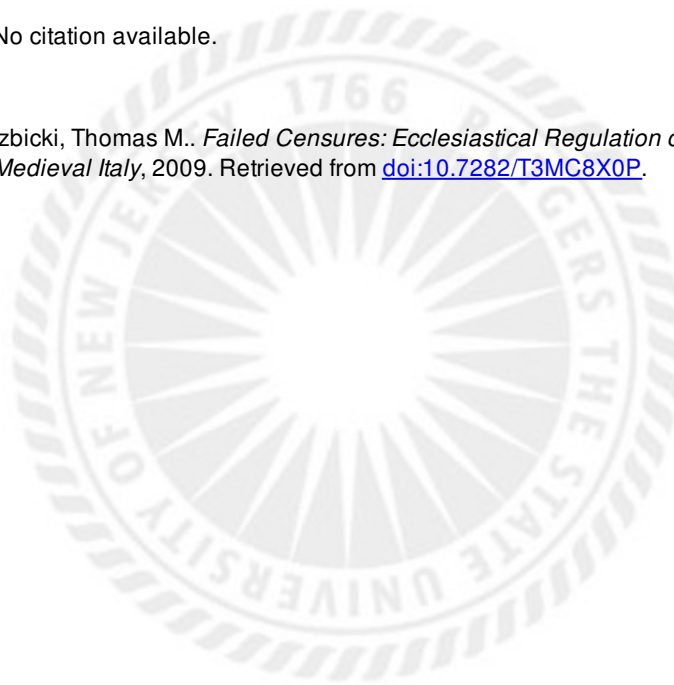


Failed Censures: Ecclesiastical Regulation of Women's Clothing in Late Medieval Italy

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Failed Censures: Ecclesiastical Regulation of Women's Clothing in Late Medieval Italy

Thomas M. Izbicki

Beginning in the eleventh century, reforming clergy attempted to bring the sobriety expected of monks and nuns to the lives of secular clerics and the laity. These efforts had mixed success, especially in the regulation of clothing. Popes and bishops tried again and again to check excesses of clergy who wore expensive cloth, gaudy colors, revealing cuts, and accessories more fitting to knights than to their religious calling.¹ Efforts to curb excess in the creation of lay garments and fashionable accessories usually fell to preachers like the Franciscan St. Bernardino of Siena and the Dominican reformer Girolamo Savonarola or to confessors.² Here too campaigns against vanity of dress and excessive display, although they might have short-term success, failed in the long run. The laity, men and women alike, continued dressing according to the fashion of time and place. Some theologians, like the Dominican observant Archbishop Antoninus of Florence, even were willing to bow to local custom and the social status of the lay people involved.³ Prelates rarely legislated on this matter. When they did, in late medieval Italy, their efforts were largely unsuccessful. The earliest surviving evidence for this effort is found among the legatine statutes of

A version of this paper was presented in July 2007 at the International Medieval Congress at Leeds, England. The author is grateful to Julian Gardner for information about Latino Malabranca's tomb and to the several colleagues who answered online queries about obscure Latin terminology.

- 1 Thomas M. Izbicki, "Forbidden Colors in the Regulation of Clerical Dress from the Fourth Lateran Council (1215) to the Time of Nicholas of Cusa (d. 1464)," *Medieval Clothing and Textiles* 1 (2005): 105–14.
- 2 Bernardino's rhetoric was particularly heated, advocating the burning of a girl, her mother, and the dressmaker who violated strict norms of dress; see Franco Mormando, *The Preacher's Demons: Bernardino of Siena and the Social Underworld of Early Renaissance Italy* (Chicago: University of Chicago Press, 1999), 131, 135–36, 208.
- 3 Thomas M. Izbicki, "Pyres of Vanities: Mendicant Preaching on the Vanity of Women and Its Lay Audience," in *De ore Domini: Preacher and Word in the Middle Ages*, ed. Thomas L. Amos, Eugene A. Green, and Beverly Mayne Kienzle (Kalamazoo, MI: Medieval Institute Publications, 1989), 211–34; Izbicki, "The Origins of the *De ornatu mulierum* of Antoninus of Florence," *MLN* 119, no. 1 suppl. (January 2004): S142–61.

Cardinal Latino Malabranca.⁴

In 1278–79, Latino Malabranca, cardinal bishop of Ostia and Velletri, served as legate for his uncle, Pope Nicholas III, one of the Roman Orsini clan, for much of northern Italy. Cardinal Latino, a Dominican friar, was the only member of the Malabranca family to attain so high a dignity despite the family's place in the ranks of the Roman nobility.⁵ As one of his official acts, the cardinal held a legatine council in Bologna at the end of September 1279. On the kalends of October (October 1), the council issued decrees concerning the unjust seizure of churches, the visitation of monasteries, clerical concubinage, penances, and indulgences that were to apply in Lombardy, Tuscany, and the Romagna.⁶ The sixth decree was an enactment concerning women's dress, *De habitu mulierum* (see Appendix 3.1).⁷ This decree was modified by Cardinal Bernard du Poujet, legate for Bologna from 1319 to 1334 (see Appendix 3.2), but it remained nominally in effect until it was revoked—at least for the city of Padua—by Pope Nicholas V in 1454 as not fruitful for the salvation of women's souls, according to Bishop Fantino Dandolo.⁸

The 1279 council was by no means the cardinal's only public achievement during this period. In 1280 he governed Rome, paired with one of the rival Colonna family, in Pope Nicholas' absence.⁹ In the same year, he arranged a concordat between the Guelf and Ghibelline factions in Florence that was a milestone of papal peacemaking in Italy.¹⁰ Cardinal Latino later negotiated peace between Parma and Modena

4 The statutes of Cardinal Latino Malabranca, as well as Cardinal Bertrand du Poujet's modification of the statute about women's clothing, are found in volume 24 of *Sacrorum Conciliorum Nova et Amplissima Collectio*, ed. G. D. Mansi, 53 vols. in 59 (1759–98; repr., Graz: Akademische Druck- u. Verlagsanstalt, 1960–61); cited hereafter as Mansi. For Latino's other works, see Thomas Kaeppeli, *Scriptores Ordinis Praedicatorum Medii Aevi*, 4 vols. (Rome: Ad S. Sabinae, 1970–93), 3:60–63.

5 Blake R. Beattie, *Angelus Pacis: The Legation of Cardinal Giovanni Gaetano Orsini, 1326–1334* (Leiden: Brill, 2007), 54. Cardinal Latino's mother was the pope's sister, according to Mansi, 24:245 n. 3. For a biographical sketch, see Marco Venditelli, "Malabranca, Latino," *Dizionario Biografico degli Italiani* 67 (Rome: Istituto della Enciclopedia Italiana, 2006), 699–703. For a contemporary account of Cardinal Latino's legation, see Joseph L. Baird, Giuseppe Baglivi, and John Robert Kane, trans., *The Chronicle of Salimbene de Adam* (Binghamton, NY: Medieval & Renaissance Texts & Studies, 1986), 160–61.

6 Mansi, 24:245–52. The constitution on clerical concubinage, one of Malabranca's constitutions, was recycled by a cousin, Giovanni Gaetano Orsini, during his own legation; see Beattie, *Angelus Pacis*, 94 n. 24.

7 The sixth decree, *De habitu mulierum*, is found in Mansi, 24:252–53.

8 Mansi, 24:253–54. On du Poujet's legation, see Guillaume Mollat, *The Popes at Avignon, 1305–1378* (London: Thomas Nelson and Sons, 1963), 84–110.

9 Beattie, *Angelus Pacis*, 139–40.

10 Ulrich Meier, "Pax et tranquillitas: Friedensidee, Friedenswahrung und Staatsbildung im spätmittelalterlichen Florenz," in *Träger und Instrumentarien des Friedens im hohen und späten Mittelalter*, ed. Johannes Fried (Sigmarinen, Germany: Jan Thorbecke Verlag, 1996), 489–523, at 497–505; Daniel R. Lesnick, *Preaching in Medieval Florence: The Social World of Franciscan and Dominican Spirituality* (Athens, GA: University of Georgia Press, 1989), 5–6, 84–85.

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(1286).¹¹ He also played a role in the conclaves electing the next three popes. He is credited with a key role in the election of Celestine V (1292–94), the holy hermit who reigned briefly and then abdicated.¹² The cardinal died in 1294, a few weeks before Celestine's coronation, and was buried with his fellow Dominicans at Santa Maria sopra Minerva in Rome.¹³

Enactments about clerical garb or that worn by monks and nuns were not unusual in this period. Such canons were grounded in the effort of the papacy, most notably represented by the canons of the Fourth Lateran Council (1215), to regulate the lives of clergy and laity alike.¹⁴ A synodal decree concerning lay women's clothing was much more unusual. Sumptuary law, justified by moral and practical arguments, usually was left to the lay authorities, especially in the communes of northern and central Italy.¹⁵ Even lay authorities, outside a few larger cities like Bologna and Florence, were not enacting many sumptuary laws in the period of Cardinal Latino's legation.¹⁶ The friars, however, had already been agitating for such decrees; witness the preaching of John of Vicenza, a Dominican friar, in Bologna in 1233.¹⁷ It is possible that there was an earlier edict concerning women's dress by Pope Gregory X in 1274, but the evidence is sketchy.¹⁸ More to the point, Federigo Visconti, archbishop of Pisa from 1254 to 1277, is reported to have published at some time during his episcopate a decree punishing tailors for dressing women in extravagant fashions. The text of the decree, however, is lost.¹⁹

Cardinal Latino's decree is available only in an imperfect copy in Mansi's eighteenth-century collection of Church councils,²⁰ but the outlines of its teachings are clear. The tenor of the decree was moral, reminding women that the Scriptures warned against "superfluous ornamentation" [*ornate superfluo*]. It also denounced

11 Augustine Thompson, *Cities of God: The Religion of the Italian Communes 1125–1325* (University Park: Pennsylvania State University Press, 2005), 110–11. Malabranca had treated Parma more severely in 1279, when the Dominican convent was sacked and burned following the execution of a Parmese woman for heresy; *ibid.*, 429.

12 T. S. R. Boase, *Boniface VIII* (London: Constable, 1933), 29–43.

13 The body of the cardinal was displaced later to an Orsini tomb at the Minerva; see Julian Gardner, *The Tomb and the Tiara: Curial Tomb Sculpture in Rome and Avignon in the Later Middle Ages* (Oxford: Clarendon Press, 1992), 121–23.

14 On the Fourth Lateran Council and the influence of its legislation, especially through the *Decretals of Gregory IX* (1234), see (among others) James A. Brundage, *Medieval Canon Law* (London: Longman, 1995). On the regulation of clerical dress, see note 1, above.

15 Susan Mosher Stuard, *Gilding the Market: Luxury and Fashion in Fourteenth-Century Italy* (Philadelphia: University of Pennsylvania Press, 2006), 84–121.

16 Catherine Kovesi Killerby, *Sumptuary Law in Italy 1200–1500* (Oxford: Clarendon Press, 2002), 28–29, table 2.21.

17 Augustine Thompson, *Revival Preachers and Politics in Thirteenth-Century Italy* (Oxford: Clarendon Press, 1992), 53, 187.

18 Kovesi Killerby (*Sumptuary Law in Italy*, 92–96), argues that this was a Lenten edict mistaken for a decree of the Second Council of Lyon (1274).

19 *Ibid.*, 99–100.

20 Kaeppli, *Scriptores*, 4:185.

women who preferred pleasing the world to pleasing God. The specific injunctions of the decree, applicable wherever Cardinal Latino's legatine writ was valid, were described as tailored to the salvation of the women to whom they applied. Specifically, the legate warned women not to go about the city wearing clothing open in the front or dragging more than one hand's breadth [*palmum*] of cloth upon the ground. Their mantles were not supposed to have folds more than two hand's breadths [*palmos*] in size. These strictures applied to any woman older than twelve years of age. Women's virtues, not their clothing, were supposed to be their ornaments.

Additional restrictions were imposed on married women more than eighteen years old and married for more than a year. This allowed them to enjoy their marital finery briefly before switching to more sober garb.²¹ This change was supposed to clothe them with becoming modesty. These married women were told to veil themselves when they went out. Nor were they permitted to wear clothing assembled "artificially" [*artificiose*] out of different types of cloth. (Presumably this included a prohibition against wearing stripes.²²)

It is apparent, moreover, that the legate intended enforcement via the sacrament of penance. Women who offended against the statute also were subject to ecclesiastical censures. They lost any concessions ever made to them, and they were deprived of the sacraments until they mended their ways.²³ A woman who repented was expected to swear "before God and a priest" [*coram Deo, & Sacerdote*] that she would observe the statute. The sober dress she adopted thereafter was to be a warning to other women to mend their ways. Enforcement of the legate's decree was expected of the clergy, both diocesan and monastic. Confessors were not supposed to absolve women who violated its instructions. Any priest, secular or religious, who did offer absolution lost his exercise of office and the fruits of his benefice for a month.²⁴

Salimbene de Adam, a thirteenth-century Franciscan friar and historian, applauded the legate's actions in his chronicle.²⁵ The decree on dress was protested, however, by the women of the Romagna, and some took to wearing veils worked

21 After a "bridal period," a woman was expected to wear more sober clothes, and the husband could pawn the ornaments; see Jane Fair Bestor, "Marriage Transactions in Renaissance Italy and Mauss's Essay on the Gift," *Past and Present* 164 (August 1999): 6–46; and Julius Kirshner, "Materials for a Gilded Cage: Non-Dotal Assets in Florence, 1300–1500," in *The Family in Italy from Antiquity to the Present*, ed. David I. Kertzer and Richard P. Saller (New Haven, CT: Yale University Press, 1991), 184–207.

22 For a discussion of societal strictures against stripes, see Michel Pastoureau, *The Devil's Cloth: A History of Stripes and Striped Fabric*, trans. Jody Gladding (New York: Columbia University Press, 2001).

23 This censure is minor excommunication, depriving the offender of access to the sacraments; see Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley: University of California Press, 1986), 36.

24 Kovesi Killerby, *Sumptuary Law in Italy*, 98–99, also listing later decrees imposed within the Papal States.

25 Baird, Baglivi, and Kane, *The Chronicle of Salimbene*, 160–61, also records women's measures to evade these restrictions. See also Stuard, *Gilding the Market*, 88.

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with gold to undermine the decree while nominally adhering to it.²⁶ The decree remained sufficiently controversial for Cardinal du Poujet to decide to modify it in the early fourteenth century, one legate being able to modify another's decree in matters of positive law.²⁷ Cardinal du Poujet explained that not only were women defying his predecessor's enactment, but confessors were too. The revised decree was to apply only to women older than sixteen years of age. They still were prohibited from wearing garments cut open in the front or dragging more than one hand's breadth [*palmmum*] of cloth on the ground. The requirement that a woman be veiled in public and not wear garments assembled from different types of cloth was applied only to women age thirty or older. Confessors were to impose fitting penances on women who violated this revised decree. Only those who notably flouted the law were to be subjected to ecclesiastical censure. The French cardinal also exempted women of noble birth from being coerced under this law.²⁸

Few later bishops or legates have left us similar enactments that permit comparing the judgments of ecclesiastics about which forms of dress were not acceptable and what measures might be taken upon women and their confessors to enforce dress codes. Two exceptions from Tuscany can be used, however, for comparative purposes. They convey the moral outrage Richard Trexler sees as flowing from a belief in "a certain view of correct existence."²⁹ The bishop who issued these decrees, like Federigo Visconti before him, was concerned not just with the women who wore offensive garb but with the artisans who made these garments.³⁰ Eventually these enactments fell by the wayside, leaving sumptuary law to the commune of Florence.³¹

Antonio d'Orso Biliotti issued legislation first as bishop of Fiesole in 1306 and then in Florence after he was transferred there in 1310. Both sets of decrees were made in full awareness of Cardinal Latino's legislation, even restating his prohibition of clerical concubinage.³² Bishop Biliotti's Florentine decrees on women's garb appear in two different places in the bishop's collected statutes, under the apparently innocuous titles *De consuetudine* and *De verborum significatione* (Appendix 3.3).³³ The latter is slightly later, though probably also from the year 1310, in which the statutes

26 Kovesi Killerby, *Sumptuary Law in Italy*, 123. Some legislators thought veiling actually encouraged immodesty; *ibid.*, 63.

27 Canon law permitted a pope or other prelate to revoke his predecessor's statutes except in matters of doctrine.

28 Mansi, 24:253–54. Cardinal du Poujet also restricted his predecessor's strictures on the dress of students at the University of Bologna to those holding responsible ecclesiastical offices.

29 Richard C. Trexler, *Synodal Law in Florence and Fiesole, 1306–1518* (Vatican City: Biblioteca Apostolica Vaticana, 1971), 102–3.

30 *Ibid.*, 105.

31 *Ibid.*, 113. See also Ronald E. Rainey, *Sumptuary Legislation in Renaissance Florence* (PhD thesis, Columbia University, 1985).

32 Trexler, *Synodal Law*, 13 n. 2, 49, 220 (decree for Fiesole), 247 (the Fiesole decree embedded in the decree for Florence, "Recolende memorie domini fratris Latini ...").

33 *Ibid.*, 229–30, 287–88.

of Florence were compiled. It references the earlier one, probably issued shortly after the bishop's transfer from Fiesole. The bishop complained in his later Florentine statute that some interpreters of the earlier one, which was designed to curb women's excesses, perverted its meaning. Biliotti's decrees offer detailed lists of practices and goods that were not to be tolerated, which will be considered below. These prohibitions were concerned not just with cuts of cloth, as Cardinal Latino's decree had been, but with a variety and profusion of ornaments. Bishop Biliotti even set price ceilings on those ornaments that were acceptable because they were less costly. The fourteenth century saw the growth of a luxury market in Italy,³⁴ and the bishop may have been responding to this growth in both supply and demand with the cash values for goods assigned in the text of his statute.

The earlier decree (*De consuetudine*) prohibited any woman past "infancy" [*infanciam*], whatever her social status, from entering the diocese wearing gems or pearls, except in a ring or two. Nor was she to wear any ornaments—in a long list—worked out of gold. Dresses of wool or silk in one or two colors without any further decoration could be worn. Even licit ornaments, like golden fillets, were not to exceed 4 florins in price.³⁵ Paraphrasing the prohibitions of Cardinal Latino, the decree prohibited women from displaying any flesh lower than the throat. Nor were they to wear a cloak more than two *braccia* long, dragging a train [*caude*] on the ground.³⁶ Violators were threatened with anathema, and they were described as disrupting the "fatherland" [*patriam turbantes*].³⁷

Bishop Biliotti's later statute (*De verborum significatione*) was similarly detailed. The bishop explained what he meant by every disputed term in the earlier decree. Prohibitions of gems and pearls were extended to cover artificial imitations. Faced with a question of whether costumes in three colors were permitted, he replied that they were if only two were evident. Even gold could be worn if it were the third color worn hidden. Biliotti had no objection, as Cardinal Latino had, to striped cloths, at least when the garments were made of wool and worn only by virgins. These items also were not to be covered with images or designs. To gain cooperation from clergy on whom the burden of enforcement fell, the bishop offered them a forty-day indulgence.³⁸ Biliotti also issued an addition [*additio*] to his previous constitution.

34 Stuard, *Gilding the Market*, passim.

35 The Florentine florin weighed 3.46 grams in 1294. Peter Spufford, "Currency Exchanges," from *Handbook of Medieval Exchange* (London: Royal Historical Society, 1986), in Rudolph M. Bell and Martha Howell, eds., *The Medieval and Early Modern Data Bank*, http://www2.scc.rutgers.edu/memdb/spuf_note.php?note_id=2, accessed March 26, 2008.

36 A *braccio* (pl. *braccia*), literally an "arm's length," was a cloth measurement used in medieval and Renaissance Italy, measuring about a yard; see Carole Collier Frick, *Dressing Renaissance Florence* (Baltimore: Johns Hopkins University Press, 2002), 226. The author is grateful to Tawny Sherrill for this information.

37 Trexler, *Synodal Law*, 229–30.

38 *Ibid.*, 287–88. Forty days, the equivalent of the days of Lent, made up the typical time of pardon granted by medieval bishops for offenses that otherwise would be expiated in Purgatory;

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Among the superfluous ornaments it added to the previous list were wigs, which were treated as frauds.³⁹ A woman whose hair was too thin for her dignity was permitted to braid it with plaits [*trecciolos*] of linen, wool, cotton, or silk, as long as this did not involve “superfluous ornament” [*ornatum superfluum*].⁴⁰

This is a small number of decrees on which to build any conclusions, but these edicts point toward a problem that would become important later: how to strike a balance between moral rigor and the lived situation of the laity. By the beginning of the fifteenth century, the friars of the observant movements, both Franciscans and Dominicans, would become acutely concerned with dangers perceived as arising from vanity of dress. The Franciscan preacher Bernardino of Siena, one of the superstars of the medieval pulpit, was a leader among those who preached against such vanity,⁴¹ and at least one tailor who made vain garments was denied absolution by his Franciscan confessor.⁴² Rigorism would be manifested too by the Dominican firebrand Girolamo Savonarola, whose pyres of vanities featured prominently in a campaign to drive public vice out of Florence.⁴³ Another Dominican observant, however, offered a more moderate opinion: Antoninus of Florence advised Pope Eugenius IV to permit absolution of a tailor who made suspect clothing. He was willing to bow to local custom in dress, despite the moral dangers involved.⁴⁴ Both viewpoints, the inflexible and the flexible, can be found in our decrees. Cardinal Latino—and apparently Federigo Visconti as well—employed threats and censures. So too did Bishop Biliotti. Cardinal du Poujet, however, found room for moderation, raising age limits for the applicability of his predecessor's decree and exempting women of noble birth. There was room for both viewpoints in the larger tradition of moralization and suspicion of women's motives in dressing well, but the disagreements of clerics probably helped limit the effects of their criticisms and censures. The measures threatened against priests who absolved women guilty of offending against restrictions on their luxurious displays suggest that clerical noncompliance also undermined the effectiveness of these ecclesiastical statutes.

It remains, however, to explain the values displayed where these ecclesiastical decrees differ. The differences are not between clergy and laity. Many restrictions

see Robert W. Shaffern, *The Penitent's Treasury: Indulgences in Latin Christendom, 1175–1375* (Scranton, PA: University of Scranton Press, 2007), 92–93, 147.

39 A decree attributed to Pope John XXII (1314–34) condemning the use of false hair began circulating in this period; see Luigi Pesce, *Ludovico Barbo, Vescovo di Treviso (1437–1443)*, 2 vols. (Padua: Antenore, 1969), 1:141.

40 Trexler, *Synodal Law*, 289–90. See also *ibid.*, 116.

41 For translated excerpts from Bernardino's sermons on women's dress, see Eric W. Cochrane and Julius Kirshner, eds., *The Renaissance* (Chicago: University of Chicago Press, 1986), 119–28. See also Izbicki, “Pyres of Vanities,” 212–18.

42 Izbicki, “Pyres of Vanities,” 219–23.

43 Ronald M. Steinberg, *Fra Girolamo Savonarola, Florentine Art and Renaissance Historiography* (Athens: University of Ohio Press, 1977), 6–7, 33.

44 See note 2, above.

similar to Biliotti's were issued by Italian communes, using moralizing terms. In fifteenth-century Bologna, moreover, the distinction between lay and clerical became blurred when a papal legate, Bessarion of Nicaea, in 1453, and the vicar of a later legate, Francesco Gonzaga, in 1474, collaborated with the civic authorities in issuing sumptuary laws.⁴⁵ Nor were all clergy of the late thirteenth and early fourteenth centuries of the same mind. As we have seen, Cardinal du Poujet was more flexible than either his predecessor Cardinal Latino or his contemporary Bishop Biliotti. There is, however, a difference between the latter two in the measures they tried to impose. Cardinal Latino's concerns, apart from displays of skin, were primarily waste of cloth and its use on the streets rather than shiny ornaments. Bishop Biliotti expressed more awareness of the possible luxuries of ornament, and he tried to impose price limits on licit decorations. Here we may be dealing with a difference of generations. There was a more copious supply of fripperies by the fourteenth century,⁴⁶ and even a bishop thought about their prices. Moreover, Cardinal du Poujet, a foreigner in Italy, reflects another reality in his concessions: In a clear admission that noblewomen were to be treated differently from lesser folk, he exempted them from many legal restrictions.⁴⁷

The clergy would not be in the forefront of the next major effort at legislative regulation of vain dress.⁴⁸ Instead, the communes across northern and central Italy made and unmade statutes, issued and ignored them, condemned vanities and then taxed those who used them. Even in the kingdom of Sicily proposals that luxurious dress be curbed were made.⁴⁹ Flouting of these laws was endemic. The commune of Bologna, faced with such noncompliance, even tried to get the bishop to add censures to compel obedience to the commune's own sumptuary laws.⁵⁰ When the revivalist preachers of the early fifteenth century brought this issue to the fore again in clerical circles, they had to appeal to the lay authorities, not the bishops, for statutes regulating vain dress and other condemned practices.⁵¹ In this, both friars and civic authorities

45 Maria Giuseppina Muzzarelli, ed., *La Legislazione Suntuaria: Secoli XIII–XVI: Emilia-Romagna* (Rome: Ministero per i Beni et le Attività Culturali, Direzione Generale per gli Archivi, 2002), 148–52, 154–61.

46 A similar difference in detail can be found by comparing the 1288 and 1335 statutes of Bologna on sumptuary issues; see Muzzarelli, *Legislazione Suntuaria*, 54–55, 78–80.

47 The same concession was made by Antoninus of Florence; see Izbicki, "Pyres of Vanities," 223–34.

48 Biliotti's regulations about dress were not included in the diocesan statutes as later compiled. There was, however, a diocesan statute from 1354 that the commune of Florence briefly treated as the sumptuary law in force before it resumed regulating dress under its own rules; see Trexler, *Synodal Law*, 113.

49 For an example of sumptuary law in Bologna, see Maria Giuseppina Muzzarelli, *Guardaroba Medievale: Vesti et società dal XIII al XVI secolo* (Bologna: Il Mulino, 1999), 276–87. For the kingdom of Sicily, see Salvatore Tramontana, *Vestirsi e Travestirsi in Sicilia* (Palermo: Sellerio, 1993), 119–38.

50 Muzzarelli, *Legislazione Suntuaria*, 55.

51 Bernardino of Siena obtained statutes from certain cities, but the recent scholarship focuses on measures against sexual sins and usury, especially by Jews; see Mormando, *Preacher's Demons*, 156–57, 201, 203–8.

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notably failed. Moreover, some clerics were willing to compromise with fashion rather than oppose it outright. As noted above, a theologian with impeccable reformist credentials, the Dominican Archbishop Antoninus of Florence, when faced with demands for restrictions of women's garb, argued for moderation instead of rigor.⁵² Similarly, Ludovico Barbo, a reforming abbot, submitted to Pope Eugenius IV, his cousin, an inquiry concerning the absolution of women who wore false hair [*capillos allienos*]. The pope replied that they were not to be denied absolution.⁵³ There was no united clerical effort to restrain consumption and display. The papacy, itself becoming a sumptuous court, was no enemy of luxurious costume.⁵⁴

More important, in practical terms, the efforts of the rigorists were thwarted by the "sober" patricians of the big cities, as well as by their wives and daughters. Despite the anxieties these leading men expressed in sumptuary laws, their expenditures were among the chief funding sources of the luxury trade. They bought rings and other ornaments for the women of their households to uphold family status and their own dignity.⁵⁵ They, not their wives and daughters, usually paid the bills for pearls, precious metal, and fine robes. Nor were they soberly garbed themselves. Susan Mosher Stuard has shown that many merchants went about wearing heavy and expensive belts that showed their wealth and prominence, "gravity and authority." Men's belts were as rich as, and heavier than, the garments worn by the women of their houses.⁵⁶ We do, however, find echoes of the failed efforts of Cardinal Latino, Bishop Biliotti, and other prelates of like mind in the moralization of the Italian communes' sumptuary laws. These enactments echoed clerical language in their strictures on women's garb, expressing worries about vanity and lascivious conduct.⁵⁷ These moralized laws imposed limits on wives, daughters, and even young men, but rarely on males of mature age, the holders of the purse strings. The market became richer and more complex, but the language of condemnation remained the same in lay as in clerical legislation.⁵⁸

52 For manuscripts of the widely circulated *De ornatu mulierum* of Antoninus, see Kaeppli, *Scriptores*, 1:87–89, 4:28–29.

53 Pesce, *Ludovico Barbo*, 1:140–42, 2:7.

54 Thus the complaints by Nicholas of Cusa about the bright robes worn by curial clerics in his *Reformatio generalis*; see Morimichi Watanabe and Thomas M. Izbicki, "Nicholas of Cusa: A General Reform of the Church," in *Nicholas of Cusa on Christ and the Church*, ed. Gerald Christianson and Thomas M. Izbicki (Leiden: Brill, 1996), 341–53.

55 Medieval jurists recognized this fact; see Thomas M. Izbicki, "*Ista questio est antiqua*: Two Consilia on Widows' Rights," *Bulletin of Medieval Canon Law* 8 (1978): 47–50.

56 Stuard, *Gilding the Market*, 56–65.

57 For example, a Bolognese statute of 1335 begins "Wishing to obviate the vanities of the world"; see Muzzarelli, *Legislazione Suntuaria*, 78.

58 Stuard, *Gilding the Market*, 84–121.

Appendix 3.1

Cardinal Latino Malabranca's Constitution on Women's Dress (1279)

*c. 6 Concerning the dress of women.*¹

Almighty God, who requires the ornaments of virtue in his faithful people, intended to deter women from superfluous ornamentation of the body by way of the mouths of the prophets and apostles by calling them back with diligent warning, by holding them back with dire rebukes and by horrendous [threats] to the nations, as shines forth in many ways from the divine Scriptures. But because no few women, more to please the world than God, as their actions show, go to excess, acting quite imprudently in this superfluity, and lead others to excess [by their chiding], we, wishing to provide for their salvation and to warn about the many sins that frequently arise from this cause, strictly command in the present statute that, in the cities and other places of our legation in [which the present] constitution will be published by the bishops or their vicars, no woman more than twelve years of age go forth to proceed publicly in the city in a garment open in the front or a vestment flowing more than one hand's breadth on the ground, nor should she presume to wear a mantle on her shoulders with folds of more than two hand's breadths.² We add too that all married women who have attained the age of eighteen and have been married for more than a year should appear in public with their heads veiled, and none of them should wear in public [clothes] sewn together artificially from [different] types of cloth, so that with modest shame and bashful modesty, which especially ornament faithful wives, they show forth externally the chastity that they should have internally.

We compel those women who are known to have [at present] garments made in the aforesaid mode at least to give up those garments. But lest any such a woman should put off the making of garments of this sort to later, we prohibit this more strictly. If she, having set aside at the present time the fear of God and neglected care for proper integrity, should hold [this] our statute in contempt, we deprive her of all indulgences that were granted up to now or will be granted in the churches or preaching gatherings by our authority or that of other prelates; moreover, we deprive her of participation in all the sacraments. If she comes to penance for this or other sins, she is not to be absolved unless she promises firmly before God and a priest that she will observe the aforesaid statute thereafter. Thus she will doubtlessly bear witness by

¹ *De habitu mulierum*, translated by the author from the text in Mansi, 24:252–53. Mansi's edited text is imperfect. Words in square brackets are the author's additions based on Mansi's footnotes.

² Kovesi Killerby (*Sumptuary Law in Italy*, 98) translates *chlamys* as a train "one half braccio" long.

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her dress to those women who wish to please the world more than God and who do not blush to be counted in the number of light women that they will sustain not just the scourge of ecclesiastical discipline but the opprobrium of a reprehensible reputation. Last of all, that if any priest, religious or secular, should presume to minister to those women who offend in the aforesaid any ecclesiastical sacrament before due satisfaction is made, he should know that he will be suspended equally from office and benefice for one month. And if, nonetheless, he fails seriously we discern that he is to be deprived perpetually of the power of hearing confessions.

Done at Bologna on the second day before the kalends of October³ in the second year of the pontificate of the Lord Pope Nicholas III.

³ The kalends being October 1, the date of the document is, therefore, September 29.

Appendix 3.2

Cardinal Bernard du Poujet's Modification of Cardinal Latino's Constitution (ca. 1327)

Constitution¹ issued by the Lord Bernard, bishop of Porto, legate of the apostolic see, which modified the constitution Omnipotens issued by the Lord Latino.²

The judgments of the church triumphant and the church militant may so disagree with one another that a judgment of the former, which never errs nor is ignorant of the truth, should be followed. The latter, however, often embraces an opinion; and occasionally it happens to err and be deceived. For this reason the judgment of the church militant often errs about the outcome of future events out of uncertainty, so that what a seemingly truthful conjecture promised to be useful, sometimes, even after attentive consideration, might happen to be found not just useless but even harmful; and, therefore, what once was established advisedly, afterward might be revoked more advisedly.

Indeed the venerable father Lord Latino, bishop of Ostia, while apostolic legate in several parts of Italy, considering that almighty God requires in his faithful ornaments not of bodies but of virtues, forbade women by way of the holy Scriptures of the prophets and the apostles with diligent warnings, dire and horrendous threats, superfluous decoration of the body. He heeded in addition that many women of the region assigned for his legation, wishing to please men rather than God, were so excessive in superfluity of ornament and clothing that they drew others to excess by the example of their levity. Led by pious consideration that he might attack dangers to souls by decreeing certain things about the dress and ornament of those women by means of which, if they were observed as they should be, they would decrease lascivious superfluity of ornament, claim honesty of dress, and display outwardly the chastity that they should possess inwardly, he added certain penalties for those women who violated his constitution, also penalties for those priests, religious and secular, who absolved those women. They would not administer any ecclesiastical sacraments before due satisfaction had been made except in a case of imminent death.

But, because of the complaints of many foisted upon us, it became known that, on account of the shameless lasciviousness, impudence, and impudent audacity of many women, many dangers arise from the transgression of that constitution not just for the women who violate it but for their confessors. And even more perils arise than before that constitution from superfluity of ornament and dress. We, wishing to obviate such dangers, approve that constitution with added restrictions written below,

¹ Translated by the author from the text in Mansi, 24:253–54.

² See Appendix 3.1.

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restricting certain things that are constrained in that constitution on account of those evident dangers.

We decree, therefore, that no woman, once she has attained the sixteenth year of her age, should presume to walk publicly through the city in a dress the front of which is cut open, or to drag on the ground more than one hand's breadth of cloth from clothing falling from the shoulders. We add too that women who attain the thirtieth year of their age should go out in public with their heads veiled, and that none of them should wear in public clothes put together artificially out of different types of cloth.

If some woman, having set aside fear of God and neglected proper care for her reputation, should neglect to observe this statute, a penance, thus and so much, should be enjoined upon her by her confessor for the rashness of her transgression, so that ease of pardon does not incite others to offending. And if she should happen to stray very notably in these things, she can be restrained from her rashness by the diocesan bishop by means of ecclesiastical censure. Otherwise, we insistently require and exhort all bishops of our legation and other prelates having cure of souls, as well as secular and regular priests who hear the confessions of women, that they be responsible for this effort—an efficacious effort for the observance of this constitution—by the aforesaid means if they wish to avoid divine vengeance.

Indeed, we intend to restrain those things that happen frequently, not rarely, and to coerce by this constitution those women who more frequently and very apparently to onlookers, like those going to and fro through the city and on the roads, lead many to lasciviousness and sinning by the lasciviousness of their dress. We do not wish nobler women, who often dwell in castles and country houses, frequently having their habitations far from the gaze of men, that is, the wives and daughters of marquises, counts, and barons, since, just as they excel in nobility of blood, so they should be outstanding for nobility of morals and conduct, to be coerced by the restriction of our present constitution.

What, however, our aforesaid predecessor decreed concerning the dress of clerics studying at Bologna, who wish to have what he decreed about benefices to be restricted benignly to those having dignities or parsonages or parochial churches, we have considered restricted.³ [The text seems to end abruptly here.]

³ This constitution of Cardinal Latino is not found among his legatine decrees, but it is printed in Mansi, 24:247-48 n. 1.

Appendix 3.3

The Constitutions of Antonio d’Orso Biliotti, Bishop of Florence (ca. 1310)

*Concerning custom, rubric.*¹

The practices of women, by which the evil eye of the soul is affected badly and the resources of the Florentines are damnably exhausted, being unchecked, their men, regarding excess to be their life, pursue gain through every part of the world, going everywhere to acquire profit, even by evil means. The angel of death often uses the accomplishment of this to ingratiate himself. These men lack prayers, but their wives do not lack plunder. They ignore the apostolic command saying that women should deck themselves in garb ornamented with shame and modesty, not braided hair, gold, pearls, or costly garments.² According to his words, it is fitting that women pursue piety by means of good works, not like Jezebel, whose son Joram was thrown to the dogs in the field of Naboth.³ She, painted with antimony and her head ornamented, fell from above, dyed the hooves of horses with her blood.⁴ Therefore, on account of the first transgression, women are compelled to wear veils on their heads in the presence of a bishop; they do not speak in church;⁵ or rather they hear and learn. The one who pursues wastefulness will be filled with it.

What is more circumspect than to provide justice before the judgment of the soul and to call for medicine before the sluggishness of want? Thus, having care for shameless persons, the Lord’s discourse, tempered by a sober flow of speech, poured forth, so that from it the messenger, tempered like a musical instrument, receives Christ in his heart. Nothing is newly created by this messenger. Taking heed healthily with this pious and opportune constitution, which is to be in force inviolably, we have established and ordained—and we prohibit severely with the apostle, we prohibit to each and every woman past infancy, of whatever preeminence or status they are, lest they should presume within the territories of our episcopate to wear gems of any sort, or pearls, except in a ring or two, or gold wrought or made with any sort of art, or anything with a surface of any metal, except for belts,⁶ brooches,⁶ and even fillets of a value of 4 florins of gold at most, or borders with worked metal⁷

¹ *De consuetudine*, translated by the author from the text in Trexler, *Synodal Law*, 229–30.

² 1 Tim. 2:9.

³ 4 Kings [2 Kings] 9:24–26. Bible references are to the Douai-Reims translation from the Latin.

⁴ 4 Kings [2 Kings] 9:30–33. Jehu, when he seized the kingship of Israel, had Jezebel, the widow of King Ahab, thrown to her death.

⁵ 1 Cor. 14:34.

⁶ Trexler (*Synodal Law*, 115) translates *cingulis, maspilis, fibulis* as “buckle, belt, and buttons.”

⁷ Trexler (*Synodal Law*, 115) translates *scannelorum* as “worked metal.” The expression *fresciatura di scaneli* is also found in Italian. The term *scaneli* translates more literally as “grooved.”

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of a weight of at most 12 ounces, or crowns of any worked material or metal, or a net made of any material other than thread. Although always forbidden things enameled, they may wear clothes of wool or silk of one or two colors without any gold or golden ribbons, either made or put together by mixtures of some composite or designed work. When the purchase of cloth of this sort, decorated with metal, does not suffice, if they wish, they may wear a fringe of golden thread worth 3 florins. The head cloths⁸ of all these garments should be of such modesty that, apart from the whole throat, they show nothing of the body. They should not drag a train [of a cloak] two *braccia* long on the ground.

Violators of the apostolic mandate and our healthful constitution, or of anything contained in it, we bind with anathema; and we judge them infamous like disturbers of the fatherland. Those who knowingly admit to divine services or the place of preaching (of which we deprive them so that they may more easily return, afflicted with shame, to the bosom of the church), or give them the ecclesiastical sacraments except at the point of death, or receive them into a holy cemetery for burial (of which we deprive them as unworthy⁹), should expect deprivation of the benefices which they hold in our episcopate.

And because ease of being checked pertains less to women, freedom to disobey in this is taken away from them the more. For that reason, we bind with the same anathema each and every one of those who make by their artifice any of those things prohibited by us above, or sell them whole or in part, buy them, or give them to or for the use of any of the aforesaid women. The absolution of all and everyone who, acting contrary to the aforesaid rules or any part of them, incurs excommunication is reserved only to us and our superior.

*Concerning the meaning of words.*¹⁰

Some interpreters of unsound doctrine, with damnable daring, are striving to pervert the constitution which we once issued about checking the practices of women. Therefore, wishing to reveal the true sense of the said constitution with clear declarations, understand the terms “gems” or “pearls” to include fake gems, glass beads, and any other thing having the appearance of gems or things resembling them as prohibited. Denunciation of worked metal permissible to women should be such that one who wears a garment with such ornaments should be content with one with an established weight of 12 ounces. Truly they should abstain from any other ornaments. A woman who does wear worked metal, as we said, should be content

⁸ *Capizalia* is an Italian form of *capitale*.

⁹ Denial of burial to excommunicated persons who died unreconciled was permitted by canon law; see Vodola, *Excommunication in the Middle Ages*, 38–39.

¹⁰ *De verborum significatione*, translated by the author from the text in Trexler, *Synodal Law*, 287–88. This decree, and the “addition” following it, were issued at a slightly later date than the decree *De consuetudine*.

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with one ornament. Women, if they wish them, may have little chain clasps¹¹ for their cloaks, one each, gilded, with a price of 5 florins at most. Concerning what was said about brooches,¹² it is our intention that, of whatever precious metal or workmanship they may be, any woman should be content with only one brooch that does not exceed a price of 3 florins of gold. Likewise we say that bunches of ribbons of gold and borders of golden thread are included.

Furthermore, someone could wear clothes made of three colors if, by covering and hiding the third color, only two are visible, even if the color covered is gold. We do not understand clothes made of wool with various stripes or checks to have been prohibited to those who remain virgins, when the clothes lack images and contrived work.

In the future, because a great part of the burden of observation of the aforesaid constitution is imposed on clerics, all who, fearing the Lord, secretly denounce offenders of the same constitution to us or to our vicar should know that forty days of indulgence and the sum of the reward are conceded to them.

Since it is expedient to harmonize laws with laws according to canonical sanctions, and in many constitutions of individual churches, both religious and secular, of our episcopate already issued, individual constitutions exist in which something otherwise, more than or against what is contained in our constitution is found expressed, so that all matter for doubt, disagreement, and scandal may be removed, we also decree inviolably that any constitution issued by any prelate, chapter, or college, religious or secular, subject to our jurisdiction, however firmly entrenched, should be confirmed, reduced, and truly understood according to the form of our constitution speaking similarly or the same material. And if something should be contained beyond, above, or against what is included in our constitution, any such constitution should be reduced to ours, and understood according to what is contained in ours and should not be implemented, observed, or done otherwise.

This addition should follow the aforesaid constitution, "Concerning custom."¹³

The practices of women ... being unchecked etc. And because the malice of women and men is increasing, and the abuse or new detestation of the law seems to have, as if by a common error, grown strong, it is necessary to curb them with new remedies. Therefore, adhering to the vestiges of ancestral values, reproving a condemned error introduced against the force of nature, we order and command that no mortal person of either sex, whatever condition, dignity, and status he or she might be, contriving fraud thought up by the human mind, should place on his or her head any ornament,

¹¹ The author disagrees with the interpretation of these chains as forming belts, found in Trexler, *Synodal Law*, 115.

¹² The author disagrees with Trexler (*Synodal Law*, 115), who translates *fibulis* as "buckles."

¹³ *Ista additio debet continuari ad suprascriptam de consuetudine*; see Trexler, *Synodal Law*, 288.

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simulation, or any material by means of which an appearance of hair is pretended. Nor should he or she presume to wear locks, falls,¹⁴ coils, or plaits. If, however, a woman lacking hair wishes to use a remedy for her dignity, she may wear on her head simple plaits of the quality permitted to her, perhaps of linen, wool, cotton, or silk attached to the hair of her own head; and so she may make plaits, but not for any pretended dignity or superfluous ornament.

Against those who make any of the aforesaid for anyone we bind them with the chain of excommunication. They cannot be absolved of this sentence by any penitentiary deputed by usage unless according to the form of the law and the constitutions issued by us, except always the authority of a superior, from whom we cannot nor do we wish to derogate anything. Whoever might wish to obtain the benefit of absolution should pay 10 pounds of little florins to the church of Blessed Reparata,¹⁵ very certain of a good return from payment to the work of the aforesaid Works.¹⁶

14 The translation of *casciettis* (clearly some form of hairpiece) is not certain; the term is closer to a word for "helmet" than to most nouns used for false hair. A fall is a partial hairpiece designed to cover the back of the head.

15 The old cathedral of Florence over which the new Duomo, Santa Maria del Fiore, was later built. Remains of the old cathedral are to be found beneath it.

16 The *Opera* or administrators of the building's fabric.