

## **EARLY LAWS ON CARD-PLAYING IN TOWNS UNDER FLORENTINE INFLUENCE**

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A great deal of information about the first decades of the history of cards in Europe derives from the statutes containing the corpus of laws approved by each commune. Schreiber's well-documented book uses them as a source. (1) This information is repeated in later treatises on card history, without significant new entries. However, these quotations are not drawn from particularly early Italian documents, as they are often dated a full century after the introduction of cards.

The starting point for the present study was Zdekauer's suggestion (2) that the laws of some small towns around Florence actually allowed card playing, thus appearing to be less severe than those of Florence itself. After examining the original texts of 1377 I therefore had another opportunity to search for documents in the Florentine Archivio di Stato. From its superb position in the Uffizi it has been transferred to new purpose-built premises. During the months of closure necessary for the move I eagerly waited for the archive to be opened again in its new location in order to check the statutes of the small towns around Florence. When it finally opened, I was rather taken aback by the realisation that there were no less than 956 statutes, each of them being, as a rule, a big tome written in various hands in old Italian and/or Latin. After some reflection, I checked a selection of about thirty codices having suitable date and origin (mainly communes bordering on Florence and federations of country villages).

The state of preservation of these items is very disparate. In many cases the compilation begins with the first effort made by the commune to have its own corpus of laws, or statute. It should be remembered that executive and judicial power, as well as other offices, was then held by professional staff which commonly occupied each position only for a semester. The statutes were thus essential for both the inhabitants and the administration as the legal text to be followed in each occasion. Subsequently, over several centuries, there are usually many amendments of single chapters which were no longer considered to be suitable. Sometimes the modifications are of an accounting character. We often find amendments in electoral and administrative procedure.

Contrary to what we would have preferred, games are not a frequent item in the statutes. In most cases, however, there is a full chapter devoted to games. This stems from tradition; a similar chapter can also be found in older texts of this kind. It usually concerns nothing more than the prohibition to play "a zara" or "ad zardum", the name of a specific dice game which was commonly used to mean dice gambling in general. Most statutes just repeat same sentences, sometimes shortened to a few lines, sometimes extended to more than a page. Sanctions are indicated for gamblers; the fine is commonly halved for observers or doubled if gambling takes place at night or in particular places. Further indications may sometimes be found concerning (card) games among the amendments usually entered later in the book.

Obviously, when cards were first introduced no law could previously exist against them. They therefore circulated freely at first and were prohibited only later. We find traces indicating that a complete prohibition of cards, as was soon imposed in Florence, encountered some resistance in many country villages and suburbs around the town. Many centuries elapsed before a general agreement was found concerning dice and board games! When the various card games began to spread, no consistent method was used to legislate about them, which led to different laws in different towns.

In several statutes a chapter on games could not be found. (3) In some others the chapter was

of a traditional kind, where no mention was made of cards, only dice games. (4) In many cases these statutes have later additions from the 16<sup>th</sup> century forbidding games - including card games - near particular churches or sanctuaries. Some specific examples will be considered, after which a general account will be attempted.

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**Settimo.** In 1408 games are forbidden, as they were by the Florentine commune. In 1409 some laws are added concerning accusations. In 1414 the game of “scannacompagno”, which seems to be a dice game, is specifically and strongly forbidden.

**Montelupo.** In 1416, after the forbidding of dice games in the usual terms, it is added that similar fines will be incurred by anyone playing the game of naibi ...*simili pene incontri chi giucherà al gioco di naibi.*

**Prato.** In 1463 games of “cartarum” are added to the list of forbidden games. In an older statute “scalabrino” - probably a dice game - is mentioned as a dangerous game and to be avoided.

**Campi.** In the statute of 1410 names of gambling games are indicated which may in part refer to card games; (5) games with naibi are forbidden as a whole, although they carry only half of the usual fine.

**S.Pietro in Mercato** (Montespertoli). Cards are not mentioned in the list of games permitted in the 1398 statute; (6) naibi are forbidden, although at a reduced fine of 20 soldi instead of 30.

**Santa Maria a Monte.** In the statute of 1391 cards are not mentioned. All card games are forbidden in November 1396; the fine is of 20 soldi instead of 3 lire provided in 1391 for other games. Curiously enough the people of Santa Maria a Monte return twice to this law to effect deletions. In November 1419 a short chapter of just two lines is introduced to delete the above-mentioned chapter against naibi. In January 1445 another chapter is introduced which - if I have understood it correctly - deletes the deleting chapter of 1419, thus restoring the prohibition of cards. A law of 1517 forbids playing near the pieve church.

**Volterra.** The statute of 1459 contains many toll laws, but detailed laws on games can also be found. Perhaps the most interesting point is the exemption of two card games, “alla diricta” and “a vinciperdi”, which are also recorded elsewhere and which appear to be a single game played to win or lose “...*excepto quel genere di giuocare che volgarmente si dice alla diricta et ancora a vinciperdi. A quali due modi liberamente et senza pena giuocare si possa.*” These names or similar ones we mostly know as referred to triumphs (e.g., in some North-Italian statutes only triumphs played “alla diritta” were excluded from card prohibitions). The fact that same name is maintained, before and after the introduction of the triumphs, shows that a trick taking game was one of the first games ever played with cards in Europe.

**Cascia** (Reggello). In this league there is an unusual example of getting round the effective prohibition of naibi. In the statute of 1433 cards are exceptionally introduced into the previous chapter, concerning blasphemy, instead of the usual one. Cards are thus only prohibited if played in churches or within a given distance of them. (7) However, from additions to another version of the statute we learn that from as early as 1404 *condannata* had been forbidden, as was all card playing in 1412.

**Carmignano.** A long chapter against gambling appears in the statute of 1392, but cards are not mentioned. The topic is dealt with twice in 1442. On the 9th July, a chapter is added forbidding “*ludum cartarum seu naiborum*” at same fine as for “*zardum*”, which has to be distributed one half to Carmignano commune, a quarter to the podestà, and a quarter to the accuser. Only ten days later a new law is passed: before passing sentence, the podestà has to respect the status of the players and to consider the quality of the place and way of playing. (8)

**Borgo San Lorenzo.** In statutes of 1374 and of 1386 cards are not mentioned. In a later

modification only tavole and schaccho are allowed, owing to their ancient origin. In 1428 it is regretted that a card game named “alla condannata” is becoming the fashion of the village and it is prohibited as dice games. In 1437 naibi are explicitly prohibited with the exception of the “standard” game of *alla diritta e alla torta*.

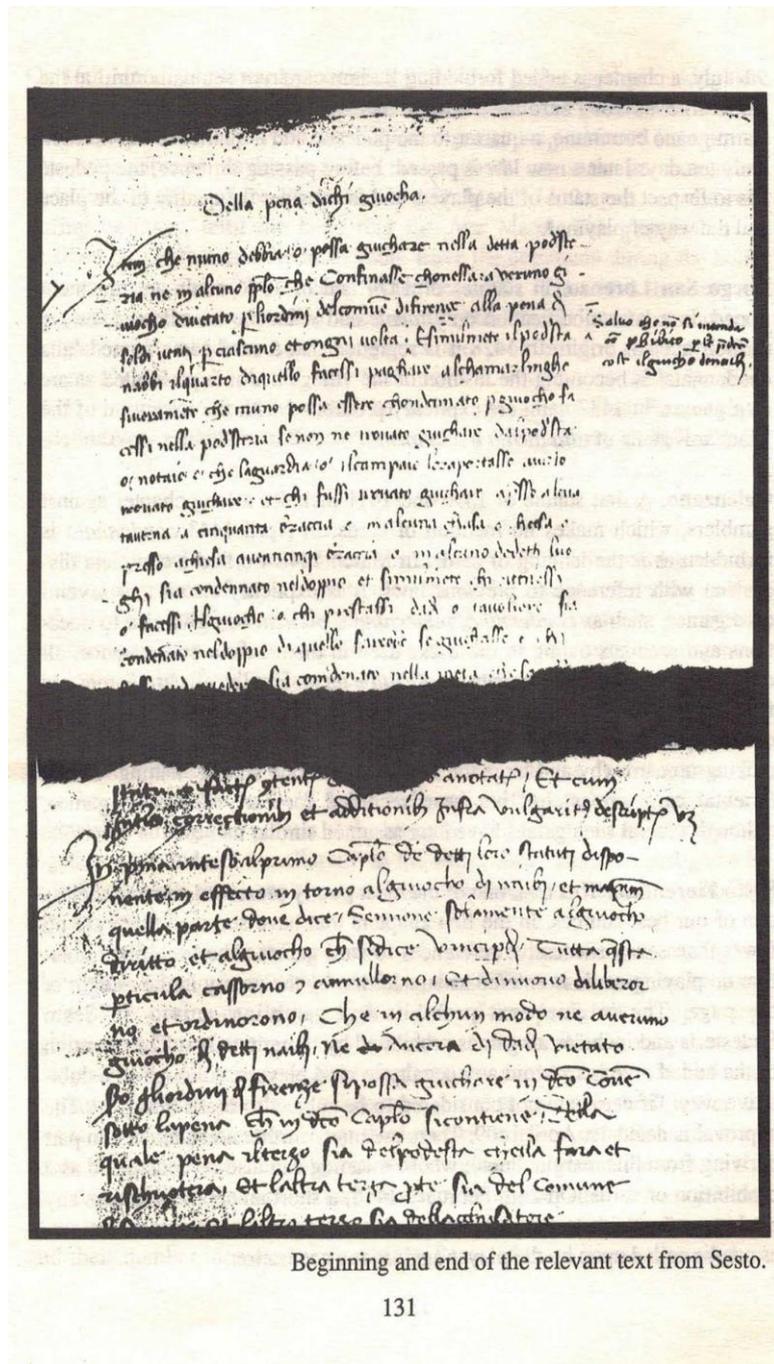


Figure 1 – From the *Statuto* of Sesto Fiorentino.

**Calenzano.** A first statute of 1396 and 1411 includes a long chapter against gamblers, which makes no mention of cards. In April 1443 *condannata* is forbidden as is the lending of cards. In March 1448 we find a complete discussion with reference to previous laws. It is explicitly stated that several cards games, such as *condannata*, *pilucchino* o *pizzica*, can give rise to questions and scandals owing to the tricks used in them. (9) As a consequence all card games are forbidden except for *diritta e torta*. Finally, all card game are forbidden in May 1448. The names of *pilucchino* and *pizzica* appear to indicate a typical way of taking cards one at a time

from the stock. This way of picking up cards (by large the most diffused one among “fishing” and/or Oriental card games) has not been recorded for early European games, although several such games have later assumed similar names.

**Sesto Fiorentino.** This text, one of the most poorly preserved, is nevertheless one of our best sources. In the few chapters that have survived there are no fewer than seven successive references to card games. The very first quotation on playing-cards is entered as an addition by the notary in the margin of the page. The original text prohibits any gambling activity in Sesto Podesteria and includes all games prohibited by Florentine law. The intention of the added note is to avoid any penalty to card players, although in a dubitative way: “if cards are not considered to be subject to those things”. (10) The approval is dated 1<sup>st</sup> April 1409. There are many further amendments, in part deriving from this marginal note, whose meaning can also be considered as a prohibition of cards. On 24<sup>th</sup> February 1416, a short amendment allows any card game “notwithstanding the marginal note”. (11) Furthermore, two witnesses can be called upon by the player against any accusation.

On 16<sup>th</sup> March 1419 new legislation is introduced with a view to making the guards do their duty, and punishments are envisaged for guards who do not accuse players. On 14<sup>th</sup> February 1427 card games are prohibited (except for Florentin citizens playing in Sesto), and anybody can make an accusation and obtain a share of the fine paid. On 10<sup>th</sup> March 1432 cards are allowed during holidays, until the bells ring the Ave Maria. This permission is justified by the fact that the local youth leave the commune during the holidays to play “a zara”. (12) On 26<sup>th</sup> September 1445, it is stated that several dangerous games are spreading, such as “alla condannata”, and that counter-measures are needed. All card games are prohibited, except for the commonly allowed “diritto” and “vinciperdi”. (13) Finally, on 20<sup>th</sup> October 1445, on the updating of the statute for the next five-year period, the question is definitively settled: from that moment no kind of card game is allowed. (14)

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To anybody evaluating the subject, it is not apparent whether card games in general, and some of them in particular, should be considered similar to the forbidden dice games or, for instance, to backgammon, which was permitted. For centuries, and until now, it has been difficult to state which card games can logically be allowed. Thus it cannot be surprising that naibi were initially permitted by some communes and prohibited by others, or that the consideration in which they were held changed radically in the course of time. Thus, a sort of classification grew up between the “best” and the “worst” games. (It may be recalled that in 1456 Trotti indicated in Ferrara “trionfi” played in partnership among four players as the best game and “alla terza” or “alla quarta” together with “ludus fulcinellorum” as the worst ones.) Here the best game is “alla diritta o alla torta”; the worst, and the most frequently named, is certainly the “condannata”.

After examining the different laws of various communes, we can try to distinguish a common attitude underlying them. The task is not easy because the various communes kept a high degree of independence in legislating against card games, as the present research has shown. When card games are first prohibited the law states that nobody can be punished unless he is found at play by official guards or employees. A rather common modification to this is to accept accusations from third parties on given conditions; in most cases a share of the fine is given to the informer, whose identity is not revealed. But the games played with naibi or carte (the latter name is present in early documents and progressively replaces the former one) were various and their number increased very rapidly. Some of these games appeared to possess the same bad qualities as forbidden dice games - one in particular: the “condannata”. Thus it was often felt necessary to prohibit some of the new card games.

Later, it was sometimes found appropriate only to list a single or a few allowed card games. A difference between the two ways of introducing the names of games - either for forbidding or allowing them - may be found in the traditional character required for a game to be permitted; in latter case a substantial age may be supposed even on first insertion. Finally, all card games were commonly forbidden (perhaps, in order to avoid the troubles of a difficult demarcation and/or verification between games to be allowed or to be prohibited).

These successive stages do not occur everywhere to the same extent. It depends on the date of the statute and on the location; in some cases the final point is reached immediately by equating cards to dice. Some places seem to have shown a stronger resistance to the prohibition of card games. Some decades later the war against card playing abated somewhat, first of all in Florence itself, where some games were permitted again in 1450 and others in 1463 and 1477. (15) During the following century, in general only the prohibition of card games near main churches and sanctuaries is found in the statutes of the communes of the Florentine territory.

## Notes

(1) W.L. Schreiber: *Die ältesten Spielkarten*. Strassburg 1937.

(2) L. Zdekauer: Recensione di "Joseph Brunet y Bellet - Lo joch de naibs,..” in: *Rivista di Storia Italiana* (1887) 76-81.

(3) In particular, Colle, Leccio, Livorno, Montepulciano, Pescia, S.Gimignano.

(4) In particular, Bagno a Ripoli, Chianti, Fiesole, Figline, Firenzuola, Impruneta, Poggibonsi, Radda, S.Giovanni, S.Miniato, Sansepolcro, Signa, Vinci.

(5) ... *che nel comune di Campi non si possa giuchare a giucho di zara né coderone né tre buone giuocherà dove cadano denari o achordare? l'oste a la pena di lire due per ciascuno e per ciascheduna volta .... e che nessuna persona giuochi a giuochi di naibi alla pena di soldi venti ...*

(6) The list includes those of *tabularum dummodo in ditto ludo tabularum intersint omnes triginta tabulae, scachorum, pilae, aliessorum, marellarum et sagittarum*.

(7) *Et nessuna persona possa giucare a naibj overo carte palla o marelle in alcuna chiesa della detta lega né sotto alcuno portico, chiostrò o cimitero d'alcuna delle dette chiese o presso ad alcuna delle dette chiese per 25 braccia.*

(8) *quicumque luserit ad ludum cartarum seu naiborum puniatur in libris quinque sicut ludentes ad zardum... In primis...de pena ludentis ad ludum naiborum remiserunt in arbitrium potestatis utinam talis ludens mererit condempnari nec ne habito respectu ad personalitatem ludentium qualitatem locum et modum ludendi et sic observari voluerunt et mendaverunt.*

(9) ...*considerato che a naibj overo carte si fanno diversi giuochi come se condempnata, piluchino overo pizica e altri simili che spesse volte ne nasce questioni e scandali per gli inganni che in detti giuochi si usano.*

(10) *salvo che non si intenda come proibito per le predette cose il giucho de naibj.*

(11) ...*per levare via maggiori inconvenienti si possa e sia lecito a ognuno giuchare al giucho de naibj come si contiene ne detti statuti nonostante la corectione facta per li approbatori...*

(12) ...*i giovani d'esta podesteria per non potere giucare al giuoco de naibj ne pigliare alcuno spasso vanno di fuori della podesteria... ordinorono che per lo avvenire a ciascuno sia lecito et possa al giuoco de naibj tanto et non ad altro giuoco divietato giucare i dì delle feste comandate per la chiesa di dì tanto et non di nocte per alcuno modo et intendasi di nocte come suona l'Ave Maria di sera...*

(13) ...*in nessun modo si possa giucare al giuoco de naibj se non solamente al giuoco diritto et al giuoco che si dice vinciperdi ...*

(14) ...*diliberorno et ordinorono che in alchun modo ne a veruno giucho di detti naibj ne ancora di dadi vietato secondo gli ordini di Firenze si possa giuchare in dicto comune...*

(15) F.Pratesi: *Communication at the IPCS Convention. Second part.* Trieste 1989. To be published in this journal.