s domiciles. For female offenders, the importance of houses was thus even more prominent than among reported acts of violence.

	Female defendant		Male defendant		Total known		Unidentified offenders ^c	
House ^a	40	74%	62	33%	102	42%	84	41%
Shop	1	2%	51	27%	52	24%	72	35%
Tavern	1	2%	18	10%	19	8%	6	3%
Street/market	6	11%	37	20%	43	18%	26	13%
Public building ^b	6	11%	20	11%	26	11%	18	9%
Total	54	100	188	100%	242	100%	206	100%

Sources: Derived from sample 2a, 2b and 3 (see appendix), counted by defendant.
^a Also includes adjoining gardens, shared apartment hallways and courtyards
^b Includes public buildings and structures such as churches, city gates, theatres, mills, granaries and stables.
^c Represents minimum counts; each case without suspect is counted here as one offender.

¹⁰⁹ ASBo, Torrone, 7869-2, fasc. 26.

¹¹⁰ ASBo, Torrone, 7035, fasc. 3.

¹¹¹ See, for example, ASBo, Torrone, 7044-2, fasc. 2.

The examples recounted underscore the important role of neighbours in theft from houses in early modern Bologna. A prevalent notion for early modern Europe is that many female thieves stole items in the context of their occupation as servants.¹¹² Because they had access to every corner of the house and could easily incorporate thefts in their everyday work routines, their crimes were considered an important breach of trust and were prescribed harsh sentences for domestic theft (*furto domestico*) due to this perceived betrayal.¹¹³ Indeed, when the *shirri* retrieved a bed sheet domestic servant Anna Leandri had stolen from her employer from underneath her mother's bed, it comes as no surprise that this ordeal left him wondering what else she might have taken from him before.¹¹⁴ However, contrary to what both legislation and contemporary anxieties may suggest, domestic servants were by no means in the majority among those stealing from houses. Even among the female defendants accused of stealing from houses, only one in six of them were employed as maidservants in these households. Instead, nearly half of the thieves accused of stealing from houses were identified as fellow tenants and neighbours, like Giuseppe and Girolama. When distinguishing who stole from houses, male and female thieves were not distinctly different.

Workshops, where goods were made and displayed to be sold, took the second place among the most prominent locations of theft. At least a quarter of all reported thefts took place in these places. Sometimes merchandise such as fabric, handkerchiefs, shoes, clocks and weapons were stolen from the display; a window that could be turned into a vending table. This was the case on 22 April 1705, when shoemaker Appolinario Guidi saw a carpenter's apprentice take off with a pair of shoes made from black cow leather he had placed in his shop's display.¹¹⁵ Other times, money or tools were stolen from shopkeepers when they were not looking or had temporarily left the room. Baker Pietro Babina, for example, complained that the two brass makers Gaetano Bovina and Gregorio Gamini had deceived his assistant Giuseppe by claiming that they had lost a buckle mesh in the cellar and asked him to assist Gregorio in finding it.¹¹⁶ When Giuseppe left the shop to do so, Gaetano saw his chance to steal 10 to 12 *paoli*. Most common were night-time break-ins, however, resulting in the theft of anything from textiles, money, pottery, work tools such as

¹¹² For Germany, see Rublack, *The crimes of women in early modern Germany*, 93; for France: C.C. Fairchilds, *Women in early modern Europe, 1500-1700* (Harlow: Pearson Education, 2007) 289; for England: Gray, *Crime, prosecution and social relations*, 89; McEwan, *Negotiating support*, 161, 164-165, 169.

¹¹³ M. Neale, *Property crime in late eighteenth-century Bristol. Contexts of theft in the pre-modern city* (Unpublished PhD thesis, University of Leicester, 2012) 141; Rublack, *The crimes of women in early modern Germany*, 99-100; Fairchilds, *Women in early modern Europe*, 289; *Bando generale Serbelloni 1756*, 44-46.

¹¹⁴ ASBo, Torrione, 8171-2, fasc. 22.

¹¹⁵ ASBo, Torrione, 7608-1, fol. 101.

¹¹⁶ ASBo, Torrione, 8171-1, fol. 265.

hammers, scales and cooking utensils to pieces of furniture. Stealing from shops was decidedly more common for male than for female thieves (27 compared to 2 per cent). This corresponds with what is known for elsewhere in Europe, where cases concerning women's shoplifting only surged from the late-eighteenth century onwards under the influence of the so-called retailing revolution.¹¹⁷

A substantial part of the male thieves stole from other commercial spaces such as markets. Here a wide range of commodities – from foodstuffs and clothing to jewellery and tools – that were generally stolen from the stalls displaying the market seller's wares or from the baskets the street sellers used to transport their goods. Within this context, the victims were often unacquainted with the thieves, who regularly only found out they were missing some of their merchandise after the fact. It was for example only by chance that market seller Maria Annunziata, wife of Domenico Macchiavelli, found out who had stolen a brass scale from her market stall. She did not know who the men who stole from her were, but an acquaintance of hers who saw it happen did recognise local tailor Marco Boni and shoemaker Angelo Nanni as the culprits.¹¹⁸ While none of the women in the sample were accused of stealing from markets, this example underlines that this by no means indicates women's absence from these spaces. Aside from the examples of women's violent encounters in these market places discussed in the previous chapter, their presence as buyers and sellers, as bystanders and victims of theft, was widely recorded in the criminal court records.

Places of sociability such as taverns also provided opportunities for theft. About one in ten of the thefts took place here. As spaces where people gathered to drink, eat and gamble, inebriated visitors commonly lost their capes, money and jewellery to thieving hands in these *osterie*.¹¹⁹ They were also places where travellers received lodging. Because rooms and even beds were shared among strangers, personal items such as clothing and money were relatively easily misappropriated without the security of a locked room or trunk.¹²⁰ When a 65-year-old Franciscan friar spent the night in one of Bologna's taverns, he woke up to find his money missing.¹²¹ He started complaining to the innkeeper that the foreigners in his room must have taken it. When interrogated by the criminal court's notary Agostino Grossi, a former servant from Modena who slept in the same bed as the friar,

¹¹⁷ S.G. Tickell, *Shoplifting in eighteenth-century England* (Unpublished PhD thesis University of Hertfordshire, 2015) 45-46; T.C. Whitlock, *Crime, gender and consumer culture in nineteenth-century England* (London/New York: Routledge 2016) 127-133.

¹¹⁸ ASBo, Torrione, 8171-2, fasc. 15.

¹¹⁹ ASBo, Torrione, 7869-1, fol. 154; 7869-1, fol. 256; 8171-1, fol. 43; 8171-1, fol. 244.

¹²⁰ ASBo, Torrione, 6620, fol. 105; 7028, fol. 133.

¹²¹ ASBo, Torrione, 7028-2, fasc. 15.

admitted that he had stolen the money and had hidden it between the bed sheets to “serve his needs.”¹²²

Guests furthermore stole goods that belonged to the tavern. On 22 August 1705, the proprietor of the *hosteria dei due Gamberi* located near to Bologna’s largest square accused Antonio Romagnoli from Imola of stealing two bed sheets.¹²³ All in all, taverns featured more prominently as settings for thefts by men than for women (10 compared to two per cent). It does not seem unlikely that this may have had something to do with the normative and legal requirement of ‘respectable’ women to be accompanied to the tavern by male kin.¹²⁴ While this again does not mean that women were absent from taverns, their opportunities to steal in these spaces were probably more restricted than men’s. Alternatively, the gendered nature of suspicion may also have meant that women’s thieving in these places was noticed less.

Counted here among various public buildings in Bologna, about one in twenty thefts by both male and female offenders occurred in churches and other religious buildings. Here money, jewellery, clocks and clothing items were stolen from fellow churchgoers, but the theft of books, goblets, paintings and vases from churches and oratories themselves was more important. After climbing the wall of a convent in the inner-city parish of San Isaia, the unemployed Sabatino Stanzani had taken two water vases and a copper washbowl.¹²⁵ Similarly, Carlo Antonio Scagliarino stole a painting from the church of San Stefano after mass.¹²⁶ While everybody was leaving, he hid the painting under his coat and sold it to a seller of used goods for 40 *bolognini*. Finally, about one in twenty thefts had taken place in Bologna’s mills, granaries and stables. On 21 November 1705 Giuseppe Guidazzoli, for example, was accused of entering the granary of Lazaro Sarti through a window during the night and taking away two sacks of wheat.¹²⁷ Other items that were reportedly taken from these places were such commodities as grain and flour, work tools and animals such as horses, cows and calves.

The landscape of theft in early modern Bologna was thus a highly gendered one. What stands out is the overwhelming importance of houses as locations for women’s thefts. About two-thirds of the thefts women were accused of committing in the city of Bologna had occurred from a room, apartment or within the apartment building in which the victim lived.

¹²² “[...] *ad effetto di servirmene e di prevalentemente per li miei bisogni*”

¹²³ ASBo, Torrone, 7608-1, fol. 99.

¹²⁴ Angelozzi and Casanova, *Donne criminali*, 104.

¹²⁵ ASBo, Torrone, 6620, fol. 285.

¹²⁶ ASBo, Torrone, 6609, fol. 25.

¹²⁷ ASBo, Torrone, 7606-1, fol. 279.

While houses also featured prominently among men's geographies of theft, the proportional share of houses was less than half that of women's. Men were also much more likely than women to steal in a wide range of other spaces too, such as the street, markets and taverns. It seems likely that this gendered pattern of thieving reflects the differences in legitimate social and economic opportunities. After all, both women's work and sociability were centred more in these spaces than men's, echoing the importance of the neighbourhood for women's everyday legitimate and illegitimate behaviours.

The distribution of stolen goods

While the overwhelming majority of thieves brought under the criminal court's purview had no known co-offenders, the redistribution of their stolen goods in society had nearly always involved a range of other actors. After all, despite associations between theft and poverty, registered thefts in which direct consumption played a role appear to have been rare. Most of the cases that came before the *Torrone* involved the reselling of goods. Even Maria Resonagli, who describes herself as a poor unfortunate person (*povera sventurata*) who sold her "body to survive", did not intend to consume the chickens she was accused of stealing. Instead, she had planned to sell them to an innkeeper through an intermediary.¹²⁸ On the other hand, just as foodstuffs could be sold rather than eaten, luxury items could be sold to buy bread and wine.¹²⁹ The relationship between theft and economic hardship was thus complex, but some form of commercial exchange played an important role in nearly all cases brought before the criminal court.

It is commonly assumed that there was significant overlap between illegal economic traffic and formal and legal early modern markets.¹³⁰ In the past few decades various scholars have contended that goods were not only largely stolen from but were also redistributed through offenders' ordinary, legitimate social and economic networks.¹³¹ Since the geography of theft in early modern Bologna appears to have differed significantly for male and female offenders, this raises the question of whether the redistribution of stolen goods was also distinctly gendered. To this end, table 27 shows the locations of the sale of stolen goods. Out of my enhanced sample of property offending, only the cases against 66

¹²⁸ ASBo, Torrone, 8179-2, fasc. 25.

¹²⁹ ASBo, Torrone, 6609, fol. 25; 6620, fasc. 1; 7044, fasc. 11.

¹³⁰ Lemire, 'Plebeian commercial circuits', 245, 254; Lemire, 'The theft of clothes and popular consumerism', 256-257.

¹³¹ Walker, 'Women, theft and the world of stolen goods', 81-105, MacKay, 'Why they stole', 623-639, Callahan, 'On the receiving end', 106-121; Howard, 'Investigating responses to theft', 409-430.

male and 17 female offenders shed light on the commercial journey of the goods that they were accused of stealing.¹³² While the small sample size precludes us from drawing any statistically sound conclusions, these criminal court dossiers nevertheless provide an indication of how stolen goods found their way back into the urban economy of early modern Bologna.

	(Work)shop/ tradesman	Reseller	Pawn bank	Unspecified individuals	Total
Male defendants	25	16	13	12	66
Female defendants	4	5	2	6	17
Total	29	21	15	18	83

Source: Derived from sample 2a, 2b and 3 (see appendix).

For the mid-seventeenth to mid-eighteenth century, the Bolognese criminal court records suggest that workshops and tradesmen were the most important nodes in the redistribution of stolen goods. In about a third of the cases, stolen goods were disposed of through such shops and/or tradesmen. Commonly these concerned commodities they needed and used in their everyday occupation. As such, stolen fabric was turned over to tailors, silver and gold items to goldsmiths, flour to bakers and tin and copper pots and pans to tinsmiths.¹³³ The prominence of these businesses among illegal circuits has also been noted for eighteenth-century Bristol, where victuallers, carpenters, alehouse keepers, silversmiths, blacksmiths and other tradesmen readily (though purportedly unknowingly) purchased stolen property as part of their everyday business.¹³⁴

While shopkeepers and tradesmen were thus important players in the distribution of stolen goods, it is unclear to what degree they were aware of their unlawful origins. In order not to be treated and prosecuted as accomplices, the criminal by-laws stipulated that buyers should always inquire about the origins of both the seller and the goods.¹³⁵ However, in the sampled thefts there is only one example of a coppersmith who refused to buy two copper vases from two *contadini* (farmers) because he wanted to know who the two sellers were exactly as an assurance of good sale.¹³⁶ The court records indicate that it was fairly common to forgo persistent queries. Miller Domenico Ciapelli, for example, ground the grain that the

¹³² My sample includes another 211 theft cases for which it was entirely unknown who the offenders were. These are excluded from this examination as they never reveal information about what happened to the stolen goods.

¹³³ ASBo, Torrione, 6653, fol. 276; 7869-2, fasc. 41; 7028, fasc. 12; 7055, fasc. 1; 7035, fasc. 3.

¹³⁴ Neale, 'Making crime pay in late eighteenth-century Bristol', 445.

¹³⁵ Angelozzi and Casanova, *Donne criminali*, 96; *Bando generale Serbelloni 1756*, 53-55.

¹³⁶ ASBo, Torrione, 6620, fol. 285.

temporarily unemployed bricklayer Gio Batta Consini had stolen, but excused his actions by saying he had not had a clue where Gio Batta had got the grain from because he simply had not asked him.¹³⁷ Gio.Batta then sold the flour on to a baker for three *bolognini*. The baker in turn denied knowing that he had been offered stolen goods, although he also admitted never really inquiring about it. Apparently the court officials were reluctant to convict tradesmen of malicious intent when performing their quotidian commercial activities, as only very few of the sampled Bolognese receivers were found guilty.¹³⁸

Acquiring used goods was a key part of the second-hand dealers, who made up the second most important role in the distribution of stolen goods. In Bologna, about a third of the female thieves and a quarter of their male counterparts disposed of stolen goods through second-hand dealers. Because the vast majority of inhabitants lived a hand-to-mouth existence, the flourishing second-hand markets were pivotal in enabling ordinary people to obtain all kinds of domestic goods that would otherwise have been out of their reach.¹³⁹ Alongside local shopkeepers, a variety of second-hand dealers (*rigattieri, treccole or rivenditori/trici*) were key players in this kind of trade.¹⁴⁰ While these resellers sold a wide range of used goods, clothing and household linen figured prominently among the commercial journeys of stolen goods unearthed by the *Torrone*.

Women played vital roles in these second-hand markets. While the sampled criminal court cases do not suggest a vast difference between male and female offenders in their choice to dispose of goods via a second-hand dealer, their role as distributors appears to have been significant. What share women held among second-hand dealers in early modern Bologna is unknown, not least because second-hand dealers' guilds in most Italian cities excluded women.¹⁴¹ Nevertheless, the repeated decrees of measures seeking to contain and control female sellers do speak to their constant presence in the fabric of urban life.¹⁴²

¹³⁷ ASBo, Torrone, 6609, fasc. 2.

¹³⁸ The sample includes 27 accused men and 7 women for whom it can be deduced from the sources that they played roles as 'receivers of stolen goods'. More buyers of stolen goods were mentioned and interrogated as part of the criminal records, but they were not formally accused. For five of the indicted receivers their faith was unknown, 13 were absolved and nine were bound to re-appear before the court if new information came up. Four men and one woman were pardoned (the original sentences were not always recorded: one man was originally sentenced to 5 years of imprisonment, and a woman to exile). Two men received guilty verdicts and were exiled.

¹³⁹ Hohti, 'Conspicuous' consumption and popular consumers', 660. For an overview of scholarship on this topic from early modern England, France, and Scotland, see P. Allerston, 'Reconstructing the second-hand trade in sixteenth- and seventeenth-century Venice', *Costume* 33:1 (1999) 46.

¹⁴⁰ Hohti, 'Conspicuous' consumption and popular consumers', 659.

¹⁴¹ A. Meneghin, 'The trade of second-hand clothing in fifteenth-century Florence: Organisation, conflicts, and trends', in *Il commercio al minuto. Domanda e offerta tra economia formale e informale. Secc. XIII-XVIII. Selezione di ricerche* (Florence 2015) 328.

¹⁴² Welch, *Shopping in the Renaissance*, 35-36.

Remarkably, about half of the second-hand dealers that had handled the stolen goods investigated by the Bolognese criminal court were women. This is in contrast to the fact that women represented only one in five of the (admittedly few) accused receivers identified by the *Torrone*. The involvement of the other female resellers was limited to providing witness testimonies. This not only sheds light on the prevalence of female resellers in the urban economy of early modern Bologna, particularly in the second-hand clothes markets, but the fact that so many of them were not even indicted – let alone prosecuted – for their role may additionally reveal a certain judicial ‘indulgence’ towards women also observed for female thieves with co-offenders.

A third way to dispose of stolen goods was through pawn banks. Pawn banks emerged from the fifteenth century onwards in towns and cities across central and northern Italy.¹⁴³ Promoted by travelling preachers and run by lay religious groups, they provided low-cost credit to the working poor by allowing the poor to monetise the value stored in their moveable possessions. Bologna’s *Monte di pietà* (literally a ‘mountain of piety’) opened in April of 1473, closed again the year after and, then backed by the ruling oligarchy, was revived in December 1504 as a civic bank with different agencies spread over the city’s quarters, became one of the most successful pawn-broking institutions in Italy.¹⁴⁴ Based on the number of pledges, it has been calculated that there were nearly two pawns per inhabitant in Bologna by the mid-seventeenth century.¹⁴⁵ The majority of customers were artisans, shopkeepers and, above all, low-skilled (day) labourers.¹⁴⁶ While few households had many surpluses of goods, they nevertheless had many pawnables that functioned as a small, material reserve for times of need. As such, by lending on the security of pawns, the pawn banks performed a major countercyclical function in local economies.¹⁴⁷ They also constituted an important node in more illegal circuits of exchange. Between the mid-seventeenth and mid-eighteenth centuries, the *Torrone* was able to trace a little over one in six of the stolen wares back to Bologna’s *monte*.

All in all, the criminal court records highlight the importance of ordinary and legitimate markets for the disposal of stolen goods. In early modern Bologna, workshops and

¹⁴³ N. Terpstra and M. Carboni, ‘Introduction’, *Renaissance and Reformation. Special issue: The material culture of debt* 35:3 (2012) 6; Muzzarelli, ‘From the closet to the wallet’, 23.

¹⁴⁴ Carboni, ‘Converting goods into cash’, 64-65.

¹⁴⁵ *Ibidem*, 66.

¹⁴⁶ *Ibidem*, 78. The ledgers of Tuscan pawn banks paint a similar image, see P. Pinelli, ‘“Illegal” pawns for “immoral” loans; Testing the limits of the Monti di Pietà in late fifteenth-century Tuscany’, *Renaissance and Reformation. Special issue: The material culture of debt* 35:3 (2012) 14.

¹⁴⁷ Carboni, ‘Converting goods into cash’, 64; Terpstra and Carboni, ‘Introduction’, 8.

their tradesmen, second-hand dealers and civic pawn banks played pivotal roles in both legal and illegal commercial activities for both male and female thieves. Unfortunately, the criminal court records were often unable to shed light on the commercial journeys of these stolen goods, for example because the defendants kept denying involvement and there were no witnesses who reported having seen or heard about the stolen goods. Consequently, the limited size of the sample makes it difficult to ascertain if and to what extent the patterns of distribution were as distinctly gendered as the geography of theft appears to have been itself. Although they are outside of the scope of this research, more in-depth examinations of the social networks of thieves may be fruitful. After all, there are ample indications that a significant number of Italian women played vital roles in the distribution of stolen goods, yet by and large escaped scrutiny by the authorities. While women were omnipresent in the criminal court records, gendered notions of culpability may well have clouded their appearance as criminal actors in property offences.

Conclusion: Women's roles in thieving and judicial paternalism

The pattern of reported crime in early modern Italian towns was extensively moulded by its everyday violence, rather than larcenous activities. This can be attributed to the intertwined culture of violence and reconciliation, which drew many *bolognesi* to the court. However, thefts were not infrequent occurrences and, importantly, were by no means considered futilities by either its victims or the authorities. Indeed, while the criminal court records brim with acts of petty violence as part of conflict resolution strategies, thefts of all shapes and sizes were among the 'serious crimes' that the court sought to investigate and prosecute if in any way possible. This overall interest in prosecuting these kinds of crimes is not only apparent in the harsh sentences that the criminal by-laws prescribed, but also in the fact that thefts made up larger shares among the formal investigations (*processi*) than among the denunciations. This was especially true for women, who were above all subjected to a formal investigation not for their acts of violence but for theft.

Women's larcenous activities in early modern urban Bologna was distinct from men's in some ways but also shared many important characteristics. For one, both male and female offenders were by and large accused of committing the same type of offence – simple theft without resorting to violence – and were overwhelmingly committed by only one offender: rather than being confined to the role of accomplices, no less than two-thirds of the female Bolognese offenders committed thefts on their own. They also resembled their male

counterparts in a socio-economic sense. The Bolognese sources suggest that female thieves generally belonged to the large group of the labouring poor who, as textile workers and market sellers, opportunistically resorted to theft to make shift, not unlike their male counterparts. The *Torrone's* casebooks furthermore suggest that what men and women stole – most commonly clothing, household linen and miscellaneous textiles – was not as distinctly gender specific as is often suggested. That the experiences of male and female offending were nevertheless gendered is above all apparent when scrutinising the geography of theft. Just as women's violence predominantly erupted between neighbours in their immediate neighbourhood, no fewer than eight out of ten of women's thefts (compared to 41 per cent of men's) were also committed from houses by neighbours and acquaintances. Again, this seems to echo the importance of the neighbourhood for women's legitimate and illegitimate everyday behaviours.

For early modern Italian towns like Bologna it is furthermore important to highlight the impact of its legal culture on the judicial treatment of theft. This also affected the proportion of women among thieves, which was significantly lower in Italy than it was in many other places in early modern Europe.¹⁴⁸ While crimes against property – however small in value – could rely on more judicial scrutiny than most acts of violence in early modern Italy, the criminal court records reveal that the culture of reconciliation also pervaded the ways thefts were dealt with. While renunciations and pardoning after peace-making were seemingly less often achieved for property offences than for violent crimes, they were nevertheless pivotal to the understanding of how crimes against property were dealt with in early modern Italy. Moreover, the judicial treatment of theft was also highly gendered. Emanating from a body of law that viewed male criminals as the norm, the gendered notions of appropriate and suitable punishments are a straightforward example of this. Where the galleys or torture via the *strappado* were deemed appropriate for offending men, confinement, exile or lashing was regarded as more suitable for their female counterparts. Importantly, there are also substantial signs that the gender bias led to women being treated more leniently in court. Particularly when women acted alongside male co-offenders, they could count on less harsh sentences or were not even indicted at all. The criminal court

¹⁴⁸ Noordam, 'Strafrechtspleging en criminaliteit', 228; *Old Bailey Proceedings Online* (<https://www.oldbaileyonline.org/>, version 7.2, March 2015), Tabulating offence category, between 1674 and 1800. Counting by defendant; Morgan and Rushton, *Rogues, thieves and the rule of law*, 60; Schwerhoff, *Historische Kriminalitätsforschung*, 116.

records furthermore suggest that by far most of the women involved in the distribution of stolen goods into the urban economy were never scrutinised as criminal actors.

Women's involvement in theft was both nebulous and pervasive. As criminal actors in a serious crime, the Bolognese criminal court records suggest significantly smaller shares of women among recorded property offenders than in many other regions in early modern Europe. While the evidence of women's everyday violent behaviours can be traced through women's frequent use of the criminal justice system as a forum for conflict resolution, our image of their involvement in theft is more contingent on the authorities' efforts to investigate and indict them. Alongside a range of factors such as the interlocking semi-charitable institutions aimed at women and the social control exercised by the head of the family, the traces of judicial paternalism further uncover how women in early modern Italy were kept away from the law and the law away from women.¹⁴⁹ Rather than interpreting these silences as proof for early modern Italian women's lack of agency, they more than anything testify to the idea that these unusual suspects only represented a tip of the iceberg.

¹⁴⁹ Sbriccoli, 'Deterior est condicio foeminarum', 83-84.

