

Introduction

When I first discovered the proceedings of Paolo Barbieri's criminal trial in the State Archive of Bologna, I had no idea that they would lead me on a fifteen-year journey researching the far-reaching reverberations of the 1588 murder of his wife, Isabella Caccianemici, whom Barbieri killed in a fit of madness. This book revolves around his criminal trial, which began after he fled Bologna the day of the murder, and traces the story of his insanity, exile, and confinement from 1583 until his death in 1606. Close relatives, servants, and everyday citizens of Bologna were implicated in his escape and became deeply involved in the trial that followed. Many believed that Paolo was crazy and could not be held responsible for the murder of his wife. During my research, I followed his story by combing through documents dispersed in four different Italian archives. In this book, I try to evoke the elusive world these documents represent by reconstructing fragments of Paolo's life, trial, and medical diagnoses through those involved in the proceedings. Though gaps and question marks remain, these documents bring together a picture of the social life of sixteenth-century Bologna, along with the medicolegal frameworks that dominated the age and led to the devastation of the Barbieri family following the verdict of Paolo's trial: guilty.

I tracked Barbieri's movements throughout Italy by digging up information from archives and libraries not only in Bologna, where the trial took place, but also in Pisa, Lucca, and Milan. From the end of 1588 to the beginning of 1590, Barbieri's trail grew cold. People said that before going to Milan, where he stayed for eight years, he was in Lucca for a while, but there is no evidence of this. Meanwhile, the financial problems caused by

Paolo's murder and escape plagued his older brother, Aurelio Barbieri, who became the unwilling protagonist of the trial after he was accused of having helped Paolo escape. Sometime after the trial concluded at the end of December 1588, Aurelio went to live in Rome, where his name emerged in legal documents between 1589 and 1590. Aurelio then lived in a two-bedroom apartment in the *riione* Campo Marzio until his death in September 1597, surrounded by Roman friends and acquaintances. None of his family was present, and their absence led me to think that after the 1588 trial, Aurelio's relationship with his family soured.

I followed Aurelio's traces to Rome, and through documents that I found in its State Archive, I reconstructed many of the legal actions that Aurelio pursued there from 1590 to 1597. These documents depict a man intent on disentangling himself from disputes with his business associate Francesco Maria Bolognetti, Isabella Caccianemici's maternal uncle, and with members of his family, among them his mother Ippolita and his sister Diana. Aurelio's last legal act consisted of writing a will leaving all his property to the powerful religious confraternity of the Santissima Annunziata in Rome. Aurelio's testament was a slap in the face of his family members in Bologna, who reacted by pursuing further legal actions to contest its validity. I followed the trail left by the supporting characters of this story, including Bolognetti, Ippolita Barbieri and her daughter Diana, Diana's husband Valerio Rinieri, and even Aurelio's defense lawyer, Giovanni Francesco Grato, in sources where their names appeared associated with those of Paolo and Aurelio.

During my year as a fellow at Villa I Tatti (2004–5), I conducted archival research in Bologna, looking for events reporting episodes of insanity. While perusing local chronicles at the Biblioteca dell'Archiginnasio in the early months of 2005, I found a short entry in an anonymous chronicle related to the tragic story of the nobleman Paolo Barbieri. On October 24, 1588, Paolo repeatedly stabbed his wife Isabella with his sword, leaving her wounded on the floor of their bedroom, and then escaped the city.¹ The killing must have shocked Bologna since the murderer and the victim belonged to two noble families: Isabella was very young, and the accused and his accomplices were noble and notable.

Paolo's story is exceptional and significant for three main reasons. The first is that it is a case study in the diagnosis of insanity in the early modern era, from its first symptoms to its tragic outcomes. There was no way to know whether Paolo was mad when he killed his wife, if his was a case of intermittent insanity, or if he feigned insanity to escape being caught.

In the narrative that I present, the notion of insanity is as much on trial as Paolo himself. The trial reveals discrepancies between medical and legal definitions and evaluations of a person's mental state and the diagnosis of insanity. However, something both early modern doctors and lawyers agreed on was that people tended to fake a myriad of illnesses, including madness, sometimes to escape punishment. The question of whether Paolo was insane was central to his trial: he was diagnosed with "hypochondriac melancholy," and his lawyer, Grato, defended his actions using the legal notion of "intermittent insanity," claiming that Paolo was not in his right mind at the time of the murder. However, doubts about Paolo's madness influenced the judge's final verdict: at issue, among other points, was why, if he was insane at the time of the crime, and therefore not guilty, he chose to flee.

This study intends to create a bridge between the microhistorical dimension of the murder case and macrohistorical perspectives on the legal and medical evidence used to identify intermittent madness, or its simulation, and the implications of medicine for legal argumentation. Through a microhistorical account of Paolo Barbieri's murder and of the fateful consequences of his actions on his life and on those of his family members, relatives, and the larger urban community of Bologna, it offers a case-specific analysis of macrotopics such as insanity, early modern criminal justice, the interaction between medicine and law in the courtroom, the coexistence of oral and written communication in legal documents and vernacular narrative, and the expression of emotions through legal actions. Scholars of legal, medical, and social history have discussed evidence and its affiliated terms, asking themselves, What is a fact? How does it become evidence? Can this evidence be fabricated or feigned? By the end of the sixteenth century, physicians and jurists started writing on the connection between evidence and imposture, reality and pretense. This study argues that the increased importance given to individual observation and experience in early modern medicine and law went hand in hand with an increasing concern for the dangers of deception in these fields. This concern assumed a central role in the case of Paolo Barbieri's insanity.

The second reason that Paolo's story is exceptional is that, in general, proceedings of early modern criminal trials contain only the initial charge and interrogations, in many cases because the two parties settled out of court or the plaintiff withdrew the charge.² This book focuses on a criminal trial recorded in its entirety, from the initial charge to the final verdict, including all the intermediate phases. At the State Archive of Bologna,

an entire volume of more than three hundred fifty pages is dedicated to Paolo's case, spanning the years from the day of the murder to the final verdict released in December 1588. The volume also contains documents recording the aftermath of the murder and the trial until the year 1597. In this study, I intend to show that the trial's proceedings, especially its final verdict, express the papal curia's political involvement through Bologna's representatives, including the presiding criminal judge. The proceedings also manifest the curia's intent to exert power over the local aristocracy with penalties that affected the defendants' financial assets and properties. Besides the trial's proceedings, the State Archive of Bologna provided me with a vast array of documents held in the collection of the Augustinian Order of San Giacomo in Bologna, which expanded and further articulated the legal and medical dimensions of the story. Among the many documents related to the murder trial were two versions of the defense of Paolo's brother Aurelio, as well as a medical certificate written at the request of Aurelio's defense lawyer by three university physicians about their examination of Paolo's physical and mental state the summer before the murder. None of these documents were included in the trial's proceedings. Through them, I reconstructed the relationships between the judge presiding the trial and Aurelio's defense team and the connection between the legal and the medical assessments of Paolo's insanity.

The third reason for the importance of this story of madness is that it describes and interprets the economic and emotional consequences of Paolo's murderous insanity on his family and kin in the two decades after Isabella's killing shook the streets of Bologna. Paolo, his brother Aurelio, his mother Ippolita, his sister Diana, her husband Valerio Rinieri, business partners, lawyers, notaries, and judges in various Italian cities were all involved in and affected by the mess the Barbieri family found itself in after the trial. Archival sources in Pisa, Lucca, Milan, and Rome helped me flesh out Paolo's social background, his movements after the murder of his wife, and the fate of his estate. Legal documents that I found in Bologna and Rome also revealed that Paolo's family lost a vast amount of money as a result of the trial's various expenses in 1588 and its aftermath. Legal disputes erupted among family members, who also fought with former business partners and kin in various civil and criminal trials.

The richness of archival sources I used to reconstruct this exemplary story of insanity exposes not only how early modern medicine and law dealt with and treated cases of criminal insanity but the tension between legal and medical theory and their respective practices in the courtroom. It

also illustrates a moment of transition in the administration of early modern justice in the Papal State, which moved slowly but inexorably toward a form of hegemonic justice at the expense of older forms of negotiated justice. That the pope's representatives also issued a verdict shows how central authority could interfere with the management of local justice and supports what scholars have argued in recent years regarding the management of justice in Bologna and the friction between the pope and the local nobility.

The abundance and variety of legal documents that I was able to find in various Italian archives—civil and criminal trials, wills, disputes about and renunciations of inheritance, evaluations of properties and land, restitution of dowries, and contestations of debts and credits—also made me keenly aware of the presence of a strong emotional component to these legal actions. As Daniel Smail argues in his writing on Marseille's thirteenth- and fourteenth-century criminal and civil justice, people in early modern Bologna conveyed their deep emotions by initiating and pursuing legal actions, regardless of the economic cost.³ Contrary to the idea that medieval and early modern justice suppressed and negated emotions in the courtroom, Smail argues that it contributed to their open expression in the public arena. In early modern Bologna, Paolo's family and kin expressed hatred, anger, and revenge over people they perceived had trampled on their honor, trust, personal and family good repute, and *fama* through their legal actions.

This notion of *fama* was an important factor in the early modern legal and social sphere. *Fama* related to the "rumors" (*rumori*) that circulated from mouths to ears in the urban community of Bologna. Rumor had it that Paolo Barbieri killed his wife Isabella in a fit of madness, but was it instead anger or malice? Some suspected that he must have been violently angry with his wife and her servant, as he stabbed the former six times and wounded the latter on both hands and her face. In the vast number of chronicles that Bolognese citizens wrote in this period, I found four that reported the tragic event in slightly different ways. The variations exemplify the hybrid nature of early modern Italian society and culture, which oscillated between the spoken and written dimensions. The chroniclers, all citizens in good standing of Bologna, mixed what they heard on the street and their social circles with news from actors involved in the trial and eyewitness accounts of the immediate aftermath. The chroniclers were clerics, members of the nobility, and wealthy professionals, who narrated and interpreted this episode of criminal insanity in the context of

Bologna's political and social dynamics. Witnesses' depositions and chronicles make up the vernacular narrative of this tragic event. Both in and out of court, the narratives of Paolo's insanity and murder were presented in several modes—apology, lament, pleading, denial, moral positioning, and obfuscation. Like the criminal proceedings, the vernacular narrative in and out of the court revealed a binary view of insanity when discussing violent acts like homicide. Behavior that violated social and moral norms slowly sapped the community's willingness to extend its collective goodwill to a person deemed "a bit mad." In court depositions and chronicles, issues of morality, honor, shame, and fear intersected with the notions of rumor and *fama*. So did the legal disputes that followed Isabella's murder and the 1588 trial.

Michel Foucault's *Histoire de la folie à l'âge classique* (1961) was a seminal text for analyzing the notion of madness in its relation to reason, power, and culture in early modern Europe. Drawing on the reassessment of Foucault's homogenizing view of insanity in early modern Europe between the early 1980s and the mid-2000s, this book views early modern madness as a complex social, religious, political, and cultural phenomenon, the understanding of which was heterogeneous and internally divided.⁴ Erik Midelfort and Angus Gowland have focused on the intellectual and cultural/religious notion of early modern madness and melancholy and proposed a vast time frame and scope for their investigation.⁵ More recently, the essays in Wendy J. Turner's edited collection *Madness in Medieval Law and Custom* explore the theme of insanity in medieval Europe—England, mostly, but also France and Byzantium—from a legal and social point of view, while Elizabeth W. Mellyn's *Mad Tuscans and Their Families: A History of Mental Disorder in Early Modern Italy* focuses on the treatment and discussion of insanity in civil and criminal Tuscan courts between 1350 and 1670, and on its connections to and effects on the families of those deemed insane, the medical witnesses, and the urban communities where these cases occurred. While Turner's edited volume presents a rather wide and composite view of madness in common law and customs, and Mellyn's book explores insanity from a macrohistorical point of view and relies on the analysis of a large number of cases, my study focuses on the microhistorical account of Paolo Barbieri's murder.

There is a clear advantage to concentrating on one specific story of insanity from beginning to end: it allows the reader a close-up not only of the legal, social, and medical dimensions of such a story but also of the emotional ones—the shame, the anger, the fear that came with the

notions of honor, and reputation—in and out of the court, in and outside hospitals, in and outside the city of Bologna. The research and work of Thomas Cohen in the Roman archives and that of the scholars who contributed to the issue of the *Journal of Medieval and Early Modern Studies* and the book by Sigurdur Gylfi Magnússon and Istvan Sijártó exemplify a renewed interest in microhistory, in the United States and Europe.⁶ My study can provide details on the before and after that many microhistorians, who rely almost exclusively on court procedures, can only surmise. For almost two decades, my research has followed the main actors of the story outside of the court and to locales outside Bologna.

Starting in the early '90s, studies in early modern medical and legal history have shown a renewed interest in the early modern understanding of evidence. In two important books on these topics, *Interpretation and Meaning in the Renaissance: The Case of Law* (1992), and *Logic, Signs, and Nature in the Renaissance: The Case of Learned Medicine* (2002), Ian Maclean underlines the conjectural nature of medicine and law and then studies and interprets their nature, structure, and function. He also draws a complex map of early modern evidence in legal and medical theory that is extremely important for anyone interested in this topic and in these two disciplines. Unlike Maclean's work, which focuses on theory, my study looks at the interaction between theory and practice in medicine and law. It concentrates on how the notion of evidence is a key point of friction between the two disciplines.

My study also relies on the research that Italian scholars Leonardo Quaquarelli, Fulvio Pezzarossa, and Armando Antonelli conducted between the early '90s and the mid-2000s on Bologna's chronicles, composed between the fifteenth and the early eighteenth century.⁷ In the United States, the collection of essays on medieval and early modern Italian chronicles *Chronicling History: Chroniclers and Historians in Medieval and Renaissance Italy* helped me formulate the relationship between the genre of chronicle and the fledgling discipline of history in the medieval and early modern periods, and to understand chronicles as hybrid documents, situated between writerly and oral traditions, defined as "any narrative work which recounts historical developments over a longer period of time in chronological order."⁸ I view chronicles mainly as part of a larger vernacular narrative on murderous insanity, together with court depositions and other documents used for legal argument. Several recent studies have emphasized and zoomed in on the hybrid nature of early modern society and culture, where oral and written communication intersected

with the manuscript and printed dimensions. These studies contributed significantly to elaborating my interpretation of the vernacular narratives related to Paolo Barbieri's story. Traces of orality and spoken performance, like hand gestures, sounds, and body movements, can also be detected in these reports. They can reveal the speakers' social and cultural background and the context in which they uttered them, as Elizabeth Cohen skillfully argued in several essays dedicated to the topic.⁹ Finally, scholars of early modern legal history like Thomas Kuehn and Smail have shown that early modern civic and criminal disputes gave voice to strong emotions that people channeled by bringing a suit against someone, making or contesting a will, or claiming to be owed money by their opponents.¹⁰ Emotions are also at the forefront of the work of Barbara Rosenwein, whose idea of "emotional communities" intersects with Pierre Bourdieu's notion of "habitus."¹¹

The first chapter sets up the narrative of the murder and contextualizes the social and familial situation of the main actors in the story. It also underscores why Paolo's murder of his wife and the ensuing trial constitute a good example of the medical and legal issues concerning early modern insanity, introduces the book's guiding terminology, gives an account of Paolo's family and his marriage to the young Isabella Caccianemici, and describes how friends and family already knew or suspected for years that Paolo was violently mad. The examination of Paolo's murder and trial, which are discussed in further detail in the next two chapters, highlights early modern legal and medical language and norms regarding insanity and explains how these norms crept into the oral and written accounts of everyday people who analyzed the event based on their social status, on their belonging to cultural and emotional communities, and on Paolo's *fama*. Other stories of criminal insanity will be narrated and analyzed to emphasize these legal and medical norms and show the representative dimension of Paolo's story. They will also contribute to the discussion about early modern legal scholars' and physicians' fear regarding people pretending to be mad and about the lack of substantial evidence, both in the medical and legal field, which made it difficult to prosecute people appearing to suffer from insanity.

The second chapter focuses on the medical issues regarding insanity that arise from the relationship, at times contentious and hostile, between medical experts on the one hand and judge and defense lawyers on the other. The analysis starts with two medical reports. In one, written for the defense of Paolo's brother Aurelio, three physicians narrated

an examination of Paolo's health that they conducted the summer before the murder. In the other, a surgeon explained the autopsy he conducted on Isabella's body to demonstrate whether the young woman was pregnant. If she were, Paolo would have been the murderer of his wife and his unborn child. The medical report narrating Paolo's distressing mental health is compared with the *consilium*, a popular genre among early modern physicians that bridged medical theory and practice and was centered on the relationship between patient and doctor. This comparison shows the similarities and the significant differences in the use of medical expertise at the service of an academic readership and for legal purposes. While the criminal judge admitted the report detailing Isabella's autopsy in the trial's proceedings, he excluded the medical consultation of the three doctors who diagnosed Paolo as insane before the murder. The judge's distrustful attitude toward the medical documents exemplifies the conflict between medical and legal opinion on criminal insanity in this era and in this particular trial. The chapter thoroughly discusses medical and legal questions of insanity, emphasizing the difficulty of diagnosing a person as insane. It also gives an overview of the stages of an early modern trial, which had no jury and gave ultimate authority to the judge's verdict. The conclusion offers a political explanation for why the judge rejected the medical report: a clash between papal and local politics might have been at the core of this dismissal.

The third chapter describes what happened in the aftermath of the crime and during the trial proceedings. It introduces Aurelio Barbieri, Paolo's brother, as the secondary main character of the story and the trial's unwilling protagonist, as well as the other defendants, Carlo Ratta, Leone Benini, and Ludovico Salani. The chapter builds on and exemplifies the legal and medical questions connected to Paolo's insanity in the first two chapters. It also follows in detail the stages of the trial, including the long defensive phase, where the lawyers of the four main defendants flaunted their legal skills to extricate their clients from the accusation of having helped Paolo escape. It discusses the investigation that the chief criminal judge of Bologna launched after Paolo's disappearance, the people whom he questioned in the inquisitorial and defensive phases of the trial, and the lawyers' justification of their clients' behavior during and after Paolo's escape. The problem was to establish whether Paolo was mad. On the one hand, contemporary treatises discussed in detail the probatory evidence that men of law should consider in establishing if a person was suffering from insanity. On the other, there was the bull issued by Pope Sixtus V in

the summer of 1585, which called for those aiding and abetting criminals to be tried and their property confiscated: Paolo's status at the time of the murder affected not only the defendants but also their family properties.

The fourth chapter, through contemporary chronicles reporting the tragic event and its aftermath, explains how early modern laypeople viewed Paolo's murder of his wife Isabella inside and outside the institutional settings in which medical and legal questions were disputed: in the courtroom, through the witnesses' depositions, and outside the palace of justice. It shows how medical and legal knowledge was transmitted within the social groups of early modern society through the intertwined roles of oral and written accounts in the vernacular narrative, in contrast with the Latin used in official legal and medical documents. The discussion also expands on the notion of *fama*, discussed in the first chapter, and its role in shaping the opinions and biases expressed in vernacular narrative in and outside the courtroom. The chronicles' analysis takes a thematic and analytic view of the different ways their authors perceived the murder and why they came to different conclusions about Paolo and his diagnosis. It focuses on the causes and circumstances of the murder, the victim's identity and the killer's, and the trial's aftermath for Paolo's family and the other defendants. Considering Paolo's social position and *fama*, did the chroniclers find the violent crime he committed more justifiable? The chapter concludes with a discussion of a chronicle that reported the Barbieri murder. Written a century after the others, it emphasizes writing and reading as the predominant ways of communication and expression. It also exemplifies the stratification of information and news, *rumori* and *fama*, that settled over time around the event until its author organized it into a story.

The fifth chapter discusses the consequences of the trial and Paolo's madness for Paolo's family and kin and the citizens of Bologna and other Italian cities where Paolo went after he escaped from Bologna. The entwined network of legal quarrels over inheritance, dowries, and wills provides clues to understanding the hostile atmosphere engendered by Paolo's criminal madness, the fallout of which lasted almost twenty years, and the emotions that shaped and were shaped by medieval and early modern law and legal pursuits, emotions that communities as small as families and as big as neighborhoods and social groups considered appropriate and justified to be expressed in legal terms. The chapter begins by giving the trial's outcome for both the fugitive Paolo and servant Francesco and his accomplices. It discusses the verdict's long-term impact on the six

defendants and their families, particularly on the Barbieri household. It follows Paolo's travels through various cities and his return to Bologna. Finally, it discusses the connection between emotions and law and how the interaction between the public and private spheres needs to be considered to understand the individual actors affected by Paolo's crime and the communities to which they belonged.

As far as I know, this study is unique in offering a detailed picture of how, in the early modern period, insanity and its devastating effects marked a man and his family for life. It shows how medical and legal experts tried to pigeonhole the illness into categories that fitted their theoretical frameworks. It exemplifies how rumor spread by word of mouth and created one's reputation and how difficult it was to dissociate a person from what family members, kin, neighbors, and fellow citizens thought of them. It represents how emotions manifested themselves through apparently unexciting and emotionless documents like testaments, civil disputes, debits and credits, and dowries. While other studies have centered on vast amounts of data to discuss and interpret early modern madness, mine brings to light the life of one person and his family as insanity ravaged their financial security, honor, and reputation, not to mention the lives lost and ruined, the hatred nurtured for decades among people who once were friends, and the permanent rifts among brothers, sons and mothers, and brothers and sisters. This is a tragic and gripping tale, a window "through a glass darkly" into early modern violence, madness, criminal justice, medical and legal expertise, and how news circulated and was narrativized.

My fifteen-year professional journey of research into the lives of Paolo Barbieri and his family paralleled and intersected with my personal journey in the world of mental illness. My life and the lives of my immediate family, relatives, and friends have been affected by the illness of my sister, an extremely intelligent and sensitive woman, for more than thirty years. The ravages that madness inflicted on Paolo reminded me of the devastating and long-lasting effects that manic depression has had on my sister's personal and professional life, the isolation she had to suffer, the many times she had to go, willingly or not, to the hospital, after she refused to take medication for long periods of time, and the humiliation she endured as others made decisions for her during these hospitalizations. The fear, frustration, anger, and desperation of Paolo's family, and in particular of his siblings Aurelio and Diana and his mother Ippolita, evoke in me the tangled web of feelings that my father and I have for my sister and for each other, desiring to help her, but also fearing to be swallowed by her

pain, by her psychosis, by her anger. The distance Aurelio placed between himself and his family when he moved to Rome is parallel to the ocean of water and silence that I placed between myself and my family for many years. And even so, their pain, anger, animosity, and desperation reached me and affected me, no matter how distant I was. Writing about Paolo's insanity and its long-lasting effects on him and on his family allowed me, in the end, to exorcise my fears, my anger and desperation, when faced with my sister's illness and with my father's denial and desire not to suffer any longer for a daughter whom he desperately wanted to be sane and for another who, in his eyes, abandoned him, so that he had to take care of a mentally ill person all by himself. This book talks about a distant past. By writing it, I came to terms with my own past, and with my present.