

# “Femminicidio” and old laws of a very little castle in middle Italy

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**Abstract:** - In recent time scholars and mass-media in all the world have talked and discussed much about crimes against women as rapes, murders into family and sexual assaults. Much people has linked these facts with the permanence of an old mentality seeing man as “owner” of woman. Author could read the old (late medieval) laws of a very little town in central part of Italy where he lives. Reading these laws in particular articles treating crimes as rapes a strong correspondence between contents of articles and above cited mentality is appeared. There are reasons taking to conclusion this similarity isn't a coincidence.

**Key-Words:** - Medieval laws, medieval codex, History of Italy, crimes against women, past women conditions, rapes

## 1 Introduction

In the recent time scholars, opinion makers and mass media, have been much interested in violent acts against women. The birth of *Me too* movement in USA and the strong rise of murders of women by their partner in Italy, has created much attention and concern in public opinions of these countries. In Italy a term, *femminicidio*, has been created to indicate these facts. Similar facts have happened in other countries. Really until seventies scholars have studied *femminicidio* and in general violence against women. These studies have been did both from a strict juridic point of view [1] and from a psycho-sociological point of view [2] [3] and finally from a statistical point of view [4]. It's to note author isn't an expert in this field but in Ref. [1] a long and very exhaustive bibliography there is. ahas From these studies some interesting facts there have been found. First of all while a general tendency to diminution of murders there is in all the world the murders of women are stable. Besides a strong difference there is among countries on the percentage of murders among inhabitants but, if *femminicidio* has considered the difference is much less pronounced. These murders happen prevalently in domestic ambient with a close relationships between man and killed woman. In many cases man killing woman hadn't accepted woman deserts their relation. Another frequent scheme of violence against women is that can be found in work places.

Here an employer or does sexual attacks against an his employee or asks sexual services for an engagement or similar things Now many columnist have supposed reason of this crimes is the permanence of an archaic mentality in which man is the owner of his woman. .

Now author is living from many years in a very little town of central part of Italy and he have read the laws written in this town, centuries ago. These laws were signed in 1579 [5] but they shows a mentality of several centuries below. These were medieval laws.

The author has carefully examined the part of these laws where punishments are indicated for crimes as rapes, blows and similar.

It's came out an impressive similarity between archaic mentality that could be behind actual crimes against women and mentality that emerge from reading these laws.

## 2 San Michele in Teverina and its laws

Author lives from many years in a very little town which is called San Michele In Teverina [6],[7]. This town is in the central part of Italy almost one hundred kilometers from Rome. It is in Lazio (the region which Roma is in) and it's very near to Umbria ( the region which is Assisi in). In 16<sup>th</sup>

century this town was called Castel di Piero and was a castle (not a free municipality) and was a part of Holy State. In that time Holy State included almost every central part of Italy. In theory laws in force were laws of Holy State but because of Castel di Piero was a castle with its count it had its own laws. Then there was a feudal regime and this situation remained until 1820[8]. In 1579 count Ottaviano Baglioni (his family wasn't Baglioni family ruling Perugia) promulgated a code including every law of castle. These laws were in fact much older than 1579 because this code (hereafter Baglioni code) is very similar to codes of towns near to Castel di Piero written in 14<sup>th</sup> and 13<sup>th</sup> century.[9] This code is divided in five books. The third of these is book interesting for us. It is called *libro dei malefici* that can be translated in Bad Actions Book and it

In *libro dei malefici* there are crimes practically equal to today crimes (killings, rapes, blows, thefts, forgeries and so on) with extenuating and aggravating circumstances.

One interesting feature is that almost every crime was punished by fines. Moneys used had to be those used in city of Rome[10]. For crimes that interest to us fines are indicated in *libbra*, *ducato*, and *fiorino*. Author couldn't find information on purchasing power of these moneys but he has found[11] the correspondences among them.

Libbra had the least value, ducato was equivalent to 4.25 libbra and fiorino was equivalent to 11 libbra. In the text of Baglioni code it's specified fiorino had to be made by gold.

An interesting feature of Baglioni code is it considers rape a crime not only if sex has been against woman's will but also if sex is consensual but, obviously, outside marriage.. Consensus is presumed if woman doesn't rebel against his rapist by cries or actions and if sex happens in a not hidden place.

### 2.1 Murder

Murder is punished very strictly.. If it was malicious there was death penalty. If murder was manslaughter there was a very high fine and very high fines there were for people helped killer to escape or to hide too. But to kill a woman, particularly to kill his wife, is not an aggravating circumstance. Murder of a woman isn't cited as a crime.

### 2.2 Rape of virgin woman

corresponds to actual criminal codes. Now people living in this castle were almost everyone, people working as farmers of counts and their family. There isn't precise information about number of habitats but in the Baglioni code a General Council is cited with forty members. It's possible to deduce that forty families lived in the castle. As it can be seen it was a little castle and it's evident its laws could not be written by some famous and innovative jurist. They had to reflect the mentality of those times especially the mentality of low-middle acculturated people. And it's to note that this medieval mentality was typical of all the Europe because in that times distinction among Catholic countries and protestant countries wasn't. But such a mentality was that of Muslim and Hinduism ambient too.

Baglioni code punished the rape of virgin woman with a series of actions.[12] Rapist had to marry raped woman, if she and her family agreed and he had to pay a fine of two hundreds libbra and he had to give to virgin a dowry of twenty five golden fiorino (two hundreds and sixty five libbra). Not only but the text tells fiorino have to be *giusti de peso e de bono oro* Italian phrase that can be translated in of proper weight and made by good quality gold.

If the virgin was consensual she was considered guilty too She had to pay ten ducato (42.5 libbra) and her relatives can add corporal punishments excluding only death or corporal punishments involving sexual organs..

### 2.3 Rape of married woman

Baglioni code punishes the rape of married woman with a fine of fifty golden ducato (212.5 libbra). But, as in the case of virgin woman, if sex has been consensual then husband of raped woman can add the punishment of woman by the same methods of virgin. .

### 2.4 Rape of widow woman and violent indecent assault

Baglioni code punishes the rape of a widow by a fine of twenty five golden ducato (one hundred and six libbra). In this case, as in the case of virgin rapist had to marry woman if she and her family agree. It's to note Baglioni code, affirms that, in the case of violent indecent assault (defined as the case which rape don't give results) the punishments have to be cut down an half.

### 2.5 Rape of a prostitute

Baglioni code punishes the rape of prostitute only in the case which there isn't the woman will in. The punishment is always a fine of only ten libbra. There isn't no duty to marry woman and if there is consensual sex no crime there is . Baglioni code affirms that at least four witnesses need because woman is thought to be a prostitute, literally a bad reputation woman .

## 2.6 Blows into family

Baglioni code punishes[13] very strictly the sons or daughters that strike their parent. This is the only crime for which Baglioni code provides for sending to prison and not paying a fine But nothing is provided for blows of parents against sons and daughters. This case has no mention as if to strike own sons and daughters was a normal educative tools. her husband, is not an aggravating circumstance.

## 3 Considerations and conclusions

At this point it needs several considerations.

First of all , in front of the rape, women haven't juridical equality. It is trivially demonstrated by distinction above showed among several kinds of women ( virgin,married ecc..). And in this list several absences there are. No mention of nuns, ( we are in Holy State!) probably considered among virgins. But divorced women there aren't too . In those time divorce as we know today there wasn't but Sacra Rota ( proper ecclesiastic jury able to annul marriages) there was. Let think to annulled marriage between King of France Henry IV Borbone and his first wife Marguerite Valois. Clearly this cases were so rare to not be considered in a code of a very little castle. But overall in Baglioni code free but not virgin women there aren't. Clearly these women were considered as prostitutes. or bad reputation woman. Besides it's evident as there is a scale of punishments according to the supposed number of sexual partners of the woman. A very strong punishment for the rape of a virgin, less strong punishments for marriage woman and for widows and little punishment for a prostitute.

Another interesting feature of Bglioni code is this: The crime of rape, in every case, is punished both if sex is against the will of woman and if the sex is by mutual conses. This is a revealing fact of the mentality of those times. It's clearly sex was considered as a licit fact only into a regular

marriage. Extramarital and pre-marriage sex were considered illegal. It's oblivious this vision is the juridical complementary of traditional Catholic Church vision of sex as a necessity for doing sons. There is only one exception. The consensual sex with a prostitute is licit and this regardless of the man is married or not.

Besides the fines to be paid for rape crimes have to be paid to count (now we tell to State) not to raped woman. It's to remind, until few years ago, Italian laws consider rape not a crime against people but a crime against public moral.[14]

Another link between Baglioni code and much more recent Italian law( now repelled) is the duty to marry raped woman, In repelled Italian laws marriage of raped woman paid off the crime of rape,

There is another interesting feature. If a not married woman wanted to marry her rapist but her family was opposed, the marriage there wasn't, the will of family overcame the will of woman who wasn't fully a free people.

Finally summarizing every consideration we can affirm that, in spirit of Baglioni code, women were juridically much less than men and other articles [15 ] regulating legacy confirm that.

We can conclude also woman was almost an object, a man property whose value was strongly dependent from her virginity . A virgin had a very high value, a prostitute, also if society needs her, had the least value.

Every woman had an owner. Nun had God(seen as a man an Our Father not an Our Mother), virgin had the father or the brother, married woman had the husband, widow woman had her relative or parents, and prostitute had an owner too. She was a public property.

In this vision of man-woman relationship a woman couldn't lease a man and if she does it she became a bad reputation woman. In the mind of the authors of femminicidio acts the same mechanism. overall if she .

This is very interesting and it would be useful to compare old mentalities as came out by ancient laws with psychological background of author of femminicidio.1. And it would be very interesting to compare both physiologic and pathological feature

of present societies with traditions formalized in old laws For example the tendency of mach present people to lower themselves in virtual ( internet and similar) can be compared with the tendency of intellectuals from ancient Greek and later to plunge in studies ( especially philosophical studies to escape the eyesore of World .

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- [12] let see Ref [5] pagg 272-274
- [13] let see Ref [5] pagg 275-276
- [14] it's sufficient to see in Internet any old version of Italian criminal code
- [15] let see Ref [5] pag 200.