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The Death of a Miller: A Trial

contra hebreos in Baroque Rome

Simona Feci

Rome, Thursday, 9 September 1621. It was nearing the twenty-second hour when two millers of the San Giovanni mill, Stefano di Francesco Lorenzo and Battista, known as the Brescian, were making their way down the main street of the Ghetto, from Piazza Pescaria to Piazza Giudea, preceded by five horses loaded with flour. At the junction with Vicolo de' Macelli, one of the horses knocked into a Jew in the middle of the street; there ensued among the men a heated exchange of jeers and insults, and then the situation escalated. Stefano recounts:

Meanwhile I saw that a number of Jews there in the middle of the street, near the fountain, had hurled themselves upon my companion and they were punching him and kicking him and had even taken his whip and were beating him with it. I wanted to go and help him, but I was set upon by two palfreymen unknown to me, nor could I say what clothes they were wearing for the great multitude of Jews that had gathered there and were finally dispersed.

Upon leaving the Ghetto, after having been questioned by the Piazza Giudea police, who had rushed to the scene at the first signs of disorder, the Brescian collapsed to the ground. He was carried by his companion and some passers-by to the church of San Benedetto ai Catinari, and there he died. The incident’s unexpected epilogue led immediately to police enquiries and arrests.

Traces of the tragic story are preserved in the proceedings of the contra hebreos trial, kept in the State Archive of Rome, in the files of the Governor’s Criminal Court. As legal history this story has unique features; indeed, it is the only accusation of murder brought against a Jew before the court during the decade 1619-1629. For this reason it is, if not the most serious episode of inter-personal violence that occurred during this period, then certainly one that had the most
extreme and dramatic results. However, the trial was typical, in its characteristics, themes and problems, to other judicial cases of the time involving members of the Jewish community, which allows us to extend our examination to the relations between Jews and Christians in the context of the administration of justice in Rome.

The following pages are devoted to the story of the trial. Events outside the judicial context which happened before or during the trial, will be surveyed only in part. Our primary concern is with the institutional framework of the judicial source and the formal characteristics of the trial as a specific form of interaction. Our analysis will therefore confine itself to the strategy adopted by the authorities for illuminating the facts, reconstructing them and identifying responsibility and guilt. That is, on how justice was done, on the one hand, and on the reaction of individuals to the event and the strategies they adopted to defend themselves from its possible consequences, on the other. We shall concentrate on that critical interweaving of relations – the encounter between representatives of the Christian and Jewish authorities and between members of the two communities – which is the essence of any trial.

The hours subsequent to the death of the miller were full of confusion and agitation: the Capitoline police, headed by the public notary, and the Governor’s police invaded the Ghetto, posted guards on the gates and arrested many Jews, while a crowd of Christians, mainly shopkeepers from the Piazza Giudea-fuori-del Ghetto, started pressing in and hurling insults. Many Jews fled, probably retreating to the city’s refuges of immunity. Capitoline magistrates and those of the Governor converged upon the Ghetto and parallel enquiries were started, thus leaving us with two different court records. The Capitoline enquiry – interrogations undertaken between Thursday 9 and Saturday 11 – proceeded straight away in two directions: first of all, the reconstruction of the exact location of all the shops on the main street, starting, with the shops around Vicolo de’Macelli, so as to identify the Jews who worked and lived nearest to the scene of the incident. Second, the exact place where these Jews had been at the time of the incident had to be fixed in order to ascertain as precisely as possible the facts and also to determine active and passive responsibilities and the level of involvement of each witness into the death of the miller. This double line of enquiry was assumed prior even to the statement of a Christian barber, Rottilio Lepido, who testified unequivocally about how the Jews participated in the ‘beating up’ of the Brescian:

The other Jews in the nearby shops came out of their shops and now one, now another would set upon the miller. They would punch him in the stomach and then draw back and go back to standing in front of their shops, arms folded, looking on as if it were nothing to do with them. There were quite a number of Jews punching him, and there were other Jews spurring on that Angelo who was beating the miller, saying ‘Go on, give it to him’.  

The enquiry of the Governor’s Court took place on a slightly different plane, which illustrates the nature of this court and its “style”. Before proceeding with interrogations, an autopsy was carried out, and the court’s surgeon, Giulio Cesare Magno, reported:

I saw the whole body filled with a great quantity of black blood, whence I judge that the said flow, grave as we have seen it to be, was produced by the bursting of a vein called the cava. When this vein is broken it does not happen for any reason but heavy blows to the stomach, and they usually live on for a quarter of an hour […]. For this reason I would say and judge that this Brescian, while he was still alive and a little before falling dead, received heavy blows to the stomach and body. [emphasis added].

But the enquiry took a substantially different turn, on Saturday morning with the arrest, as a result of information passed to the police, of Angelo di Jacob Levi Theutonicus, who was accused of the Christian’s murder. The court’s enquiry did not stop with his arrest. Having taken down his version of the facts, the court busied itself with establishing the behavior of other Jews under suspicion because of their contradictory statements, the denials of additional witnesses, their presumed reticence, and even for alleged collaboration with the “offender”. The Governor’s judges also continued to pursue the hypothesis of collective responsibility for the death of the miller; consulting Capitoline documents, examining new witnesses, both Jews and Christians, and using fieldwork, experts’ opinions, comparisons and, as a last resort, torture, they tried to arrive at a well reasoned assessment of the event.

As part of a line of enquiry that already held Angelo responsible for the death, the witnesses were asked to furnish his or her own version of the facts. Of the thirty-four people examined (twenty-nine Jews and five Christians), only one, the Christian haberdasher Francesco Quadri, admitted he had been present at the incident right from the beginning; all the other testimonies are therefore only of partial value, since information was either missing or just not known. Francesco was taken in by the police on Friday, after a tip-off by a Jew, although he was interrogated by the Governor’s judge only a week later. Another two Christians, Rottilio Lepido and the convert Simone, said that they arrived on the scene when the clash between Angelo and the Brescian was in full swing. All the others interrogated denied having been present at the event. There are therefore three different versions of the incident, which revolve around two questions: the fight between Angelo and the miller and the participation in it of other Jews.

The miller Stefano di Francesco, Rottilio, the convert Simone, Francesco Quadri, and a second Simone, a relation of the Brescian’s, who filed the suit, present a version of the facts which is totally incriminating and which corroborates the results of the autopsy. According to the Christians:

In passing, one of the horses knocked into a Jew […] who began to abuse us, calling us insolent cuckold and using many other injurious words, and I [Stefano] responded in kind, cursing him roundly.
Then the Jew apparently assailed the Brescian with punches, kicks and blows to the stomach with the whip’s handle, causing his death:

The miller who had been beaten, a youth with a reddish youngster’s beard, just remained there [...] stunned, unable to speak or breathe for the blows he had received, as though he were out of his senses. 20

The witnesses said that many of the Jews present had helped Angelo, encouraging him and taking turns at hitting the miller themselves. This was the most delicate aspect of the incident, which began as a brawl between two individuals, but turned into a collective fight. A particularly effective description is supplied by Francesco:

Many Jews who were around there immediately rushed up and told the miller who had run to his companion’s aid to stop there and let him fight for himself, let them fight one-to-one, and they seized him by the collar and dragged him aside [...]. A great number of Jews rushed up – I think there must have been more than three hundred of them – and a considerable number of their women were watching out of the windows. In all this tumult many Jews were passing up and down before the miller who was being beaten by the Jew, and as they passed they would punch him in the stomach. There were many of them beating the miller as they passed, though I couldn’t say exactly how many, but I know there were more than eight, more than ten of them, and that after doing so they would laugh, many cheered, as though they had won a victory. In the nearby shops everybody had been working, everywhere, but when the row started they all left what they were doing and rushed up, even from Piazza Pescaria. 21

The account of the Christians paints the picture of a big crowd pressing in around the two men and participating in a state of delirious exaltation in the violence.

A less sensational reconstruction of the incident is provided by Angelo Levi, the accused Jew. He said that he was knocked down by one of the millers’ horses, causing him to drop his charity box and scatter his money to the ground:

The two millers were following behind, at some distance from their horses. After falling, I picked myself up, the horses went on ahead and the millers caught up – I gave them a piece of my mind: “You’ve got a nerve, laughing, on top of it! You could at least warn people!” And that young miller, the red-head, I mean, starts laughing again and says “Look what an uppity brute we’ve got here!” I reply, “What? Oh, you’re in the right, are you? Your horses knock me down and you’re in the right?” And he says “Listen, you stubborn dog,” but he didn’t say anything else because there were quite a few people there who came between us, and the millers went off their horses and I went off down Vicolo de’Macelli. 22

When questioned by the judge, Angelo specified that there had been no blows from the millers, neither against him nor against any other Jew, and although he testified to the presence of a big crowd of Jews and Christians, he said it was normal behavior:

You know what it’s like when there’s a bit of a row – everyone rushes up. There were Jews and Christians here – I can’t honestly say how many people there were there, or who were the Jews present at the dispute. I only saw Benedetto del Monte and Giuseppe Ambron and that Christian – they were with me. 23

So Angelo preferred to play down the affair, presenting it as a mere skirmish, neither falling into the trap of denying that something happened between him and the miller, nor exaggerating his own role as a victim by describing the behavior of the Christians toward him as even more aggressive.

The reconstructions of the episode provided by the Jews shows a certain variation of tone and argument which distinguishes it from the other versions. This narrative, which is in certain respects “collective” and conditioned by the judges’ questions, has special characteristics:

A fragmentary account which follows the interventions of the witnesses along the lines of the questions posed by the investigating judge. An account which is also fragmentary because it is through these shreds of information, given little room to develop, through an accumulation of details which are often meant to hide more than they are meant to reveal, that the witnesses interrogated speak of the fact. [...] Spontaneous, and at the same time artful, these accounts are like street sounds, fragmented snatches of the voices of its inhabitants and of the news that spread there. 24

The element which distinguishes the various statements is whether or not the Jew being interrogated was in the Ghetto at the moment of the “crime.” Less than half of the Jews questioned said they were outside the Ghetto, that is per Roma, at the moment of the clash. They were not, however, ignorant of the event, and do not appear to have been reticent in telling what they heard either “from the public”, or when arrested at the gates of the Ghetto:

I heard everyone saying, and it was public knowledge, that this Angelo had quarreled with this miller, but I can’t say from whom in particular I heard it said – when I got back to the shop I found that people were talking about it, and the whole street was full of police and people. 25

When am I supposed to have found out about it if I left the Ghetto on Thursday at the nineteenth hour and got back at the twenty-fourth hour, and was arrested here at Tor de’Specchi. 26

Their accounts emphasizes the behavior of the Christians who crowded around the Ghetto, crying their wrath and desire for revenge:

I can tell you that late on Thursday night, as I was on my way back from Rome, I heard the Christians saying “Those wretched dogs have killed a miller. They ought to be done away with, they ought to be strung up.” As for me, I was afraid, and as I had heard that all the Jews were being taken to prison, I took a different route back along the river and went to the house of Angelica, my mother-in-law. When I got there I told them how I’d nearly been stoned by the
Christians, and asked what trouble there had been in the Ghetto. They told me that apparently Angelo Bulai, son of the Jew Cimice, had had a fight with a miller, and that the miller was dead.27

The Jews who were in the Ghetto on that Thursday afternoon fall into two groups. All of them deny having been personally present at the clash, but some state that they heard what had happened; others say they did not even know about the incident. The version of the first group28 was much like that of the Jews who found out about the incident upon their re-entry into the Ghetto. Their main channel of information was naturally the *vox publica*, and it is impossible to identify a single individual who formed part of the chain along which the news were transmitted. Despite the fact that the testimony is, for obvious reasons, short, almost threadbare and elusive, it is possible to catch a glimpse of the occupation and personality of the witnesses. A good example is Giuseppe Toscano.

I can tell you that I was at the counter of my shop, registering objects pawned, when I heard a great to-do in the street. Without leaving the counter, I asked certain passers-by what was going on, and they said “Let’s go and see what the racket is.” That night, when I went out to the square to go to the evening service, people were saying that a certain Jew named Balallo had had a fight with a miller.29

And when asked by a judge whether he had gone along to watch, this member of one of the most important families of the Ghetto replied:

No, sir. I didn’t leave the shop as I was busy. Nor am I in the habit of watching fights, so I can’t say I went and watched this one.30

The second group includes the Jews31 who, although present in the Ghetto at the moment of the incident, said they knew nothing about it:

*I don’t know*, and nor did I hear anyone say that there has been any kind of fight today right here in the Ghetto in the same street as my shop.32

This is not an absolute denial of the facts, for it introduces a subjective probabilism (“I don’t know”) that steers prudently clear of the danger of saying too much, either in affirmation or in denial.

The judicial source is itself a narrative constructed of words and accounts, but the discourse itself is never spontaneous; it is prompted, guided and transformed by the judge’s questions and by the notary’s transcription taken down according to procedural rules. The general direction of the enquiry determined which information would be regarded as pertinent in order to establish the facts, and this is reflected in every single interrogation, conducted as a micro-enquiry parallel to the main one. Testimonies are either punctuated by the judge’s questions, or they flow freely after routine introductory questions. The difference between the two styles reflects the identity of those interrogated (Jews or Christians) and the kind of information the court hoped to obtain (the development of the incident, or the links between individuals and shops), as well as the way the witness presented his account.

Sometimes, a single witness would offer differing accounts, as did Lepido, first to the Capitoline judiciary, then to the Governor. In the first case, the judge’s questions were intended to systematize Rotilio’s memories and their exposition. In the latter, the account flows freely, an organic whole, richer in details. The accounts differ because Rotilio was pressed by two magistrates using diverse methods of questioning.33 These are formal aspects which show how either content or strategies of defence and accusation might emerge in the testimony. But the subjectivity of the witnesses emerges as well. Combining perception, memory and articulation, the narrative reproduces the facts, but it also modifies them, adapting them to the context of the narrator and his or her purposes, which depend on relations with the authorities, the adversary in question and the group, or groups, to which he or she belongs. For this reason the narrative is not only a “discourse on (something),” but itself an event, to be placed alongside that which is its object.

The first impression obtained from a reading of this trial is that of a certain distancing – on the part of each witness – from the others, whether they were Jews or Christians. In other trials of this period in which Jews confronted Jews, the conflicts often went deeper than the specified incident that sparked them. As members of an intimate society, through religious affiliation and restricted residence, Jews were caught up in networks of relations that spanned the entire Ghetto. These relations evolved through divisions, reconciliations, groupings and separations, which often led to recourse to some kind of authority, whether Christian or Jewish, formal or informal, in order to protect and control one’s own position of strength or in order to increase it. Appearance in court then, was merely a part of a more complex networking strategy. But in our case, the victim and the accused did not know each other, so the clash developed there and then, without a past, totally compressed into the present moment.

Nonetheless, ignorance of the name and address of the protagonist did not mean he was not recognized immediately as a member of a different and qualitatively distant group, if only because of the special dress Jews were required to wear, which of course also made it possible to distinguish the Christians:

*I looked out and saw that the group of people was up there, near the drain and the fountain opposite those shops [...], and in that tumult of people I saw black hats and yellow hats.*34

The distance between Jews and Christians can best be observed in the use of insults: groups and their members hurl generic and sweeping epithets at each other – “horned dogs,” “dogs,” “thieving dogs,” “brute”35 – and in the account of the surviving miller we find an insult of a sexual nature – “horned cuckold”36 –
an insult most frequently directed toward members of the same religion. This is hardly surprising. This insult was an intolerable attack on a man’s honor. It was the sign of a transition from dialogue to monologue, from a situation which could still be calmed by words, to a violent exchange. In such times and environment, the aspects of life most exposed to outside control, judgment and insult were one’s own sexual behavior and that of the members of one’s family. Our case, the alien nature and asymmetry of the relationship (apart from any notions of horizontality and verticality) jeopardized the identity of the antagonist and his group.

This “distance” is also expressed in the incident’s stereotyped representation. The descriptions are of three types. The first focuses on the disproportionate number of people attacking the miller, a helpless victim, the second on the peace-keeping role of the Christians as they try to disperse the adversaries and the third on the Christians, as they occupy the scene after the rapid dispersal of the Jews. Rotilio says:

We started shouting “If you carry on like this you’re going to be murdering Christians!” and then the Jews began to withdraw to various parts.

An identical pattern emerged in other trials involving an unequal match between a Christian and a group of Jews. This similarity destroys the uniqueness of the trial, but it shows that a set narrative paradigm was applied in certain circumstances, or rather, in their interpretation. In this trial, the most striking feature was the response of the Christians to the Ghetto area: a wide-felt fear reflecting their sense of its excluyory nature, which was also perceived as a kind of power: Rome, Christian Rome, ended at the walls of the enclosure, at the Ghetto’s gates. Crossing that area therefore meant trespassing into foreign territory and being totally at its mercy, however briefly. Even the presence of numerous Christians did not dispel this fear. The alien nature and danger inherent in the “other” territory also emerge when the Jews describe the insults, threats and animosity of the Christians outside the Ghetto. The accounts both of Jews and Christians exhibit a compact, strongly parallel, and mirror-like structure, resulting exclusively from a sense of mutual difference. Looking inside the Ghetto, we see fragmentation and a further level of distancing. All statements by Jews reveal how grave and potentially threatening the situation was: more than ever, words are measured, stances rigidly assumed, and distances punctiliously marked. Constant attention is paid to defining one’s own exact position in the geography, physical and otherwise, of the incident, producing a series of true-to-life alibis, supported by pretexts that rest on apparently irrational strategies of defence, derived from the traditional theological motifs of Jewish deafness and blindness, all intended to re-dimension time and space:

I know no Jew who lives in the main street of the Ghetto near Vicolo de’Macelli, as I don’t frequent that area.

I went out of the shop and stood in the middle of the road […], but it was such a long way away that I couldn’t work out what those people were doing.

I have used the idiom “true-to-life” in order to define a quality of the narrative which goes beyond its being true or false; it has to do with a reconstruction of reality and of one’s everyday life based on selected criteria:

After getting up this morning I went to the shop and worked, repairing an old pair of trousers which I had. Then I had a bite to eat, and afterwards I went to Via de Ripetta to take a suit to a gentleman painter there. I got back to the shop around the seventeenth, or sixteenth, or maybe the nineteenth hour, did a bit more work, then I went off to Piazza della Rotonda to take a pair of trousers to a groom – someone called Claudio took me there, I don’t know him that well. I got back about an hour and a half later – when I got back to the shop it must have been about 9 o’clock, and worked a bit more. Then I went for a shave at the barber’s – Samuelle – and when I got back to the shop it must have been half of the twenty-fourth hour.

These statements were not being made to assist future historians, but to convince a judge. More than truthful, they had to be convincing and present the events credibly as a Roman judge of the period would define that term. All the elements in the narrative compete to achieve this objective, and the result can thus be “excessive,” a sublimation of reality; in this sense we may speak of the stereotypical nature of the narratives. References to the religious and social life of the members of the community must naturally be treated in the same light:

When I got back to the shop – I’d been at Monsignor Castellano’s, as I said – I went out again and went to the synagogue – I was in the shop for about an hour.

When I went to synagogue with my brother it must have been about Vespers time.

The essential character of the narratives reappears in the portrait of Angelo, whom Jews and Christians alike describe in disparaging terms:

This Angelo is a mousy-haired youngster with dark skin and a bit of black beard, an ugly fellow in other words. He dresses badly, lives by the river and does nothing.

This is the most exhaustive description we have of Angelo and is a good example of the kind of representation of a persona that such a trial permits. The incident’s lack of background made it unnecessary to enquire into th past of the accused. Bare essentials were enough: name, age, physical appearance, economic position, job and place of residence. The ugly face, combined with the wretched clothes and residence in the most squalid area of the Ghetto point to his poverty and marginality. In what it omits to mention, the description also implies isolation. Angelo appears to have no ties, he belongs nowhere, and it is only the Governor’s enquiries that allow us some insight into the members of his family. The other descriptions are brief, emphasizing and reinforcing the
portrait already drawn: a “good-for-nothing youth,” “poor beggar who makes a living selling fruit,” “dressed like your average poor Jew.”46 Many call Angelo only by his nickname, “Balam,” or “Balallo,” and his father is referred to as Cimice, meaning “bug.”47 The Christians, anxious to emphasize the Jews’ collective role in the death of the miller, nonetheless reinforced the negative portrait of Angelo himself by stressing the vigor with which he attacked the Christian:

The Jew then jumped on top of him and dealt him a hail of blows in the stomach [...] The miller and the Jew were both hitting each other, but the miller got the worst of it because the Jew was more robust and was knocking him all over the place with his fists.48

Angelo did nothing to modify this description. If anything, he worsened it describing the day after the clash with the miller as follows:

Yesterday I spent the whole day in Rome trying to sell matches. I left the Ghetto with a basket of matches and spent the whole day in Rome shouting “Matches!” I ate neither lunch nor dinner, and I didn’t make a penny. When evening came I threw them off Ponte Sant’Angelo into the river in desperation, basket and all!... Sir, I have neither a house nor a roof over my head. At night I usually sleep at the slaughterhouse next to the Scola Tempio.49

The narratives in this trial and their discourse, are remarkably fluid. Not in every trial do both Jews and Christians speak freely. The special nature of the incident, its extreme gravity, the head-on confrontation between Christians and Jews, and the rigidly adopted stances blocked other sentiments from emerging, both between and within the two groups. Let us therefore return to the facts, rereading in particular the beginning of the clash between Angelo and the miller. While the incident eventually was legally defined as homicide, it really began as a simple brawl: the altercation, the crescendo of insults, the coming to blows – all in a public place, before numerous witnesses – followed a classic and widespread Roman pattern, both outside and inside the Ghetto.50 The death, which took place after the brawl and outside the Ghetto, was an infelicitous by-product that added intolerable significance to the subsequent words, behavior and decisions of those involved.

Two details in this incident are particularly striking, even if it is impossible to evaluate their full effect. First, the passage of unguided horses along a somewhat narrow and particularly crowded street, was a widespread, nasty, and dangerous practice that continued despite the Governor’s ban issued that very year, saying:

No cooper, carter, miller, coachman, butcher, sand-digger or similar person leading animals through the city of Rome should dare in any way, under any pretext whatsoever, to let beasts of any sort run free through the city, but to lead them quietly and so as not to disturb others or cause them harm.51

For the inhabitants of the Ghetto, down whose main street passed much of the city’s traffic to Trastevere, the unlawful and offensive act of the miller was one more offense in a long line. But the fact that it was a habit of both residents of the Ghetto, but especially of passers by, or of those who had business there to go charging down its narrow streets did not blot out the sense of invasion. This area of the city was “different.” Any gesture, any word uttered, any exclamation or movement could take on a heightened significance and acquire a special resonance. Once again we are faced with the question of the relationship between individual identity and appropriation and control of an area reserved for members of a specific group. We have already highlighted the importance of this factor in the relations between Christians and Jews. Yet if the witnesses reconstructing the clash expressed their sense of being outsiders when in the others’ territory, here they accentuated the malaise and exasperation they felt when intruders penetrated their own space.

The second important detail is the nature of the miller’s load: flour. The first years of the second decade of the century coincided with a serious economic crisis and food shortage that was especially acute in Rome. In the diary of Gigli, November 1621 goes down as a month of famine, when a penny’s worth of bread was reduced to eight ounces under the pretext that the Pope wanted to aid Bologna, his native city, and other places which were suffering from famine, despite the fact that the People were clearly bewailing Rome’s own lack of grain [...], just as they condemned the judgement or interest of Pope Gregory prior to last summer’s harvest, who permitted grain to be sold to Ancona and allowed the Venetians to cart it away. The famine thus seemed more to have been engineered than visited upon Rome by [an act of] God.52

There was then more than one reason why the Jewish population might have been provoked into a wish for revenge. Indeed, the trial hinged on precisely this point.

The statements of the Christians gave a high profile to the conflictuality of the incident, following a pattern analogous to that present in past and future events. Accusations of homicide and ensuing demands for some response on the part of the non-Jewish populace are a recurring combination in the history of Christians and Jews.53 Faced with what was primarily a fatal accident, if also a provocation, the Jewish community reacted as a single, albeit many-faceted body. In its anxiety, the community eschewed a conspiracy of silence, which in any case would have been difficult to maintain, and accused Angelo. The Jews either pointed the finger at him or denied any knowledge of the incident. Their description of Angelo shows just how easy accusing him was. But if we consider the statements made by the Jews and the different ways in which individuals defended themselves – depending on psychological, economic and social factors, such as social standing, economic position, or rapport with the law – there emerges a common feeling which goes well beyond Angelo. This feeling is the
common desire to avoid any responsibility whatsoever and to keep a collective distance from a crime with which any individuals, group of individuals, or the entire community, could have been charged, indeed, an accusation contra hebreos could be interpreted. The calculated mechanism used against such a danger was the play of voices that ran tirelessly through the Ghetto and which often gave away the true author/actor of the testimonies in the trial. No wonder the vox publica insistently pointed to Angelo as the Jew who clashed with the miller. And because of its extremely powerful and anonymous nature, it succeeded in “cordonning him off,” especially by never admitting the identity of any other participant. Most eloquent in this respect is the testimony of Benjamin di Angelo Ventis who admitted he knew about the event: “Everybody in the Ghetto was saying that Angelo had had some kind of fight with a Christian in the main street of the Ghetto,” yet gave the following answer to the judge’s specific question: “I don’t know that I heard that anyone was present at the brawl or knew anything about it.”

These two statements express the extent to which the Jews were able to exercise control over the effect of the miller’s death on the community. By apparently choosing to place Angelo outside the protective umbrella – a single offender versus several potential ones – there may have been other motives. Internal Jewish solidarity did not shun handing over to the law an offender who was on the margins of social and economic society. This act may have been considered desirable and necessary, one of internal “cleansing,” as well as proof of loyalty towards lawful authority. Even in a situation that was apparently beyond their control, Jews still made choices based on instinctive sentiment and judgment, internalized through long experience. The interplay of these more immediate reactions with more consciously cultivated strategies related to group solidarity, a preference for solutions arbitrated by the community’s members and authorities, attempts to choose from amongst the city’s various magistrates those that were the most favorable, and, of course, the desire for justice and protection all serve as grist for further study. It may, nonetheless, unhesitatingly be said that although Jews made no systematic attempt to rid themselves of undesirable or criminal elements, and approaching the civil authorities often meant the risk of conversory pressures, they did draw the line between endangering the interests of individuals and those of the entire group.

The incident of the miller’s death thus provides us with a complex picture of the behavior of members of the Jewish community in moments of conflict, a collective behavior that was moderated by the practice and style of the Governor’s Court. Even though the Governor’s judges had proceeded against Angelo with great conviction, they did not try him at once, but continued their enquiries, which kept tension in the Ghetto high. The Capitoline enquiry, with its numerous arrests and interrogations, had already demonstrated how greatly the community was being involved in the case. But the other Jews were all released (on condition that they report to the police de se representando a few days after making their statements, without regard to the nature of their testimony and before the trial began in the Governor’s Court.)

Leone di Prospero da Fiano, suspected of complicity with Angelo after the incident and the only other Jew kept in custody, indicated as much as

Those gentlemen who where in the main street have all been released, and I, who was on the bridge and not in the street, am in prison.

None of these other Jews subsequently appeared before the Governor’s Court, although their earlier statements were entered into the record. The Governor did however act against all the owners or tenants of the shops in the main street who were named by the Capitoline witnesses. The proceedings (Registrazioni d’atti) demonstrate how in the eight days following Angelo’s arrest these people were summoned and required to give testimony. The last of these summons coincides with the first interrogation of the convert Simone di Alessandro Musotti (or Moscotti), which gives ample proof how the hypothesis of collective responsibility was being pursued. Simone was a middle-aged, second-hand dealer in Campo de’ Fiori, custodian of the Company of the Hospital of Consolation. He was present together with Rotilio Lepido, whom he had met by chance, during the clash between Angelo and the miller. The two had tried to stop the fight and keep the other Jews away. The Jews, according to Simone, were egging on their fellows with the words, cacchia, cacchia, which Simone translated for the Court as “go on, give it to him.” Hearing this testimony (which Simone was made to give, even though other Christians had provided much ampler witness to the incident), Angelo, who had previously denied knowing Simone, suddenly revealed:

He hates me. He’s tried to force me to sell him my matches and rags at his price on more than one occasion in Campo de’ Fiori.

Later on, Angelo concluded that, as Simone “spends the whole day in the company of the millers,” he was hardly likely to make a statement in his favor. But the court was mainly interested in obtaining from Simone the names of the people crowding around Angelo during the fight, whom Simone, an ex-member of the community, certainly recognized. At this point there was deadlock: Simone obstinately denied knowing who had beaten the miller, and consequently, he was tortured by birching. From the point of view of the court and its practice, Simone was undoubtedly the most vulnerable witness interrogated. The status of convert was linked to a group membership commonly considered indeterminate (and indeterminable). For the judges, Simone was both the most reliable “Jewish” witness and the least trusted “Christian” one, whose story had to be double-checked by means of torture. Simone nevertheless survived the ordeal without naming a single person. Like all the other Christian witnesses, he identified only places and shops, from which anonymous Jews attacked the miller. The pressure exerted by the court on the convert Simone was
therefore a final attempt (during the preliminary enquiries) to resolve the question of the participation of other Jews in the miller’s death. A few days later, torture was again used unsuccessfully, although the pretext was unclear, to persuade Salomone Levi to name the persons who had told him about the brawl. In short, the approximately fifty Jews summoned to testify concerning the miller’s death revealed very little, if anything, that was concrete.

On November 5, nearly two months after the clash, the preliminary enquiries were closed, and Angelo and Leone da Fiano received transcripts of the proceedings so that they could prepare their defence before the verdict. On the same day, the “poor man’s attorney” declared that insufficient proof had been gathered to condemn Angelo, and he requested that all the witnesses be re-examined, although no records have survived to indicate they were. Nor, apparently, did anything modify the existing picture. On November 25, Angelo was condemned to five years imprisonment for homicidio pugnis commisso.

The trial for the miller’s death revolved around three poles – Christians, Jews, and judges, implicating the first two in what was perhaps the most serious crisis of the decade threatening their continuously delicate relations. This left the judges the task of reestablishing a violently shattered equilibrium. This they did by arriving at what was probably an obvious conclusion, but only after making a series of conscious choices. Most importantly, they ignored the Christian provocation to label the Jews as “the enemy,” and they rejected an implicit request for an exemplary punishment, an act of revenge that would have gone well beyond the provisions of the law.

The solution the judges finally adopted would thus seem to have been that implied by the Jews themselves—those of them at least who had not denied that the incident had taken place. A compromise was struck between the reduced claims of the court – satisfied that it had reached a responsible legal solution, which was also one that might heal the breach that had opened up between its lower echelons, the police, and the Jews – and the desires of the Jewish community, which had sought to avoid all involvement and responsibility. But this solution was adopted only after the court had independently and rigorously checked the foundation of the Jews’ statements and the possibility of other ways out.

The court’s decision thus reflects the special qualities of Rome’s policy toward the Jews: a brusque “tolerance” – a tradition established by the popes and never (fully) denied, even after 1555 – sustained by a balanced system of justice, which, as in this case, acted as a force for re-equilibration, an equilibrium that was instrumental, indeed necessary, for maintaining the Ghetto’s well-being.

NOTES
2. The time of day was calculated from sunset onwards. The twenty-second hour would have been two hours before sunset.
3. Archivio di Stato di Roma (ASR), Tribunale criminale del Governatore (Tcg), Processi, sec XVII, b. 174, c. 374r.
4. Stefano di Francesco Lorenzo also states: “We were both coming up the street with the horses, and before we had got to the gate of Piazza Giudia we were stopped by some policemen who asked us what the trouble had been, and I told them that the Jews had maltreated us with punches and kicks, and they asked me who it had been. I told them that there had been a number of them, but that I hadn’t recognized anyone in the crowd, and they made me go back and show them where the trouble had taken place,” Processi, cc. 374r-375.
5. Bastiano di Moresco: “There near the shop the miller collapsed dying to the ground, though I didn’t see him fall, but I saw him on the ground while he was still alive. A crowd of people rushed up and encircled him, but I didn’t leave the shop. When he died the priest had him carried into the church of San Benedetto,” Processi, cc. 419-419r.
6. Processi, cc. 374-517r. The court’s processi (trials) archive contains the written preliminary enquiries of the judicial proceedings, that is, the proceedings of the initial phase of the collecting of evidence against the accused in confidential dosiers. The preliminary enquiries are followed by the action for the defence, documented in a “nemo” communicated to the judges, which it is not always possible to trace, and, finally, the verdict. Other information about this trial is contained in: ASR, Tcg Registrazione d’atti, bb. 190-191; ASR, Tribunale criminale del Senatore (Tcs), Manuale d’atti, b. 1957.
7. The proceedings of the Governor’s Court of the years 1600-1630 contain two other reports of homicide, or purported homicide, which differ from our case in the way in which both the events and the trial developed. See: Processi, sec. XVII, b. 20, cc. 905ss, against Diadato di Licio, Mir di Jacob, Isacco di Santoro and other Jews; b. 124, cc. 624ss, against Angelo. Trials more similar to this case are those against Elia da Signo and other Jews for stone-throwing (b. 157, cc. 49-67r), against Ventura da Capua and sons accused of fist fighting (b. 175, cc. 1343-1397), and against various Jews for the same (b. 221, cc. 178-185l).
8. This is why “trials deal with crime, but reveal justice,” as Mario Striccoli has observed in “Fonti giudiziarie e fonti giuridiche. Riflessioni sulla fase attuale degli studi del crimine e della giustizia criminale.” Studi storici (1988):494.
9. For the procedure followed during this period by Roman courts see: Statuta Alvae Urbis Romae auctoritatis SSDND. Gregorio XIII Pont. Max. a SPQR reformata et edita (Romae, 1580) esp. bk I; P. Barnaccino, Praxis et theoreticae criminalis ... (Lugduni, 1613-1631), bks I-II; Tranquillo Ambrosino, Processus Informativus et formandi Processum Informatum ... (Venezia, 1610).
10. Of the many statements made during those hours, see those of Leone Prospero da Fiano: “I can tell you, sir, that I was only imprisoned on the Friday evening, the day after the crime. Before I was arrested I saw little Chiavarrino and other policemen arresting Jews along the main street and taking them to prison. I watched from the arcade and heard it being said by the Jews who were passing, even though I wasn’t paying much attention. But I heard it being said that the police were arresting a lot of people in the main street and taking them to prison. I heard that they had been let out later, when I was free, and that they had been let out by order of the Governor.” Processi, sec. XVII, b. 174, c. 494r; Samuele del fu (son of the late) Giuseppe di Palestrina: “It was about two hours of the morning and I was shaving customers in the shop when the policeman Chiavarrino
[corporal of the Governor’s police] stopped outside and asked who came here to be shaved. Then he went away without saying anything else,“ c. 388; and Lazzaro di Mosè Venafro: “On my way back from outside the Ghetto I was on my front doorstep when the policeman Chiavarino clapped his hand on me and said ‘You’re under arrest.’ He dragged me into the house with a number of other Jews whom he had arrested. The Chief of Police of Rome also came in,” c. 455.

11. In 1612, Paul V had reformed the Roman courts, granting the Governor’s Court jurisdiction over the Jews: etiam quod agatur inter ipsos Hebraeos tantum. Nevertheless, the other Roman courts, both civil and criminal, could also proceed against Jews. The dispositions of Pope Paul recognized the predominant role of the Governor’s Court in the administration of criminal justice in Rome, thus formalizing the diminished importance of other courts, especially that of the Senator. The Governor’s Court’s strength lay in its network of police and spies, which kept a close watch on the city and reported infractions to the judges, so that it was possible to anticipate other courts in a trial’s preliminary enquiries or its conviction. This trial clearly demonstrates Rome’s jurisdictional fluidity, the competition between the courts and the efficiency of the instruments of the Governor’s Court. See also: SDND Paulo Divina Providentia papae Quini Constituto super Reformatione Tribunal Urbis... (Romaie, 1612); G.B. De Luca, Il dottor volgare ovvero il compendio di tutta la legge civile canonica feudale e municipale,... “Della curia romana forense” (Firenze, 1843), esp. 586-588; G. Lunardini, Relazione della corte di Roma e de’Riti da ossersarsi in essa e de’suoi Magistrati & Offitii con la loro distinta giurisdizione (Bracciano, 1646), esp. 67.

12. The Capitoline proceedings correspond to Processi cc. 374-407r, including statements by sixteen Jews and two Christians. A statement made to the Governor’s Court suggests that not all the interrogations were recorded. Giannina, widow of Isac Capuano, recounts: “The Capitoline executive came to my house about the incident, with a notary, and I was examined, though I don’t know whether they wrote it down, as I didn’t see them write anything when I answered the questions they asked me about the incident,” Processi, c. 421r. This is not just a lone Jewish voice. The convert Simone Musotti states: “I think that as far as this question is concerned, I am expected to know what happened in that fight because I happened to be in the Ghetto at the time of the fight. I imagine this, because I’ve already been asked about it on other occasions, even though nothing was written down,” Processi, cc. 468r-469. For the arrest and subsequent release of the Jews, see also Manuale d’atti, b. 1957.

14. Processi, cc. 414-517r. See also Registrazioni d’atti, sec. XVII, b. 174, cc. 417-417r.
15. Processi, sec. XVII, b. 174, cc. 417-417r. The role of the doctor in establishing the cause of death is fundamental. Through the autopsy, as the last words of the document amply demonstrate, he assumes the status of an eye-witness. Even though he cannot identify the culprit, his evidence is extremely important. Jurists like to remind judges that in establishing the gravity of an injury, for the purpose of the verdict, they must consider the doctor’s opinion binding. See P. Farinacci, Praxis, “De homicidio,” q. 127, part IV.

16. Angelo recounts: “... and I went to his house [Zemeca’s] – he was a friend of mine. But you aren’t trusting anyone anymore. The next morning – Saturday morning, that was – he passed the word on to the court and had me arrested”, Processi, c. 499r. On the arrest, cc. 425r-426r. See also: Registrazioni d’atti, b. 190, cc. 209r.

17. The parallel enquiries concern: David Servi de Tribure and Samuele di Preziosa, see note 45; Jacob de Callo, apprentice of Angelo Tedesco, suspected of having participated in the clash; Leone di Prospero da Fiano, nephew of Angelo, accused of having helped him after the incident.

18. Processi, sec. XVII, b. 174, cc. 436r-437: “I’ve been in prison since last Friday, when I got here. I was one of the Jews arrested in the Ghetto – it was a Jew who got me arrested

[...]. This Jews says to the Chief of Police of Rome, who was in the Ghetto: ‘Look, that haberdasher over there,’ pointing at me. ‘He’ll know everything. Take him in – he was there selling yarn when the fight happened.’ So the Chief of Police calls me over and pulls me to one side, and asked me, ‘Handsome young fellow, did you see the fight?’ and I say, ‘Yes, sir,’ and tell him everything I saw. And then he tells one of those policemen – Menico’s name – ‘Take him away to be questioned!’

19. Processi, cc. 374-374r.
20. Processi, c. 422.
22. Processi, cc. 427r-428.
23. Processi, cc. 428r.
25. Processi, sec. XVII, b. 174, Mose di Emanuele da Paleiano, cc. 383r-384. See also the interrogations of Mario di Raffaele Cesarino, cc. 400-400r; Prospero da Fiano, c. 404r; Leone di Prospero da Fiano, cc. 467r-468.
26. Mose di Servadio da Viterbo, Processi, c. 407r. See also Giuseppe di Isac di Modigliano, c. 380; Lazzaro di Mose Venafro, c. 455r; Salamon di Mose Levi, c. 467r.
27. Processi, cc. 400-400r.
28. Beniamin di Isac Tedesco, Processi, c. 387; Samuele di Giuseppe Ambron, cc. 391-391r; Jacob di Giuseppe Corcos, cc. 393-393r; Giuseppe di Elia Toscano, cc. 399-400; Angelo di Giuseppe di Core, cc. 424r-425; Ventura di Leone di Rocca, cc. 485-486r.
29. Processi, cc. 399r-399r; Jacob Corcos used the same alibi.
30. Processi, c. 399r.
31. Samuele di Sabbato Pannicelli, Processi, c. 379; Samuele di Giuseppe da Palestina, c. 388; Ora, wife of Leone Piazza, c. 395; Onorata, wife of Sabbato Pontecorvo, 397; Rosa, wife of Abram Alatri, c. 398; Giuseppe di Leone Lattes, c. 398r; Isac di Salomone Milano, c. 406.
32. Processi, c. 397r. Note the repeated denial (emphasis added).
33. Processi, cc. 380r-382r and 420-422r. One of the most striking differences is the narration in the singular in the first statement and in the plural in the second. Compare, for example, these two sentences: “And I started shouting ‘Stop, stop! Is this any way to treat Christians!’” cc. 381-381r; and “... and me and Simon went up to those Jews and started trying to hold them back, at which they quiet down, as we had started shouting, ‘Murder Christians? Is that what you want to do?’”
34. Processi, c. 391r.
35. Processi, cc. 400, 404r, 406, 428r.
36. Processi, c. 374.

37. In the trials against Jews which have been examined there emerges a concept of honor-dishonor which is not dissimilar to that of the Christians. The insults which the Jews use against each other are the same as those mentioned in the trials of Christians, the types of offensive behavior are also similar. This concept of honor, shared with the Romans and highlighted by the particular perspective of the court appealed to, does not exclude the existence of a specifically Jewish concept of honor.
38. Processi, sec. XVII, b. 174, c. 422.
39. See note 7. The following extract provides an example of such a pattern in other trials: “I could hear well enough that that old man whom I mentioned before and another Jew were arguing with those Christians. The first thing I heard being said was the old Jew saying to one of those Christians, ‘You crook,’ and the Christian replied, ‘You dog,’ and the Jews were calling the Christians dishonest crooks. At that point a lot of Jews rushed up and that Jew took hold of a big stick, to strike the Christian with whom he was arguing. I saw them get up to fight, but he didn’t strike him because another Jew grabbed...
his arm. The Christian was wielding a belt, but he couldn’t use it because people were holding him back. Then the police arrived,” Processi, sec. XVII, b. 175, cc. 1348r-1349r. The similarity between our trial and this one, held in December, 1621, two and a half months after the miller’s death and a few days after the sentence against Angelo, actually extends further. It regards not only the behavior of the plaintiffs, but also the pattern of the enquires: numerous arrests in the Ghetto and just as many interrogations.

40. Samuele di Preziosa, Processi, sec. XVII, b. 174, c. 444 (emphasis added).

41. Angelo di Giuseppe da Core, Processi, c. 424r (emphasis added). Compare this with the statement of the calecularius appointed to measure the distances in the main street: “here one can see any kind of disturbance from much further away, and hear what is being said, if people are talking normally, raising their voices a little, and recognize anyone who is fighting or talking in that place, as one can also see their faces. Anybody could [see them],” c. 473r. Not only distance, however, but also time is exaggerated, and two or three weeks previously becomes: “on one occasion,” Gabriel della Riccia, cc. 303r-304. There may also be a taking of emotional distance, though I would hesitate to stress its real effects: “I can tell you that I did not recognize any Jews or Christians yesterday evening in that fight, because when I went to the window to look I turned back immediately, as I was too worried about the gravity of my son’s illness and afraid he was going to die,” c. 391r.

42. Samuele Paoncelli: Processi, c. 377r.

43. Mose di Paliano: Processi, c. 385.

44. Angelo di Giuseppe da Core: Processi, c. 425.

45. The documents accompanying the trial allow us to sketch a picture of Angelo’s family through the enquiries and interrogations which were carried out in parallel investigations against David Servio da Tivoli, Abram di Preziosa and Leon of Prospero da Fiano. The first two were arrested by the rural police, advised to act by the Roman Chief of Police, while on the road to Farfa, where they were going in order to break the news of Angelo’s arrest to his mother, Camilla, “who was at the Farfa fair running a food stall for the Jews,” Processi, c. 432r. The two men tell how the day after Angelo’s arrest his sisters Perna, wife of Prospero da Fiano, and Dolce, wife of Sabbato di Angelo di Piperno, came to them: “They asked me just to do them this favor and go and call Camilla. So she wouldn’t be afraid, they told me not to say anything about Angelo’s being in prison, because they feared that if she found out, she might throw herself in the river,” cc.442r-442r. “And they started crying and begging us to go and call their mother, so we went,” cc. 432r-433. The whole episode is contained in cc. 429r-435. Leone, son of Prospero da Fiano and nephew of Angelo, was arrested by the Governor’s police the evening of the day after the clash. The corporal Jacopo, known as Chiavarino, recounts: “I was down in the Ghetto going around trying to make some arrests after this homicide. I was in the little piazza near the river when I saw two men there, and when they saw me they jumped in from a place known as the Scalaccia, where there used to be a millstone in the Tiber. So I started saying ‘Get them, get them,’ and Giovannino, alias Zannuto, who was with me, jumped into the river, and I went up to the water’s edge to do the same. But Giovannino was faster than me and caught a young beardless man, who was one of the two who had thrown themselves in the Tiber. He was the son of Prospero da Fiano – I can’t remember his name – but he had some bread and pears on him, wrapped up in a cloth.” The bread and pears, intended for Angelo, were clearly brought proof of complicity with the accused. The interrogations of Leone provide no valuable elements, centered as they are on the alibi given by the young man and its challenge in the statements of the policemen present at his arrest and of the wardens of the Corte Savella, who took him into custody shortly afterwards. But some of the observations made by Leone, in his defence of course, are worth noting, since they regard his relations with Chiavarino: “Chiavarino is persecuting me – he’s got it in for me. Once he had me arrested and put in the Capitoline prison, and he confiscated a dress belonging to my wife and gave it to a certain Prospero, otherwise known as Porcello, and didn’t want to give it back to me after I had been let out of prison” c. 498r. And before being led away from the place of examination, he added: “I think you should have this on the record, that this Chiavarino had me imprisoned on another occasion, on the pretext that I had uttered a blasphemy, and a Christian testified on my behalf that it wasn’t true,” c. 499r.

46. Beniamin Tedesco, Processi, c. 387; Mose di Paliano, c. 384; Rottilio Lepido, c. 381; also Samuele Ambron, c. 392r.

47. When made to discuss his statement in front of Angelo, Simone Musotti said: “Yes, sir, I do recognize this Jew here, but I only know his nickname – they call him Cimice (bug), and his father is also known as Cimice,” Processi, c. 479.

48. Processi, cc. 438r and 439; also Rottilio Lepido: “And this Angelo was standing there like a tower, punching vigorously,” cc. 484r.

49. Processi, c. 426.


53. One important episode of this kind may have especially influenced the collective historical memory of Roman Jews: the accusation of ritual homicide in 1554; see A. Foa, “Il gioco del proselitismo: politica delle conversioni e controllo della violenza nella Roma del Cinquecento,” in Ebrei e cristiani nell’Italia medievale e moderna: conversioni, scambi, contrasti (Roma, 1988), 155-169.


56. Manuale d’atti, sec. XVII, b. 1957, 10-12, settembre 1621.

57. Processi, sec. XVII, b. 174, cc. 494r.

58. Registrazioni d’atti, sec. XVII, b. 190, cc. 212r; 232; 237r and b. 191, c. 2.


60. Processi, c. 482r.

61. Processi, cc. 489-91.


63. Registrazioni d’atti, sec. XVII, b. 191, c. 88r.

64. Registrazioni d’atti, c. 122r. The law stipulated that capital punishment was the penalty for homicide at the time (Statuta Alme Urbis…, I II, p. 929); for “offenses,” three tugs of the rope (torture whereby a rope was attached to the neck and pulled with increasing force), and if there has been no bloodshed, a fine of two hundred scudi, or three hundred, or more, at the discretion of the judge, Biblioteca Casanatense, Editi e bandi. “Bando generale,” par. 12; [f] “there are two or more injuries and offenses, with the depletion of a limb or a permanent scar on the face, then, even if the injured party does not die, the penalty shall be ten years or more in prison at the discretion of His Most Reverend Lordship,” par. 15.


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