PISTOIA, "ORDINANCES FOR SANITATION IN A TIME OF MORTALITY"[1] May 1348
Archivio di Stato di Pistoia, Comune, Statuti 5, fos. 42v–45r.[2]
prepared by Jessica Goldberg, UCLA (April 2020)





Pistoia was a mid-sized provincial city-state in the early fourteenth century (urban population between ten and fifteen thousand, rural population about 24,000) located in the region of Tuscany, less than thirty kilometers northwest of Florence (Firenze, population on the order of 100,000-140,000).[3] *It was at this time a thriving industrial town whose economy was closely entwined with the businesses of Florence, but also traded intensively with Lucca and exported*

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[1] *Ordinamenta sanitatis tempore mortalitatis* is the title in the city's statutes.

[2] The translation comes from the edition of Chiappelli. Alberto Chiappelli, "Gli Ordinamenti Sanitari Del Comune Di Pistoia Contro La Pestilenza Del 1348," *Archivio Storico Italiano* 20, no. 160 (1887): 3–24.

[3] Crucial to note here: most European pre-plague population estimates are pretty speculative. It is the plague itself that makes many European polities begin to count their population, and that is mostly to assess their tax base (because it had gotten much smaller) and they tend to count by hearths—household income streams—not people. So too most plague mortality statistics are rubbish, though educated rubbish. In some cities in northern Italy, by contrast, surveys of *hearths* start much earlier. Pistoia's first extant hearth census (also the first in Italy) is from perhaps 1244, and, fortuitously, it started counting 'mouths' for its salt tax in 1344. For salt mouths, children were only counted after they reached the age of four. And, of course, these surveys were likely to undercount certain groups (like transient laborers, the unemployed, and sometimes those too poor to be liable for tax)—often the methodology used is extremely unclear. The vagaries of archival survival mean that the rural population is far better known than the urban. All the information about Pistoia's population is taken from David Herlihy, "Population, Plague and Social Change in Rural Pistoia, 1201-1430," *The Economic History Review* 18, no. 2 (1965): 225–44, https://doi.org/10.2307/2592092.

many of its products through the port of Pisa. Its government was in the hands of a small executive council made up of the Anziani (Elders) of the People and the Gonfalonier (Standard-bearer) of Justice. The chief administrative officers were the Captain of the People and the Podestà who served six-month terms. Neither officer could be from Pistoia, or even Tuscany. They were allowed limited social contact with the inhabitants and their behavior was audited, or 'syndicated' at the end of their terms of office. This provision allowed anyone who felt wronged by either officer to bring charges. The eight Elders and the Standard-bearer of Justice were citizens of the city selected by lot to serve two-month terms from among the citizens of the city who met age, professional and property qualifications. This small council debated all issues and made recommendations to a general city council, the Council of the People which was required either to approve or reject proposals without amendment. As will be clear from the ordinances, there were virtually no issues which affected life in the city which the government could not debate. The context of this set of Ordinances was the arrival of the Plague early in the Spring of 1348, either March or April, to interior Tuscany, and thus represents the city's response about a month later (hmm, sound familiar?).[4]

It is important to note that Pistoia has a much more complete and better-preserved set of city statutes than most Italian towns, so that we can see that many of the ordinances here repeat sanitary and health measures the city had been regularly making since the late twelfth century.[5] *Its records for this period are so good that we can also estimate that by 1404 Pistoia's urban population had declined by more than 50 percent from its heights in the late thirteenth century, while the rural population declined by more than 70 percent.*[6] *These numbers should not be taken to reflect a rural plague mortality greater than the urban one. It is more likely that in the plague's wake, migration from the countryside to the city (which was constant throughout the medieval period) sped up dramatically and part of the relative decline is owing to this migration pattern—there is no way of telling whether mortality rates were different in the countryside or city (though one should certainly be aware that most residents of the countryside also lived in villages, not separated homesteads, so crowding and sanitary issues were probably similar).*

Translation note: the legalese of the day delighted in using two verbs of near identical meaning. I have shortened most of these to a single verb for clarity of reading, and used ellipses for all the specification of the city, environs (districtus), and territory (contado) of Pistoia (these terms had important jurisdictional meanings for Italian cities, but those don't really concern us here…). I have left some of the complete verbiage in the introduction and first statute to give a flavor.

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[4] There is some disagreement about whether the plague had already hit Pistoia at this point—it was certainly already in Pisa by late 1347 (one of the earliest places on the peninsula, right behind its maritime competitor Genoa) and in Florence by March (and one assumes, from this statute, raging in Lucca as well). See the positive and negative statements in Chiappelli, "Ordinamenti Sanitari," 3 and G. Geltner, "The Path to Pistoia: Urban Hygiene Before the Black Death," *Past & Present* 246/1 (Feb. 2020): 6, https://doi.org/10.1093/pastj/gtz028, respectively. Contextual reading, as well as plague ecology, suggest that Pistoia was in the early stages of the pandemic, when the outbreak seemed both foreign and containable. The fact that the statute here, outlawing travel to Pisa and Lucca, was fully revoked within three weeks, lends credence to this interpretation.

[5] See, most recently, Geltner, "The Path to Pistoia."

[6] Among his many other writings on the city, David Herlihy's article on plague mortality remains the best discussion of overall population loss in Pistoia: Herlihy, "Population, Plague and Social Change."

Also, I edited at speed using the translation on Fordham's Internet Sourcebook as a base, so forgive the many antiquated locutions (!). The summaries of non-translated ordinances are taken from Geltner's article.[7]

Pictures: Mostly, these are images made by Tuscan artists in the decade or two before the Black Death. (mostly the brothers Pietro and Ambrogio Lorenzetti of Siena and Giotto of Florence). I did include the famous miniature of people carrying coffins (I soft-edged it), but it is from Tournai (in today's Belgium).

[May 2, 1348]

In the name of Christ Amen. Herein are written certain ordinances and regulations made and composed by certain wise People,[8] elected and appointed by the Elders and the Standard-bearer of Justice, in order to conserve the health of the human body and to restrain and resist various and diverse pestilences which can otherwise befall the human body. And written by me Simone Buonacorsi, notary, and now notary and scribe of the same wise men deputized through the same Lords Elder and Standard-bearer to this writing in the year from the Nativity of the Lord 1348, first Indiction.[9]



These wise men ordered and ordained, First: So that none of the contaminated matter which presently encroaches on the areas surrounding the city of Pistoia can enter into the bodies of the citizens of Pistoia, no person—whether citizen or inhabitant of Pistoia or its territory, whether dwelling in said city or environs or territory, wherever they may be, of whatever status, condition, or authority—shall presume or dare to go to Pisa or Lucca by any means, or to their environs or territory, or nearby. And no one should or can come from either of them or their environs … to said city of Pistoia or its environs or territory, on penalty of 500 pence (pennies) accounted in gold[10]… And that the gatekeepers of the city of Pistoia guarding the gates of the said city shall not permit those coming or returning to the said city of Pistoia from the said cities of Pisa or Lucca, their environs or territory to enter the said gates on penalty of 10 pence from each of the guards responsible for the gate through which such an entry has been made. It is permitted, however, for citizens now living in

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[7] Ibid.

[8] A political and legal term, *popolani*, which denoted a status group among the citizenry of the town.

[9] This is an Egyptian, then Roman inheritance, a way of counting years in fifteen-year cycles that originally comes out of the need for tax re-assessments. At this point it was of no practical use in northern Italy.

[10] There are lots of kinds of money in medieval western Europe, but most written materials reckon by pounds (traditionally gold), shillings (traditionally silver, 20 of them make a pound), and pennies (12 make a shilling). The usage here indicates that the pennies are reckoned in gold, that is, 240 of them make a gold pound—which here in Pistoia meant the gold florin of Florence. Other Pistoian materials will express values in shillings of pence. The penalty, just over two florins, is fairly enormous.

Pistoia to go to Pisa and Lucca, their environs and territories if they first obtain permission from the common council—who will vote on the merits of the case presented to them. The license is to be drawn up by the notary of the Elders and Standard-bearer of the city. And this ordinance is to be upheld and observed from the day of its adoption until 1 October, or longer if the council sees fit. [cancelled on 23 May]

2. Item. The said wise men ordered that no person—whether citizen, inhabitant ... or foreigner—shall dare in any way to bring ... any used cloth, whether linen or woolen, to the city of Pistoia, its environs or territory, for use as men's or women's clothing or for bedclothes, on penalty of 200 pence. And the cloth is to be burnt in the public piazza of Pistoia by the official who discovered it. Citizens of Pistoia... will be allowed to take linen or woollen cloths with them for their own use or wear, provided that they are in a pack or fardle weighing 30 pounds or less. And this rule ... shall be observed from the day of its adoption until next January 1. And if any quantity of cloth of said type or quality has been carried into said city, territory or environs, the carrier must remove and export it from the said city within three days of the adoption of the present ordinance—same penalty for each carrier or carriers and for each violation.



3. Item. They ordered that the bodies of the dead, after they have died, neither should nor shall be removed from the place in which they are found unless first such a body has been enclosed in a wooden casket covered by a lid secured with nails, so that no stench can issue forth; nor can it be covered by more than one canopy, blanket or drape, under a penalty for 50 pence paid by the heirs of the deceased or, if there are no heirs, by the nearest kinsmen in the male line. The goods of the deceased are to stand as surety for the payment of the penalty. Also, such dead bodies of the dead must be carried to the grave only in said casket; same penalty. And so that the aforesaid shall be noted by the rectors and officials of the city of Pistoia, present and future rectors of the parishes of the city of Pistoia in whose parish there is any dead person must themselves announce the death and the neighborhood in which the dead person lived to the *podestà* and captain or others of the government of said city. They must notify them ... [of this] or pay said penalty for each violation. And the *podestà* and captain to whom such an announcement or notification has been made, must immediately send one of their officials to the same location to see if the contents of the present article and other statutes concerning funerals are being



observed, and punish anyone found guilty with the same penalty.... The aforesaid shall neither be extended to nor enforced upon poor persons—those who are declared to be poor according to the statutes of the city.

4. Item. In order to avoid the foul stench that the bodies of the dead give off, they have ordered that any ditch in which a dead body is to be buried must be dug under ground to a depth of 2 ½ armlengths by the measure of the city of Pistoia. (*i.e.,* about 6 feet deep)

5. Item. They have ordered that no person—of whatever condition or status or authority—shall dare to return or carry to the city of Pistoia any dead body—in or out of a casket or in any manner—on penalty of 25 pence paid by whoever carries, brings, or orders [a body] to be carried or brought for each occasion. And that the gatekeepers of the city shall not permit such a body to be brought into the city on penalty of the same fine for each gatekeeper at the gate through which the body was brought.

6. Item. They have ordered that any person who will have come for the burial or to bury any dead person neither should nor shall be in the presence of the body itself nor with the relatives of such a dead person—except for the procession to the church where it will be buried. Nor shall such persons return to the house where the defunct person lived, nor enter into that house or any other house on said occasion on penalty of 10 pence.

7. Item. They have ordered that when anyone has died, no person should dare to present or send any gift before or after burial to the former dwelling place of such a dead person, or any other place on the said occasion, or to attend or to go to a meal in that house or place on said occasion, on penalty of 25 pence. ... Children, carnal brothers and sisters[11], nieces and nephews of such a dead person and their children, however, shall be exempted [from this provision].



8. Item. They have ordered that, in order to avoid useless expenses, no person should dare to dress in new clothing during the period of mourning for any dead person or during the eight days after that, on penalty of 25 pence for whoever contravenes [this] and for each time. Wives of such dead persons however, shall be exempted; they can be dressed in whatever new clothing they wish without penalty.

9. Item. They have ordered that no paid mourner... shall dare to mourn publicly or privately or to invite other citizens of Pistoia to go to the funeral or to the dead person; nor may anyone engage said mourner, horn player, crier or drummer.

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[11] Carnal is used here to mean those to whom one is related by having a shared parent. It has to be specified because everyone had God-relatives as well—that is, all the relatives of the godmother and godfather who stood at your baptism were considered your relatives for lots of legal purposes.



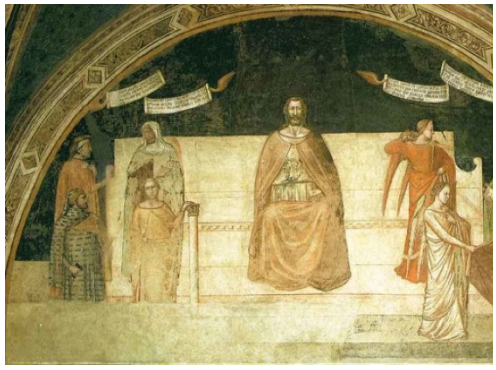
10. Item. So that the sounds of bells might not depress the infirm nor fear arise in them, [the Wise Men] have ordered that the ringers or custodians in charge of the bell tower[12] of the cathedral of Pistoia shall not permit any bell in the said bell tower to be rung for the funeral of the dead nor shall any person dare to ring any of these bells on the said occasion.... At the chapel or parish church of the said dead person, or at the friary if the person is to be buried at a church of the friars, they can ring the bell of the chapel, parish church or the church of the friars so long as it is rung only one time and moderately, on the foresaid penalty in the foresaid manner [for each violation].

11. Item. They have ordered that no one shall dare to gather, or cause to gather, any persons for the purpose of bringing any widow from the former habitation of a dead person, unless at the time she is being returned from the church or cemetery where such a dead person was buried. [Blood relatives] of such a widow, however, wishing to bring the widow from the house at times other than at the time of burial, may send up to four women to accompany the said woman, who is to be brought from the foresaid house of the dead person....



12. Item. They have ordered that no person should dare to raise or cause to be raised any wailing or clamor over any person or because of any person who has died outside the city, environs or territory of Pistoia; nor on the said occasion should any persons be brought together in any place, except blood relatives and associates of such a dead person, nor on the said occasion should any bell be rung or caused to be rung, nor announcements be made through the city of Pistoia by mourners, nor on the said occasion should any invitation [to join the mourners] be made, on a penalty of 25 pence.... It must be understood, however, in any written ordinances speaking of the dead and of honoring the burial of the dead that the aforesaid shall not have force in the burial of the body of any soldiers of the militia, doctors of laws, judges or physicians whose bodies, because of their dignity, may be honored licitly at burial in a manner pleasing to their heirs. ...





[12] Campanile, usually the tallest building in town—it might be attached to the cathedral, or a separate building. Pistoia, like many Tuscan towns, was justly proud of this one.

[13. So that the bodies of the living will not fall ill from putrid or rotten food, no butcher or meat monger, even in the smallest amounts, should dare in any way to inflate meat, or to keep meat inflated, or to sell, or arrange to have it kept and sold inflated, in his shop or over the counter.[13] Penalty of 10 pence, to be paid by each butcher and meat monger for each offense. And the masters of the butchers' guild are bound, for the time being, to investigate and inquire concerning these things on every day that meat is slaughtered; they are to immediately denounce those found culpable to the lord *podestà* or Captain, or to one of their officials; same penalty, to be paid by the same masters, or by any one of them, if they or any one of the masters does not arrange for all of the aforesaid things to be carried out. And the *podestà* and Captain are each bound, for the time being, to send one of their officials to inspect and investigate and inquire concerning each and every one of the things contained in this article, and they are to fine and punish with same penalty those found guilty and those masters, or any one of them, who does not at once denounce whoever committed these same offenses. And the word or report of any official who finds any transgression against this statute is to stand and be believed, without any other proof being necessary



14. Item. They have ordered that butchers and retail vendors of meat, individually and in common, neither should nor shall hold or maintain near a tavern or other place where they sell meats, or near a shop or beside or behind a shop any stable, pen or any other thing which will give off a putrid smell; nor can they slaughter meat animals nor hang them after slaughter in any stable or other place in which there is any stench on a penalty of 10 pence. ...

[15. No butcher or meat monger may display at his counter meat from more than a single ox, calf or cow at any one time.

[16. Between May and August each year butchers and meat mongers must slaughter and sell meat on each licit day for its consumption to those wishing to eat it.

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[13] Many translators give this as 'hung' rather than inflated; Aberth explains that medieval butchers inflated carcasses in order to remove the skin. Aberth, *Black Death*, 142.

[17. No butcher or meat monger may slaughter animals without a designated official's approval, who shall confirm it is healthy and witness its immediate slaughtering.



[18. Between 1 March and 1 December each year no butcher or meat monger may slaughter any breeding, mature or juvenile sow.

[19. Between 1 December and 1 March each year butchers and meat mongers must flay any breeding, mature or juvenile sow before selling its meat [revised on 23 May].

[20. The official in charge of the correct sale and price of meat is to be elected by and from among the workers of the chapel of San Jacopo in the cathedral and the low-ranking officials of the city's treasury.

[21. For the better preservation of health, no one may export poultry, calves and other fatty food products from the city [cancelled on 23 May].]

23. Item. So that stench and putrefaction shall not be harmful to men, henceforth tanning of hides neither should nor shall be done within the walls of the city of Pistoia; penalty 25 pence. ...

24. Item. For the observance of each and every provision contained in the present articles and everything in the article speaking of funerals of the dead, of butchers and retail vendors of meats, they ordered that the lord *podestà* and Captain and their officials charged for the time being with said [duties] shall and must proceed against, investigate, and inquire. . . concerning acts contrary to the aforesaid, and cause whatever has been here enacted to be reviewed as often as possible, and punish the guilty by the stated fines. ... Also, any person may accuse or denounce before either the said *podestà* or captain any persons acting against the aforesaid or any of the content of the said statutes. And such denunciations or accusers shall, may, and will have one fourth of the fine after it is levied and paid, which fourth part the treasurer *pro tem*[14] of the treasury of the said city shall have to pay to said accuser and informer as soon as the fine and penalty have been paid. And sufficient proof shall be offered by one witness worthy of belief, or four persons of good reputation who have learned [of the violation]. ...

[Revisions of May 23, 1348][15] Item, it is provided and ordained that, in a restating and correction of article 22 of these ordinances, which begins, "Item, in order that its stench and putridity, etc.," and that ends, "for each offense," should be added to, and the added words should be understood as thus, namely:

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[14] For the time being—used in general when an office or authority is granted for a limited time period, or when someone is filling an office during an unexpected vacancy, until a proper successor can be found. Pistoia would have trouble gathering a quorum for running its government due to plague mortality within a few months, and may have already been between official treasurers.

[15] From John Aberth, *The Black Death: The Great Mortality of 1348-50* (Boston: Bedford St. Martin, 2017), 143.

That skinners and tanners of skins should be able, and it is allowed to them, to tan the skins that they have now in their tanneries in the usual manner, [which is to take effect] from the day of enactment of the present ordinance [i.e., May 23], until the 15th day of the month of June next to come. And moreover, that henceforth the tanning done, and ought to and can be done, within the walls of the city of Pistoia, but only in the following places, namely: in the houses lining the street and *contrada* [district] from the courtyard or house of the canons of Pistoia situated in the chapel of Santa Maria del Nuova in the city of Pistoia, [then] down the street along which one goes towards the gate of San Pietro of the said city, up to and in the vicinity of the said gate, and including the land round about the said gate. And they may stretch out their skins and do other things necessary for the said tanning process, as it pleases them, in the aforesaid places. And [tanning] should be done, and ought to and can be done, in the place below the Castell Traiecti, up to and in the vicinity of the Carmelite friary of Santa Maria del Monte, and in the houses and courtyards and land situated in the said places. And anyone who goes against the aforesaid [stipulations], or against any one of them, is to be fined and punished for each offense, according to the penalty contained in this said article of the said ordinances. Item, it is provided and ordained, in order that no putridity and stench can harm human bodies, that the rendering down of dripping or suet be done, or ought to be done, in a house or houses at least 25 armlengths [ie, fifty to sixty feet] from other houses in the city of Pistoia, and not elsewhere. Penalty of 25 pence from each offender and for each offense. Item, it is provided and ordained, that the tanning of gut, from which strings are made, is to be done, and ought to be done, outside the city of Pistoia, and not within the city itself. And the offender is to be fined and punished 25 pence for each offense.