New towns, religious change and the transformation of authority in the Marche : 1050-1215

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Thesis submitted for partial fulfilment of the degree of Doctor of Philosophy

Birkbeck, University of London, 2023.

I declare that the work presented in this thesis is my own:

Jack Watkins, 10/10/2023.

Abstract

This thesis argues for close interdependence between religious and economic change in medieval Europe by taking a material and spatial approach to the transformation of authority in the long twelfth century. These dynamics are clearly expressed when lords and communities commit to building new walled towns, often combining existing settlements around churches and fortifications. With a focus on social strategies and collective assemblies, the thesis evaluates the production and use of shared space within new towns in central Italy between 1050- 1215. It does so regional study consisting of case studies evaluating the formation of larger walled centres including Civitanova, Montecchio, Cingoli, Macerata, Montolmo, Sant'Elpidio and San Severino all located in the Marche region of central Italy, making particular use of documents kept by the Cistercian monastery of Chiaravalle di Fiastra. Chapter 1 considers disparate parish identities and the use and reception of canon law, concerning the ownership and maintenance of churches as preconditions for changes to rural kin groups and settlement. Building and funding for stone churches is the focus of Chapter 2 which uses two case studies from the Chienti valley to connect the high politics of reform with local political transformations. Mobility and peasant migration are the subject of Chapter 3, showing that both peasants and lords negotiated the foundation of larger rural settlements. The second half of the thesis explores the interaction of space and assembly during the later twelfth century. Chapter 4 focuses on disputing and Chapter 5 on the commercialisation of agriculture, both activities that contributed to the gradual demarcation of the civic piazza as a public sphere influenced by expression and competition in the built environment. The small-scale urbanism of the Marche illustrates how religious and commercial change influenced the production of social space and reconfigured political authority.

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ASC   Archivio Storico Comunale di Cingoli

ASF   Archivio di Stato di Fermo, Comune di Fermo, Antico regime.

ASM   Archivio di Stato di Macerata

ADT   *Treja, antica città picena, oggi Montecchio*, *Appendice diplomatica* ed.
               Giuseppe Colucci, Macerata, 1780.

CF I and II   *Il chronicon farfense di Gregorio di Catino; precendono la constructio
               farfensis e gli scritti di Ugo di Farfa.* Volume 1 and 2, edited by Ugo Balzani,
               Rome, 1903.

CFA I   *Carte di Fonte Avellana 1, (975-1139),* ed. Celestino Pierucci and Alberto
               Polverari, Rome, 1972.

CFA II   *Carte di Fonte Avellana 2, (1140-12022),* ed. Celestino Pierucci and Alberto
               Polverari, Rome, 1977.

Fiastra I   *Le carte dell'abbazia di Chiaravalle di Fiastra - I, Documenti degli anni 1006-
               1180* ed. Attilio De Luca, Spoleto, 1997.

Fiastra II   *Le carte dell'abbazia di Chiaravalle di Fiastra - II, Documenti degli anni 1181-
               1200,* ed. Attilio De Luca, Spoleto, 1997.

Fiastra III *Le carte dell'abbazia di Chiaravalle di Fiastra - III, Documenti degli anni
               1201-1216,* ed. Giuseppe Avarucci, Spoleto, 1997.

Fiastra IV   *Le carte dell'abbazia di Chiaravalle di Fiastra - IV, Documenti degli anni
               1217-1230,* ed. Cristina Maraviglia, Spoleto, 2001.

Fiastra V   *Le carte dell'abbazia di Chiaravalle di Fiastra - V, Documenti degli anni 1231-
               1237,* ed. Giammario Borri, Spoleto, 1998.

SC	*Giammario Borri, 'Documenti per la storia del monastero di Santa Croce al Chienti (1085-1291)', Studia Picena, 69 (2004), 7-87.*
LF I	*Liber iurium dell'episcopato e della città di Fermo* (977-1266). *Codice 1030 dell'Archivio storico comunale di Ferm*o, ed. Delio Pacini, I, documents 1-144, Ancona, 1996,
LF II	*Liber iurium dell'episcopato e della città di Fermo* (977-1266). *Codice 1030 dell'Archivio storico comunale di Ferm*o, II documents 145-350, ed. Giuseppi Avarucci. Ancona, 1996.
LF III	*Liber iurium dell'episcopato e della città di Fermo* (977-1266). *Codice 1030 dell'Archivio storico comunale di Ferm*o, III. documents 351-442 and index, ed. Ugo Paoli. Ancona, 1996.
LRI	*Il libro rosso del comune di Iesi volume. I: Codice 2 dell'Archivio storico comunale di Iesi* Giuseppe Avarucci and Maela Carletti ed. Spoleto 2007.
LRF	*Il Libro Rosso del comune di Fabriano,* ed. Ermine Irace, Andrea Maiarelli and Attilio Bartoli Langeli *volume 1-2. (Ancona, 1998).*
LRO	*Il libro rosso del comune di Osimo,* ed. Maela Carletti and Francesco Pirani, Spoleto, 2017.
MGH	*Monumenta Germaniae Historica, diplomata*
DD FI	*Diplomata, Die Urkunden der deutschen Könige und Kaiser, Die Urkunden Friedrich I,* 1152-115, edited by Heinrich Appelt, (Hanover,1975).*
PM	*Le pergamene di Matelica. Regesto*, ed. Giulio Grimaldi, *Fonti per la storia delle Marche* (Matelica, 1915).

RegFirm	*Cronache della città di Fermo; Regesta firmana* in *Documenti di storia italiana, vol. IV*, ed. Giovanni. de Mincis and Marco Tabarrini, Florence, 1870.
RF III	*Il Regesto di Farfa compilato di Gregorio di Catino,* Volume III, ed. Ignazio Giorgi and Ugo Balzani, Rome, 1879.
RF IV	*Il Regesto di Farfa compilato di Gregorio di Catino,* Volume IV, ed. Ignazio Giorgi and Ugo Balzani, Rome, 1879.
RF V	*Il Regesto di Farfa compilato di Gregorio di Catino,* Volume V, ed. Ignazio Giorgi and Ugo Balzani, Rome, 1892.
CDA	'Il codice diplomatico di Amandola', *Memorie Storiche della città di Amandola,* Volume 3, ed. Pietro Ferranti, Ascoli Piceno, 1891.
CSV	'Codice diplomatico della terra di Santa Vittoria'*, Delle Antichita Picene*, Volume 18, Giuseppe Colucci, Fermo, 1796.
SCSV	'Supplemento al codice diplomatico della terra di Santa Vittoria'*, Delle Antichita Picene*, Volume 31, ed. Giuseppe Colucci, Fermo, 1797.
SVC	*Le carte del monastero di S. Vittore delle Chiuse sul sentino,* ed. Romualdo Sassi , Milan, 1962
SCC	*Le pergamene del Monastero di Santa Caterina, 1104-1215,* ed. Simonetta Bernardi, Rome, 1983.
QAP	*Il Quinternone di Ascoli Piceno,* ed. Giammario Borri, Spoleto. 2009.

Senigallia

Adriatic Sea

Montalbaddo

Monte San Vito

Ancona

Jesi

Numana

Osimo

Serra S. Quirico

Recanati

Pietrafitta

Cingulum Cingoli

Montesanto

Fabriano

Helvia Ricina

Treia

Montecosaro Civitanova

Macerata

Morrovale

Montecchio

Pausulae

Cluana

Montemilone

Lornarno

Castello Castri

Matelica

Montolmo

S. Severino Septempeda

Montegranaro

S. Elpidio a Mare

Tolentino Tolentinum

Villamagna

Cerqueto

Monte Nereto

Urbs Salvia

Monte Urano

Francaville d'Ete

Fermo

Camerino

Castrum Loro

Colmurano

Montegiorgio

Ripa S. Ginesio

S. Ginesio

Castrum Sant'Angelo in Pontano

Penna S. Giovanni

Aspramonte

S. Vittoria in Matenano Cupra Maratima

Ripatransone Maráno

Montefalcone

Amandola

Force

Offida

Ascoli Piceno

○ Roman municipum
● Castello
● City

Map of the central Marche region with major settlements. For further maps see Appendix 1.

Introduction

From a document drawn up in 1208, we can begin to see how a significant personal event unfolded within the shared open space of a medieval walled town. The document records the annulment of a marriage heard by the inhabitants of Montecchio, a walled town formed from several smaller settlements in the Marche region of Central Italy. The document consists of a statement by Teucius, priest of an early medieval baptismal church dedicated to John the Baptist situated on the outskirts of the former Roman town of *Treia*, whose ruins were still visible to travellers along the provincial road running from the Apennine foothills along the Potenza valley to the Adriatic sea.[1] Teucius pronounced the announcement within the walls of Montecchio, in the open space which lay beside the parish church of S. Maria, a newer church which may by now have displaced the older baptismal church as the place where Montecchio's Christian inhabitants usually heard Mass.[2] Teucius spoke in front of a crowd assembled in the piazza to resolve a dispute between a woman named Diavenera Rustici and her husband, Atto, son of a Moricus Bernardi; he annulled their marriage because they were too closely related. Teucius declared that three witnesses had confirmed their parentage and that they shared a maternal great-grandmother, Berta. This transgressed the stringent consanguinity laws introduced by the current pope, Innocent III, and so Teucius decreed they should be separated. The document

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[1] Frank Vermeulen, Bozidar Slapšak and Dimitrij Mlekuz, 'Surveying the Townscape of Roman Trea (Picenum)', 2013, 261–82, 264, Sonia Virgili, *Insediamenti civili e religiosi nella media e alta valle del Potenza (MC)* (Florence, 2014), 33-6. For cult continuity at Treia: G. M Fabrini, "Dal culto pagano al culto cristiano: testimonianza archeologiche e documentarie per l'area del SS. Crocefisso al Treia", Picus, 10 (1990).

[2] For S. Maria as baptismal church in the thirteenth century : Virgili, *Insediamenti civili*, 33-4.

recalls that this was done in the piazza in front of the stone and earth house (*acteratum*) of residents who were both among the named witnesses who are marked out among the vary many who are said to have gathered to watch.[3] From the short text of this document, and others like it, we are able to imagine how a gathering of residents and neighbours were framed by buildings with both religious and domestic functions, relating people according to both religious and lay concerns. It shows the local use and reception of new church law that was communicated and legitimised through assembly in the open space of this small town. This event combined local relationships and the distant instructions of the pope; it transpired in a new space, with new norms, built out of older elements.

With recourse to some speculation, we can position this assembly among strategies which sought to create a public truth through the authority derived from open assemblies.[4] Further documents hint at what might be going on beneath the unanimity proclaimed in the piazza in 1208. Atto's father, Moricus Bernardi, was an influential local judge and had served as governing official (*consul*) in the neighbouring town commune of Cingoli.[5] It may be that he had deployed his legal knowledge using new consanguinity laws to puncture the open secret of widespread blood

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[3] SCC, doc. 51, p. 96 (1208).

[4] Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423*, (Ithaca, 2003).

[5] For his presence in the communal archives of Cingoli: ASC, pergamene, 6. (1198). And Archivio comunale di San Severino, Valf. XIII, decaf. II-33-cas. X. Giammario Borri, 'Le carte del monastero di S. Maria di Valfucina (1058-1250)', *Studia Picena*, 55 (1990), 5–83, doc. 73, p. 54-55 (1218). For a profile of Moricus Bernardi: Francesca Bartolacci, *Di uomini e di pietre; Cingoli nel policentrismo della Marca medievale (secoli XII-XIV)*, (Spoleto, 2020), 32-33

relationship, a tactic used elsewhere in Europe to enforce parental control over an unsanctioned or undesirable union.[6]

Six months after the public annulment of this marriage, Atto was remarried to Bonadomana, who had just inherited half of her father Atto di Selvo's land, which included her shares in a church, mill, pasture and two farmsteads owing rents and services as part of a wider group (*consortia)* that included her brother, also Atto.[7] It seems that Bonadomana's new father-in-law Morico did well out of this arrangement, as in the following year he bought a two-story *palatium* on Cingoli's main thoroughfare.[8] In the following year, outside this new house, Morico represented Bonadomana in a dispute over a small piece of land and a garden by one of the town gates.[9] A year later, Morico increased his involvement with Bonadomana and the Di Selvo land, when she, with her hand on a gospel book, swore to renounce her customary legal rights and make Morico her legal guardian, transferring to him services from three tenants.[10] We cannot know how much choice Bonadomana had in the matter of guardianship; there are examples of womßen being able to choose their guardian, and it might have suited Bonadomana well to have an influential judge

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[6] R I. Moore, *The First European Revolution: 970-1215*, (London, 2000), 91-94. The local textual communication of new consanguinity laws is indicated by the survival of an extract from Gratian's decretals in a twelfth-century sacramentary from Fermo: Vatican Library MSS Arch.Cap.S.Pietro, F 15, 184v 185r.

[7] SCC, doc. 54, p. 100-101 (1208).

[8] *unum casam muratum in Cingoli, scilicit unam palaciam adteratum cum mura et sola et tecto et parietes… a I lata via publica:* SCC, doc. 58, p. 106 (1209).

[9] SCC, doc, 60, p. 108-9 (1209).

[10] SCC*,* doc. 62, p. 111 (1210).

as guardian as she grappled with the land claims of her brothers.[11] More certainly, Morico acquired control over much of this family's land. We can say quite a bit about Morico's dealings on account of his family's later relationship with a lay hospital in Cingoli, which kept many of his documents.[12] Morico emerges from these documents as a minor monastic client, who acquired significant land and influence through his position as judge, official and possibly as a merchant.[13] All of these activities were linked to a performance of status in and around the walls of two neighbouring towns, Cingoli and Montecchio. In such walled towns, formed in the twelfth century, it was in collective assemblies that local authority was reproduced and communicated, and where legal and religious changes supported by the reform papacy were utilised and publicised.

This thesis argues for close interdependence between religious and economic change in Medieval Europe by taking a material and spatial approach to the transformation of authority in the twelfth century. Authority in medieval Europe was defined through assemblies and I offer here a close

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[11] For an incident in which women are asked to state their free choice of guardian see Patricia Skinner, 'Disputes and Disparity: Women in Court in Medieval Southern Italy', *Reading Medieval Studies*, 22 (1996), 85–105, 93-94.

[12] The archives of S. Catrina, a female monastery founded in 1217 seems to have acquired many of its twelfth century documents from lay hospitals, in particular its close neighbour, the lay hospital of Spineto which was incorporated into S. Caterina in 1234. Simonetta Bernardi Saffiotti, 'Il monastero di S. Caterina di Cingoli e le sue pergamene', in *Atti del XIII convegno di studi maceratesi*, 1979, 68–106, passim. Simonetta Bernardi, 'Esempi di assistenza a Cingoli nel sec. XIII: gli ospedali di Spineto e Buraco', in *Cingoli dalle origini al secolo XVI. Contributi e ricerche*, 1986, 257–88.

[13] For a short profile of Moricus Bernardi see Bartolacci, *Di uomini e di pietre; Cingoli nel policentrismo della Marca medievale (secoli XII-XIV),* (Spoleto, 2020), 32-33. One of his sons dealt with Florentine wool dealers and he may have continued a family trade.

examination of how a variety of medieval individuals shaped and interacted with the built environment. I use this approach to reconsider changes in how authority and institutions were realised in the twelfth century. I consider medieval assemblies to be shaped and conditioned by the collective efforts and discourses of power expressed in the built environment In these spaces we can observe the interaction of economic, religious and political change. I examine closely how different forms of assembly interacted with and influenced one another and the implications of this for how authority was exercised through the twelfth century. These dynamics are clearly expressed when lords and communities commit to building new walled towns, often combining existing settlements focused on churches and fortifications. We seldom know exactly how walls and churches were built and paid for, but there are many signs that buildings were a source of negotiation, an expression of power and of collective identity. I argue that the interrelation of these processes is best understood by evaluating documents as residues of assemblies, whose stated legal purpose was shaped and conditioned by the collective effort and discourses of power expressed by the people involved as well as in the built environment. Individual strategies shaped and were in turn shaped by this interaction between assemblies and space.

I draw from the tradition of Italian *microstoria* to consider how the discourse and practice fostered by central authorities, such as the papacy, were received, negotiated and modified at the level of individual settlements.[14] In a seminal study of peasant strategies and social logic in a small rural community, Giovanni Levi compared his analysis of events in notarial archives of the

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[14] Carlo Ginzburg, John Tedeschi and Anne Tedeschi, 'Microhistory: Two or Three Things That I Know about It', *Critical Inquiry*, 20/1 (1993), 10–35, 33. Edward Muir and Guido Ruggiero, *Microhistory and the Lost Peoples of Europe* (Baltimore, 1991), Introduction, VIII.

village of Santena with loitering and observing the passage of life in the piazza over twenty-five years. This commitment to viewing social relations up close from the ground up furnished Levi with a framework with which to critique contemporary historical and sociological models regarding the economic strategies of peasant societies and the formation of the early modern state.[15] The importance which Levi gives to persuasive and less tangible influences offers a conception of social power open to a wider range of actors.[16]

I aim instead to observe the construction and demarcation of the small-town piazza in a less systematic, but no less revealing documentary landscape. I analyse this space as a means to connect different types of historical change expressed in assemblies which coexisted, often in the same space. Across the Marche, the demarcation of the piazza occurred as part of a process of settlement change in which smaller settlements were combined into larger walled *castelli*. In some cases, this was a piecemeal, autonomous process. In other cases, an agreement to expand a settlement is recorded in a document, commonly referred to as a franchise charter, offering incentives and privileges for inhabitants and new migrants. The ideals and practices associated with such documents were derived from urban counterparts and connected in multiple ways to the broader expansion of urban networks and governments in the twelfth century. I suggest that these small towns show with notable clarity how individual agents shaped the built environment, fostering places of assembly and discussion. Religious thought and commercial exchange overlapped and engaged in this developing space. This interaction shaped competing practices of

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[15] Giovanni Levi, *Inheriting Power: The Story of an Exorcist;* Translated by Lydia G. Cochrane (Chicago, 1988), 32 and introduction XIV-XVI.

[16] Levi, *Inheriting Power*, 100-142.

authority defined through assemblies which were produced by their spatial environment and thereby altered that space.

Why the Marche? The regional context

I focus on Marche region of central Italy because the evidence for the construction of larger *castelli* is particularly prominent here. This is partially because the existing cities were small, far apart and did not manage to extend their influence far into the countryside. The surviving evidence for the *castello* of Montecchio shows a form of settlement change that is common across the region of central Italy and characteristic of the transformations of the twelfth century. The centre was formed out of three existing settlements occupying a narrow oval plateau above the Potenza River, which runs from the Apennine foothills towards the Adriatic.[17] These settlements are usually referred to as *castrum, castellum* or *civitas* in the sources.[18] They were fortified centres of habitation, best described as small towns, being larger and usually more populous than pre-existing fortified settlements. Similarly, Montecchio's neighbour, Cingoli gradually expanded during the thirteenth century combining two pre-existing settlements: a *castrum novum* and a *castrum vetus*.[19] Cingoli and Montecchio were represented in the mid-twelfth century by groups of *consules*: officials using the titles of the urban commune. Both

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[17] Virgili, *Insediamenti civili*, 82.

[18] Unless citing Latin from the sources, I will refer to these settlements using the Italian *castello* rather than the English term castle. The term *burgus* is less common and usually appears to indicate settlement distinct from walls: SVC, doc. 112 p. 54-55. (1185), *Fiastra* III, doc. 124, p. 169 (1211). I will henceforth use *burgus* to indicate areas of habitation surrounding a walled centre.

[19] [19] Bartolacci, *Di uomini*, 79-81.

castelli lay in the diocese of Osimo, a city which, despite developing an otherwise typical commune, did not extend its territory throughout its large diocese.[20] The neighbouring dioceses, Camerino and Fermo are larger still, with less powerful cities. These three dioceses provide the geographical boundaries of this thesis and make up the central area of a region that by the twelfth century was known as the March of Ancona.[21] Ancona itself, with its large natural harbour, became a mercantile centre with strong links to the eastern Mediterranean and the Byzantine Komnenos dynasty, fuelling conflict with the Venetians and Frederick Barbarossa.[22] Ancona was part of the Byzantine duchy of the Pentapolis along with Fano, Pesaro, Rimini and Senigalia. These cities were all somewhat active in Mediterranean trade but did not extend their territories far inland.[23] I will focus on territory within the current Province of Macerata which is either mountainous or made up of a long wave of wide alluvial river valleys leading to the Adriatic Sea and backed by the high Apennine passes leading to a wide-open valley bordering Umbria and the

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[20] Francesco Pirani, 'Osimo nei secoli XI-XII: spazi e dinamiche del potere', in *Storia di Bonfilio. Un monaco-vescovo alla prima crociata*, (Spoleto, 2017), 57–86.

[21] Delio Pacini, 'Fermo e il fermano nell'alto medioevo: vescovi, duchi, conti e marchesi', *Studia Picena*, 62 (1997), 7–68 and Alessio Fiore, *Signori e sudditi. Strutture e pratiche del potere signorile in area umbro marchigiana (secoli XI-XIII)* (Spoleto, 2010), 51-53.

[22] Francesco Pirani, 'Città, insediamenti costieri e strutture portuali nel medio Adriatico' in E. Lusso ed. *Attività economiche e sviluppi insediativi nell'Italia dei secoli XI-XV* (Cherasco, 2014). By the late twelfth-century merchants from Ancona had colonies in Constantinople, Alexandria and Romania with links to Split and Zadar on the Dalmatian coast: Mario Natalucci, 'Ancona Repubblica Marinara', in Convegno di studi storici "Federico Barbarossa, Ancona e Le Marche", 1972, 18–40, 27-29. David Abulafia, 'Dalmatian Ragusa and the Norman Kingdom of Sicily', *The Slavonic and East European Review*, 54/3 (1976), 412–28.

[23] David Abulafia, 'Ancona, Byzantium and the Adriatic, 1155-1173', *Papers of the British School at Rome*, 52 (1984), 204.

Sibillini mountains. A late medieval papal register entitled the *descriptio marchiae anconitanae* illustrates the political and demographic significance of the region's *castelli* which were by now a central part of what is known as the 'papal state'. [24] Small towns were of strategic importance to rulers attempting to counterbalance larger cities but their significance to competing papal and imperial authority is not my focus here.[25] I focus rather on the towns of the Marche as a study of emulation and experimentation in urban forms of authority.

The process of foundation and the social makeup of these *castelli* was not uniform, nor did they always succeed as persistent settlements. Many formed communes ruling a surrounding territory with local statutes and court proceedings that exhibit a complex civic culture, archival practice and deliberative assemblies.[26] In the centre of the region, a long-term shift in settlement occurred from abandoned Roman towns, positioned on planned grids along river beds and coastal roads, towards many small and then fewer larger walled hilltop settlements.[27] A similar formation of larger *castelli* happened in the diocese of Osimo and Iesi in the north of the region, in the

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[24] Emilia Saracco Previdi, *Descriptio Marchiae Anconitanae da collectoriae 203 dell'archivio segreto Vaticano*, Fonti documentarie della Marca medievale (Spoleto, 2010), LXXXIV. The first list of *castelli* by diocese is based on an earlier manuscript written between 1203 and 1320 see XXX-XXXIII.

[25] Daniel Waley, *The Papal State in the Thirteenth Century* (London, 1961), 81. Maria Ginatempo, 'Vivere 'a modo di città': i centri minori italiani nel Basso Medioevo: autonomie, privilegio, fiscalità', in *Studi Giuliano Pinto*, (Florence, 2014), 12-15.

[26] Simonetta Bernardi, 'Rituels et représentations du pouvoir dans une ville de l'état de l'église au XIV siècle', *Parliaments, Estates and Representation*, 22/1 (2002), 37–43.

[27] Roberto Bernacchia, *Incastellamento e distretti rurali nella Marca anconitana: secoli 10.-12* (Spoleto, 2002), 99-100. Viviana Antongirolami, 'Materiali per la storia dell'incastellamento nelle Marche meridionali. La Valle del Chienti', *Archeologia medievale*, 32 (2005), 333–64, 335.

interstices of more typical city communes.[28] This landscape of walled towns which emerged across the Marche is related to a renewed interaction with major political, economic and religious developments.

The Marche underwent a profound but gradual change in the central middle ages. In the preceding centuries, the region was politically marginal and had been particularly affected by the disruption of Emperor Justinian's wars of reconquest in the sixth century.[29] Roman settlement in the Marche shows evidence of decline and abandonments, as wider late-antique networks contracted under stress around the symbolic and administrative centres at Ravenna.[30] The region's name derives from a German imperial term for border territory, with the Marches of Fermo and Camerino bordering the early medieval Lombard Duchy of Spoleto. These territories became incorporated into a broader Marche of Ancona around 1094, which along with the Duchy of Spoleto was nominally ruled by an imperially appointed Margrave.[31] The consolidation of this expansive territory in the eleventh century coincided with a new strategic importance for the region as a frontier with the fledgling Norman polity in Southern Italy. The region's position as a land corridor to the south saw the periodic presence of imperial armies, led by German

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[28] Virgilio Villani, *I centri murati in eta medievale: Provincia di Ancona*, 2004, 55-61.

[29] Hélène Verreyke and Frank Vermeulen, 'Tracing Late Roman Rural Occupation in Adriatic Central Italy', *American Journal of Archaeology*, 113/1 (2009), 103–20.

[30] Enrico Cirelli, 'La ridefinizione degli spazi urbani nelle città dell'Adriatico centrale tra la tarda Antichità e l'alto Medioevo', *Hortus Artium Medievalium*, 20/1 (2014), 39–47, 39–47 and Virgili, *Insediamenti civili*, 24-40.

[31] Ian Robinson, *Henry IV of Germany 1056-1106* (Cambridge, 2003), 293. Fiore, *Signori e sudditi*, 49. Virginio Villani, 'Nobiltà imperiale nella Marca Ancona. I Gottiboldi (fine sec. XII-sec. XIII)', *Atti e memorie (Marche)*, 96 (1991), 109–231, 116.

nobles. The archbishopric of Ravenna and its imperially appointed 'antipopes' exercised authority across the region until their final deposition in 1121. After that, pope and emperor served as distinctive sources of central authority, a balance which began to sway in the long-term towards Rome after the incorporation of the Marche into the papal patrimony during the pontificate of Celestine III in the 1190s.[32] The combination of the region's new strategic and commercial networks and its location between Rome and Ravenna, accentuated the formation of new towns with urban models of authority expressed in and through architectural space. [33]

Walls, franchise charters and narratives of societal change

The spread of new walled towns was not particular to this region, similar foundations, visible across twelfth-century Europe, are a key indicator of political and economic change. This urban growth is most clearly documented by a diverse set of documents, that may be broadly categorised as privileges, or franchise charters.[34] These are records of an assembly in which the lords and inhabitants of a settlement reach an agreement to alleviate seigneurial obligations and regulate the running of courts and markets, with local control often granted in exchange for a tax or payment. Frequently, they regulate for the construction of a new walled perimeter and living space and demarcate territorial boundaries. Usually, they concern the expansion of existing

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[32] Brenda Bolton, 'Celestine III and the Defence of the Patrimony', in *Pope Celestine III, 1191-1198. Diplomat and Pastor*, (Oxford, 2008), 317–54, Jean-Claude Maire Vigueur, 'Impero e papato nelle Marche: due sistemi di dominazione a confronto', in *Friedrich II. Tagung des DHI*, (Tübingen, 1996), 381–403, Waley, *The Papal State,* 52-3.

[33] Bartolacci describes the Marche as a polycentric society, *Di uomini*, 2-4.

[34] Robert Fossier, *Enfance de l'Europe: X.-XII. siècles ; aspects économiques et sociaux*, (Paris, 1982), 288-601.

settlements rather than entirely new foundations.[35] They express expectations of behaviour and

practice and sought to attract new residents, yet as Luigi Provero suggests, they represent the

articulation not the determination of a community - an elaboration rather than a beginning.[36]

Italy's already dense urban network led to fewer new foundations. Existing towns were often

incorporated within the economic and political sphere of powerful cities, which later also

founded their own planned towns and fought for control of strategic fortresses with rival cities.[37]

More autonomous *castelli* were a notable presence in Piedmont and southern Tuscany, situated at

some distance from major urban centres and, in some cases, formed autonomously, led by rural

elites without any obvious aristocratic status.[38] Giorgio Chittolini coined the term *quasi-città* to

describe a larger *castello* that exhibit urban building practices, markets and deliberative

assemblies and a territory often acquired in competition with smaller cities.[39] This type of

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[35] David Nicholas, *The Growth of the Medieval City: From Late Antiquity to the Early Fourteenth Century* (London, 1997), 96-97.

[36] Luigi Provero, 'Le comunità rurali nel medioevo: qualche prospettiva', in *Lo spazio politico locale in età medievale, moderna e contemporanea*, (Alessandria, 2007), 335–40, 339.

[37] Sandro Tiberini, 'I "borghi nuovi" di iniziativa comunale nei territori di Perugia e di Gubbio (sec . XIII)', in *Borghi nuovi e borghi franchi*, 2002, 189–246. Olga Marinelli, 'L'affrancazione degli "Homines" di casalina nel territorio Perugino (1270)', *Bollettino Per l'Umbria*, 51 (1954), 83–110.

[38] Ginatempo, 'Vivere 'a modo di città', 1-30. Piedmonte: Paola Guglielmotti, 'Territori senza città. Riorganizzazioni duecentesche del paesaggio politico nel Piemonte meridionale', *Quaderni storici*, 30 (1995), 765–98, Riccardo Francovich and Marco Valenti, *Poggio Imperiale a Poggibonsi. Il Territorio, Lo Scavo, Il Parco*, (Milan, 2007), Enrico Lusso, 'Villenove, borghi franchi e mobilità geografica dei contadini nel Piemonte meridionale', in *Migrazioni interne e forme di dipendenza libera e servile nelle campagne bassomedievali*, (Cherasco, 2015), 41–62, Chris Wickham, *Community and Clientele: The Origins of the Rural Commune in the Plain of Lucca,* (Oxford, 1998), 214-5.

[39] Giorgio Chittolini, '"Quasi città". Borghi e terre in area lombarda nel tardo medioevo', *Società e storia*, 13 (1990), 3–26.

settlement is prevalent among the large dioceses and dispersed centres of authority in the Marche. Franchise charters are often associated with the strategic aims of great territorial lords, leading to the categorisation of new towns as seignorial central places.[40] Other scholars have emphasised that franchise charters were produced by numerous agents, Luigi Provero saw them as a single point of reconciliation, using a language of unanimity to overlay fragmented local interests and reconcile competing authorities.[41] Franchise charters are central to this thesis, where I aim for a close examination of the local material and social context behind such documents, comparing them to settlements where no such charter survives. I will do so in order to redraw existing historical narratives of societal change in the twelfth century.

Charters of franchise are seen by Thomas Bisson as central to the reorganisation of political authority around great territorial lordships in the aftermath of a 'feudal crisis' which served as a catalyst for a longer process of societal change in the twelfth century.[42] This argument elaborates the long-standing 'feudal revolution' debate. This scholarly argument, first developed with French evidence, considers a localisation of political power in which the collapse of central

[40] Alessio Fiore, *The Seigneurial Transformation: Power Structures and Political Communication in the Countryside of Central and Northern Italy, 1080-1130*, (Oxford, 2020), 67-73, 24-25, David Nicholas, 'Lords, Markets, and Communities: The Urban Revolution of the Twelfth Century', in *European Transformations. The Long Twelfth Century*, (Notre Dame, 2012), 234-5.

[41] Luigi Provero, *Le parole dei sudditi: azioni e scritture della politica contadina del Duecento*, (Spoleto, 2012), 153-5, Constance Bouchard, *Negotiation and Resistance: Peasant Agency in High Medieval France* (Ithaca, 2022), 101.

[42] Thomas Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, 2009), 350-64.

authority led to violence, extortion and castle building at the hands of lords.[43] In contrast,

Dominique Barthélemy argued that a changing nomenclature in documents and a habit of

generalising wider trends from regional studies masked a much broader and slower

transformation.[44] Bisson follows the path of revolution, arguing that enduring practices of

administrative government emerged within, rather than in conflict with, the framework of

territorial lordship as domineering localised lordship gives way to new practices of rule.[45] With

great assemblies and chanceries and an evolving language of fidelity, great lords sought to justify

rule through consolation and consent, moderating the arbitrary and frequently violent exactions

of aristocrats, prelates, their sheriffs, bailiffs and local strongmen.[46] Within this process Bisson

identifies a basis for apparently modern ideals, including limits to executive power and a civil or

political ideal of justice as opposed to a personal or proprietary one.[47] Charters of franchise

represent here a compromise between rulers and communities based around associative

assemblies. The act of consolidating local norms and shared expectations solidified the

legitimacy of great territorial lords, bringing certainty to revenues while in turn limiting arbitrary

taxation of the surplus generated by rural and urban communities.[48]

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[43] Timothy Reuter and others, 'The Feudal Revolution debate' *Past and Present*, 155, (1997).

[44] Dominique Barthelemy, *The Serf, the Knight, and the Historian* (Ithaca, 2009), 5-10.

[45] Bisson, *The Crisis*, 11, 351.

[46] Bisson, *The Crisis*, 13.

[47] Bisson, *The Crisis*, 328-331. Bisson situates the Italian communal model of government as part of a trajectory towards an authority grounded in accountability, connected to and emulating existing practices of lordship: Bisson, *The Crisis*, 367-9.

[48] Provero, *Le parole dei sudditi*, 29-32, 57-64.

The 'feudal transformation' has been significantly nuanced by several recent studies, and has

been given, in Italy, a precise chronology by Alessio Fiore in a monograph focused on the

countryside of North and Central Italy.[49] Fiore argues persuasively for a rapid breakdown of

royal power in the troubled decades of 1080-1090, the central years of the investiture contest

which are considered, primarily, as a disruptive civil war. Fiore's argument centres on four

'political languages' of fidelity, pact, custom and violence, all of which became central to the

exercise of authority in localities as the failure of central power and disrupted royal networks

rendered previous royal endorsements less effective in legitimising local authority.[50] Early

examples of franchise charters are included by Fiore in a broader category of pacts, serving as

powerful arbiters of local authority in a climate of conflict and political turbulence at the turn of

the twelfth century.[51] Both Fiore and Bisson make persuasive arguments for understanding social

change in the twelfth century, but both, in my view, overemphasise the political dimensions of

this process, and in particular the collapse of royal power. [52] Bisson's is a self-consciously

political history, with economic changes considered chiefly in terms of reckoning and

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[49] Alessio Fiore, *The Seigneurial Transformation*. Charles West, *Reframing the Feudal Revolution: Political and Social Transformation Between Marne and Moselle, C.800-c.1100* (Cambridge, 2013), 173-90.

[50] Fiore, *The Seigneurial Transformation*, 199-225.

[51] Alessio Fiore, 'Refiguring Local Power and Legitimacy in the Kingdom of Italy, c.900c.1150', *Past and Present*, 2018, 33–67.

[52] Lordship in Italy has historically been studied largely as a political and jurisdictional phenomenon. Sandro Carocci compares differing national historiographical traditions: Sandro Carocci "I signori: il dibattito concettuale", *Señores, siervos, vasallos en la Alta edad media, XXVIII Semana de Estudios Medievales, Estella, 16-20 julio 2001*, (Pamplona, 2002):147-181.

expectations of seigneurial revenues.[53] We are left with the impression that this political collapse and a response to coercive violence by armed men is a predominant agent of historical change.

Assemblies are essential to both Fiore and Bisson's account of societal change, but these are usually considered in the abstract, divorced from the spaces in which they were held. Documents recording assemblies often take care to note the place where an assembly was held, frequently in a stone church or an open space outside, sometimes in the residence of a lord. When franchise charters agree to build new walls, we can see the material and political dimensions of change explicitly combined, frequently in co-operation with church lords seeking new avenues for distinguishing their authority. I suggest that by including in our evaluation the space in which assemblies were held, we may more clearly integrate the economic and religious dimensions of the transformation of authority in the twelfth century and consider the extent to which they were a product of diverse social actors engaged in both conflict and co-operation.

I draw here from scholarship which considers the long-term societal changes underlying the 'investiture contest', with implications beyond the disruptive civil war among Italy's high aristocracy from 1074.[54] Kathleen Cushing and John Howe see Pope Gregory's move to empower the 'people' as arbiters of clerical morality as the culmination of a longer repositioning of the church in society, placing the geopolitical ruptures of the late-eleventh century as but one stage in a broader millennial reform movement fuelled largely by individual charismatic figures

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[53] Bisson, *The Crisis*, 529-541.

[54] Fiore emphasises the political and military dimensions of this conflict: Fiore, *The Seigneurial Transformation*.

and highly-localised networks of patronage.[55] R.I Moore made an influential contribution that focuses attention on the urban crowd and on the role of women and parish priests in rural communities. The latter two are seen as mediators in matters of inheritance brought on by a shift to nuclear families and disparities in wealth associated with *incastellamento.* This does not sit all that well with the recent evidence for *incastellamento* as a long-term process with decisive social change occurring closer to 1100, but its focus on the intersection between kinship, settlement and religious change is relevant here.[56] Moore saw a brief alliance of priest and community as ultimately contributing to the spread of the institutional church and a strengthening of the diocese.[57] As Cinzio Violante has outlined, ecclesiastical lords were at the centre of political power in medieval society and concerns about correct Christian practice influenced interactions between all levels of society.[58] I focus on a 'long twelfth century' (1050-1215) in order to assess the long-term impact of religious change on the commercial and institutional developments evident in the decades surrounding the 1200s. I pay particular attention to how new ecclesiastical institutions sought to distinguish themselves from secular society and respond to demands from

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[55] Kathleen G. Cushing, *Reform and Papacy in the Eleventh Century: Spirituality and Social Change*, Manchester Medieval Studies (Manchester, 2005), John Howe, *Church Reform and Social Change in Eleventh-century Italy: Dominic of Sora and His Patrons* (Philadelphia, 1997), 160-162. More people living in closer proximity created a demand for and concern with the behaviour of secular priests and required urban prelates to engage with the presence and demands of urban crowds: Maureen Miller, *The Formation of a Medieval Church: Ecclesiastical Change in Verona, 950-1150* (Ithaca, 1993), 174-5.

[56] Robert I. Moore, 'Family, Community and Cult on the Eve of the Gregorian Reform', *Transactions of the Royal Historical Society*, 30 (1980), 58-61.

[57] Moore, *European Revolution*, 12-21.

[58] Cinzio Violante, *"Chiesa feudale" e riforme in Occidente: (Secc. X-XII): Introduzione a un tema storiografico*, (Spoleto, 1999), IX, 48-49.

congregations to ensure the efficacy of rituals which ordered the universe and the natural world on which survival depends. This process of differentiation was itself a driver of exchange and economic complexity.

All this is not at all to say that the impact of lordship on production and exchange has been ignored. Fiore's account of 'feudal transformation' works in dialogue with Chris Wickham's conclusion that economic growth and expanding exchange networks in the tenth and eleventh centuries were driven, in the first instance, by elite demand fuelled by closer aristocratic control of peasant surplus and the growth of new elites.[59] Wickham has emphasised a wider consequences of this economic change: the persistence and expansion of market access and demand by peasant producers.[60] The interaction of elite demand with market activity by peasants constitute Wickham's model of a 'feudal equilibrium', a global synthesis which evaluates how commercialisation influenced the structure of feudal societies, in a manner which does not assume a teleological progression towards capitalism.[61] Earlier views of peasant market participation as principally related to supplying money rents to lords for the consumption of

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[59] Chris Wickham, 'Productive Forces and the Economic Logic of the Feudal Mode of Production', *Historical Materialism*, 16/2 (2008), 3–22, 13. Based on conclusions from Chris Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean, 400-800* (Oxford, 2005), 820-4.

[60] Chris Wickham, *The Donkey and the Boat: Reinterpreting the Mediterranean Economy, 950-1180* (Oxford, 2023), 608-12 and passim.

[61] Chris Wickham, 'How Did the Feudal Economy Work? The Economic Logic of Medieval Societies', *Past and Present*, 250 (2021), 3–40, 19-20. Wickham's work builds on that of Rodney Hilton who emphasised commerce as integral to feudal society in opposition to earlier scholarship which saw towns as islands of commerce in a 'sea of feudalism': Rodney Hilton, *English and French Towns in Feudal Society: A Comparative Study* (Cambridge, 1995), 25-52 and 87-101, Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade* (Princeton, 1925).

luxury goods, have been overturned as a result of work by Christopher Dyer, Richard Britnell and Shami Ghosh to identify peasant demand and market participation as a significant source of economic change.[62] Wickham suggests that as exchange networks developed around elite demand, some peasants began to participate, orientating themselves towards production for the market. At this point, the customary nature of seigneurial exactions and the struggle to stabilise arbitrary aspects of seigneurial levies meant peasants produced and kept more surplus, thus peasant buying power became an increasingly important dynamic with demand for produce from cities and small towns being driven in part by peasants, artisans and smallholders partially dependent on the market for sustenance. [63] The trajectory and broader implications of this 'feudal equilibrium' were variable and might in turn shift back to favour lords.[64] In Italy, cities were at the centre of this shift, but archaeological and material evidence shows a subsequent transformation of the rural landscape, characterised by larger *castelli*, stone churches and mills.[65] This thesis is concerned with how these material transformations, namely a greater number of small-scale rural elites and economically active peasant communities interacted with the built

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[62] Hilton, *English and French Towns*, 32. Richard Britnell, *The Commercialisation of English Society, 1000-1500* (Cambridge, 1996), Christopher Dyer, 'The Consumer and the Market in the Later Middle Ages', *The Economic History Review*, 42/3 (1989), 325. Shami Ghosh, 'Rural Economies and Transitions to Capitalism: Germany and England Compared (c.1200, c.1800)', *Journal of Agrarian Change*, 16/2 (2016), 255–90, 259-6. Wickham, 'How Did the Feudal Economy Work?', 3–40, 19-20.

[63] Wickham, 'How Did the Feudal Economy Work?', 34.

[64] Wickham, 'How Did the Feudal Economy Work?', 3–40, 9-10.

[65] Chris Wickham, 'Archeologia e mondi rurali: quadri di insediamento e sviluppo economico', *Archeologia medievale*, 37 (2010), 277–84, 280 279.

environment and the assemblies through which political authority was articulated. I aim to integrate some of this thinking with parallel changes in religious practice.

In the context of Latin Europe, charters of franchise are key to my argument as they illustrate how the practices of performing and legitimising local authority changed in interaction with rural commercialisation. They exhibit co-operation between peasants and medium elites to regulate seigneurial exactions and were consistently concerned with running market assemblies, though not, as we shall see, in a uniform way. New towns support populations at least partially dependent on market exchange, this social complexity also creates a material framework for political action as assemblies replicating urban examples were framed by domestic and religious buildings. Churches are invariably integral to these settlements (in larger settlements, usually more than one). When built in stone, they represent a significant investment of resources, provoking demand and a specialisation of labour. They reflect collective effort; worshippers were invested in them and how they were run , some concepts of church ownership gained legitimacy while others became more questionable. Urban complexity and demand produced insecurity about the role of the church in the world, and reform differentiated ecclesiastical authority from aristocratic power. Stronger institutional structures extended to rural churches, creating complex parish loyalties and economic complexity fuelled by building in stone. Concurrently, richer rural markets gained political significance, serving urban centres and growing peasant demand. This dual process of differentiation shaped new quasi-urban political spheres in areas, like the Marche, where urban power was weak. A process of reproducing urban structures and assembly was central to this reconfiguration of authority.

I consider documents as residues of social acts which both produce and interact with the built environment. The huge rise increases in surviving documents from the twelfth century reflected expanding practices of institutional memory, but this remained closely wedded to an oral and visual culture; images, Latin text ,vernacular speech and oral performance intermingled.[66] Oral performance continued to play an important role in the production of medieval documents: reading aloud was valued both for the wider recognition of the contents of texts and for validating the authority of a document.[67] Assemblies produced documents, and assemblies may be partially reconstructed by the text of a document that may record first-person speech, who was a witness, the presence of a crowd, and the place where it was held. The relationship between the redaction of a document and an associated assembly is not straightforward. Charters might be drawn up in view of the actors and written out, or a notary or scribe might take down essential notes at the time, "*in mundum*", sometimes on the reverse of a piece of parchment, including witnesses, the location and what was agreed, before a document was finalised using existing

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[66] Michael T. Clanchy, *From Memory to Written Record: England 1066 - 1307* (2012), 255-62 and 267, 272, 294, Antonio Sennis, 'Documentary practices, archives and laypeople in central Italy, mid ninth to eleventh centuries' in *Documentary Culture and the Laity in the Early Middle Ages*, (Cambridge, 2013), 330-334.

[67] Liam Moore, 'By Hand and by Voice: Performance of Royal Charters in Eleventh- and Twelfth Century León', *Journal of Medieval Iberian Studies*, 5/1 (2013), 18–32 and Paul Saenger 'Silent reading: Its impact on late medieval script and society', *Viator: Medieval and Renaissance Studie*s 13 (1982), 367-414. Joyce Coleman, *Public Reading and the Reading Public in Late Medieval England and France* (Cambridge, 2005), 76-78

conventions.[68] Similarly, we know that charters once drawn up, were used in further assemblies, to prove, challenge or confirm pre-existing claims to land.[69] As the episode from Montecchio shows, notaries sometimes took care to describe the place where the charter was enacted and the buildings that surrounded the meeting. By considering this information closely and placing it in the context of settlement within that place, I attempt to connect the negotiations and conflicts surrounding the production of documents with the space in which they occurred. I suggest that this helps to understand how practices of authority were reshaped during the twelfth century.

To evaluate how power was constructed and challenged through acts of performance in space, I draw from Carol Symes's study of political competition in medieval Arras where a medieval public sphere is conceived as a framework for contest and debate realised in spontaneous and orchestrated movement, augmented with bells, trumpets and cries.[70] This conception of a medieval public sphere, inhabiting the urban environment, is also seen in Christian Liddy's work on English towns. Liddy positions the conceptual and physical boundaries of urban space as intrinsic to public authority and a conception of property as a living extension of social groups rather than an abstract legally coherent thing. Liddy articulates medieval ownership as shaped by collective movements, such as beating the bounds or limits of the urban franchise.[71] This link between institutions and shared space used for assemblies is articulated by Hendrik Dey, who

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[68] For an example of such notes: *Fiastra* IV, doc. 6, p. 10 (1217).

[69] See below Chapter 4, p. 220.

[70] Carol Symes, 'Out in the Open, in Arras: Sightlines, Soundscapes and the Shaping of a Medieval Public Sphere', in *Cities, Texts, and Social Networks 400 - 1500*, (Farnham, 2010), 279–302, 288-90.

[71] Christian Drummond Liddy, *Contesting the City. The Politics of Citizenship in English Towns, 1250 - 1530*, Oxford Studies in Medieval European History (New York, 2017),

outlines a shift in the usage of the word *platea* from a classical term denoting wide streets suited

to ceremonial procession towards a description of a public square, a linguistic shift, marking a

significant change to the urban topography. Here the description of urban space coincides with

shifting practices of urban authority, with the evocative example *viri de platea* or *homs de plassa*

at Narbonne in 1210 illustrating how groups of urban elites were associated, explicitly, with the

piazza.[72] This shift may be seen in terms of a production of space, outlined by theorist Henri

Lefebvre whose work considers the tensions between the appropriation and use of space for

individual and social purposes, the experience of space, and the representations of space by

which a historian is often bound as spatial practice is both ordered and obscured by symbolic

representations, such as documentary markers of jurisdiction and property.[73] Symbolic

representations of space are a vehicle for the understanding the domination of space by

competing forms of social power in ways that articulate the transformative qualities of emerging

commodity exchange.[74] By placing documents in close dialogue with the few extant medieval

structures which survive, I aim to articulate the broader implications of this small-scale civic life.

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[72] Hendrik Dey, 'From "Street" to "Piazza": Urban Politics, Public Ceremony, and the Redefinition of Platea in Communal Italy and Beyond', *Speculum*, 91/4 (2016), 919–44, 920-929.

[73] Henry Lefebvre, *The Production of Space* (Oxford, 1992), 30-38,

[74] Lefebvre's conception of commerce is closely bound up with ideas of productive forces emerging somewhat schematically, in contrast to the contingent, political approach taken by Wickham and scholars such as Rodney Hilton and Robert Brenner. Lefebvre, *The Production of Space*, 252-268 and David Harvey, *The Urban Experience* (New York, 1989), 176-7 and Marc Boone, "Urban Space and Political Conflict in Late Medieval Flanders" *The Journal of Interdisciplinary History,* Vol. 32, No. 4, The Productivity of Urban Space in Northern Europe (Spring, 2002), 621-640.

Medieval institutions were formed in dialogue with the material structures around them. Institutions such as the medieval commune embody both a framework for individual strategies and performance and a form of authority defined by collective assent in assemblies. As Susan Reynolds has observed, medieval societal tensions had to be negotiated around a politics which valued consensus. The political value of consensus was central to the institutions of the commune concerned with the allocation of resources, status and the public affirmation of authority as well as the maintenance of common land and buildings.[75] The rural commune was but one framework for social action, coexisting and overlaying distinctive networks and territories of which medieval people made pragmatic use.[76] In each case, reputation was a crucial means to legitimise social action and much credence was given to an informal arena of rumour and chatter, by which repeated actions were legitimised.[77] A building is a symbol of the power of its patron, it's construction and use are also a collective and communal act, that serves numerous overlapping social functions. It may represent a collective effort and a physical representation of a community, encompassing individual strategies of patronage and expressions of institutional authority.[78] At the core of this thesis is a consideration of how assemblies and record-keeping

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[75] Reynolds, *Kingdoms and Communities*, 214-215, 148.

[76] Renato Bordone and others, 'Lo spazio politico locale in età medievale, moderna e contemporanea. Ricerche italiane e riferimenti europei', in *Lo spazio politico locale in età medievale, moderna e contemporanea*, (Alessandria, 2007), 9–50, 9-20. Reynolds, *Kingdoms and Communities*, 152-4.

[77] Smail, *The Consumption of Justice,* 51-53. Filippo de Vivo, *Information and Communication in Venice: Rethinking Early Modern Politics* (Oxford, 2007), 120-5.

[78] Carlo Tosco, *Il castello, la casa, la chiesa: architettura e società nel Medioevo* (Turin, 2003), 2-21.

changed in tandem with the built environment through strategies of mobility and construction essential to settlement change.

The material world of the secondo incastellamento *as a nexus of social change*

The *quasi-città* which came to dominate the political landscape of the Marche during the thirteenth century often shared a common language of communal authority, adapted from one another and urban models, yet they emerged in distinctive ways; both cooperating with and resisting various forms of lordships.[79] This process was closely linked to the commercialisation of agriculture, regional mobility, and social differentiation among both peasants and rural elites. These changes were not uniform, nor were these settlements alike. What we can say about a particular place is integrally linked to the archival strategies of monasteries, local churches and bishops and so what we know is largely mediated by these relationships. This, largely excludes the majority of those people who experienced and produced this space.To some extent then documents reflect the extent of seigneurial power, and the absence of documents may indicate greater peasant freedom or an absence of settlement. Certain places are well documented on account of their proximity to monasteries, but many of our larger centres are characterised by fragmented claims by lordship and smallholders. The vagaries of landholding undoubtedly shaped the character of settlements and discourages generalisations. I will instead focus on several case studies that bring into dialogue the material and documentary sources to write a

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[79] On imitation and spread of the communal model: Jones, *The Italian City-State*, 371. Its diversity: Wickham, *Community,* 191-232.

richer social history through an existing archaeological model used to categorise the formation of larger *castelli* in the central Middle Ages.

The *secondo incastellamento* is an idea conceived of by archaeologists Roberto Farinelli and Andrea Giorgi to categorise the expansion of larger *castelli*.[80] This follows from an extensive body of archaeological work, which has enhanced and modified Pierre Toubert's *incastellamento* thesis, concerning the spread of *castelli* as a strategic reorganisation of territory by seigneurial elites, generally emphasising a longer and slower process of change.[81] Toubert's '*urbanisme villageois*' is more often visible in the fewer and larger centres which appear to flourish in the

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[80] Farinelli and Giorgi, 'Fenomeni', 406–11 and Giorgi and Farinelli, '"Castellum reficere vel aedificare": Il secondo incastellamento in area senese. Fenomeni di accentramento insediativo tra la metà del XII e i primi decenni del XIII secolo', in *Fortilizi e campi di battaglia nel Medioevo attorno a Siena* (Siena, 1998), 157–263.

[81] Pierre Toubert, *Les structures du Latium médiéval: le Latium méridional et la Sabine du IXe siècle à la fin du XIIe siècle* (Rome, 1973), 304-365 and Marco Valenti, 'Changing Rural Settlements in the Early Middle Ages in Central and Northern Italy: Towards the Centralization of Rural Property', in *Italy and Early Medieval Europe: Papers for Chris Wickham*, (Oxford, 2018), 123–39, 128-130, Maria Elena Cortese, 'Appunti per una storia delle campagne italiane nei secoli centrali del Medioevo alla luce di un dialogo tra fonti scritte e fonti materiali', *Archeologia medievale*, 37 (2010), 267–76, Aldo Settia, *Castelli e villaggi nell'Italia padana. Popolamento, potere e sicurezza fra IX e XIII secolo*, (Naples, 1984), XXIII. The rural archaeological record is largest in Tuscany, Veneto and Lazio where most excavation has taken place. Marche and Umbria have a smaller but growing body of archaeological data. For Lazio: Alessandra Molinari, 'Siti rurali e poteri signorili nel Lazio (secoli X-XIII)', *Archeologia Medievale*, 37 (2010), 129–42. Umbria: Andrea Augenti, 'L'incastellamento in Umbría: una prospettiva archeologica', in *L'incastellamento. Storia e archeologia*, (Spoleto, 2018), 367–78. Marche: Antongirolami, 'Materiali', 333–64, Virgili, *Insediamenti civili*, Bernacchia, *Incastellamento e distretti rurali*.

twelfth century.[82] The *secondo incastellamento* describes the expansion of previously nucleated

settlements or the combination of existing settlements into new towns and outlines two models of

settlement: the first is characterised by domestic settlement in a *burgus* around an elevated or

fortified seigneurial nucleus, the second involves a consolidation of existing settlements around

the space of a piazza or church with some degree of public function.[83] Farinelli and Giorgi posit

a complex web of factors influencing the success of certain settlements and the failure of others,

with a key role for market exchange.[84]

There is no straightforward relationship between the nucleation of settlement and the formation

of rural communes: institutions emerged in extraordinarily diverse conditions and sometimes

spanned multiple settlements.[85] Nevertheless, across central Italy, in the terms of franchise

charters there is often a clear relationship between a commitment to build, combine or expand

settlements and a language of collective authority. Moreover, examples of the second model,

when existing fortifications are demolished in favour of a wider perimeter, often coincide with

attempts to adopt the nomenclature of the commune, as walls frame and reorder places of

assembly. Thus, I suggest that the negotiations and strategies involved in the formation of larger

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[82] Toubert came to attribute 'urbanisme villageois' to the twelfth century in: Pierre Toubert,

'L'incastellamento, mode d'emploi', in *Les sociétés méridionales à l'âge féodal (Espagne, Italie et sud de la France Xe-XIIIe siècle): Hommage à Pierre Bonnassie*, (Toulouse, 1999), 124.

[83] Giorgi and Farinelli, '"Castellum reficere"', 157–263, 57-26.

[84] Roberto Farinelli and Andrea Giorgi, 'Fenomeni di sinecismo e accentramento demico-insediativo pianificato: il "secondo incastellamento" nella Toscana dei secoli XII e XIII', in *V congresso nazionale di archeologia medievale* (Siena, 2009), 406–11.

[85] Wickham, *Community*, 185-241.

walled settlements expose the relationships between space and political practice and their combined engagement with commercial and religious change.

The documents

The principal documentary source for this thesis is the archive of the Cistercian Abbey of Fiastra. This large collection of loose parchments provides a varied view into the neighbouring settlements across the Chienti and Potenza valleys, which straddle the diocesan borders of Fermo, Osimo and Camerino. This monastery was founded in the 1140s as a daughter house of the Abbey of Chiaravalle near Milan and is the second-largest Cistercian archive in Italy.[86] These documents provide, primarily, a view of the abbey's local strategies and growing clientele, yet they also retain a significant number of seemingly unrelated lay documents and fragmentary archives from surrounding churches and several older Benedictine monasteries that later came into the hands of the Cistercians.[87] This cross-section of local monastic and lay documentary practice surviving in loose parchment provides a more granular view of local society than the

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[86] The individual parchments are kept in the Archivio di Stato in Rome and reproduced in five volumes of transcriptions. The mother house of Chiaravalle Milan retains 1600 documents from the twelfth and thirteenth century while Fiastra retains over 2210. For Chiaravalle Anna Maria Rapetti, *Le pergamene Milanesi del secolo XII dell'Abbazia di Chiaravalle, 1102-1160. Conservato presso l'archivio di stato di Milano*, pergamene Milanesi dei secoli, 12-13, vol. XVII, (Milan, 2004), VI-IX. For the exceptional nature of the Fiastra documents: Robert Brentano, *Two Churches: England and Italy in the Thirteenth Century,* (Berkley, 1988), 263-270, 268, Francesco Renzi, *Nascita di una signoria monastica cistercense: Santa Maria di Chiaravalle di Fiastra tra XII e XIII secolo*, (Spoleto, 2011), 230-40.

[87] For a study of Cistercian lordship at Fiastra: Francesco Renzi, *Nascita di una signoria monastica cistercense: Santa Maria di Chiaravalle di Fiastra tra XII e XIII secolo*, (Spoleto, 2011) and introductory notes: De Luca, *Fiastra* I, LXXII-V.

codex cartularies produced by other major regional powers such as the bishop of Fermo and Abbey of Farfa whose primary concern was to keep documents supporting the rights of the institution.[88] Fiastra's archival practice certainly had the monastery's interests at heart, but the documents are notably diverse: the monks and lay brothers kept many documents which were not linked, or only indirectly to the abbey's interests. These documents illuminate the material and social world of the walled towns and villages situated along the Potenza and Chienti valleys. The number of documents increases significantly from the last two decades of the twelfth century, with dispute records, witness testimony and boundary clauses which records the contours of the built environment in and around nearby *castelli*. Around the year 1200, we begin to see documents produced in the emerging institutional context of the castle commune by representative judges and notaries who began to collate archives, which frequently maintain a handful of documents from before 1200 and after that, an increasing number.[89] In larger *castelli* such as Fabriano and Matelica, communes produced their own *Libri rossi,* following an established pattern for defining the rights and territories of urban communes.[90] These curated efforts at institutional memory, are, in the town of Cingoli, complicated by a collection of private documents, kept by the lay hospital of Spineto. This collection, in tandem with the documents

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[88] For the growth of monastic cartularies: Paolo Cammarosano, *Italia medievale: struttura e geografia delle fonti scritte* (Rome, 1993), 64-84. For the implications of selection in Farfa's cartulary : Marios Costambeys, 'Archives and Social Change in Italy, c.900-1100: The Evidence of Dispute Notices', in *Papers Chris Wickham*, 2018, 261–73.

[89] Valeria Cavalcoli Andreoni and others, *Gli archivi storici dei Comuni delle Marche: indici degli inventari* (Ostra Vetere, 1986), provides a good overview of the region's archival resources. Gino Luzzato provides a good early survey of communal archives in the central Marche: Francesco Filippini and Gino Luzzatto, 'Archivi Marchigiani', *Atti e Memorie (Marche)*, 7 (1912), 371–467.

[90] For *Libri rossi* see Cammarosano, *Italia medievale*, 146-151.

held by Fiastra concerning neighbouring Montecchio, Recanati and, in Fermo, Macerata, Civitanova, Morrovalle, Montolmo and Sant'Elpidio illuminates a landscape of moderate landholders in whose boundary clauses and disputes we can see how the built environment within larger *castelli* was imagined, disputed and described. This resource allows for a fragmented outline of the negotiations, cost and effort involved in the emerging built environment and offers a way to recontextualise the records of franchise charters and autonomous assemblies by which the castle commune was formed.

The argument of this thesis unfolds over five chapters. The first chapter considers the emergence of the parish and conceptions of lay church patronage as preconditions for franchise charters which consolidated new walled towns, with an emphasis on disparate parish identities and the local use and reception of canon law. Chapter two considers how stone churches were built and paid for, with a focus on two basilica churches in the Chienti valley which serve to connect the high politics of reform, with a local transformation of landholding, with repercussions for the quasi-urban space of the surrounding *castelli*. These two chapters contextualise the relationship between churches and settlements in the early twelfth century using a combination of later and earlier evidence to outline the relationship between documents assemblies and structures. Mobility and peasant migration is the focus of chapter three which considers how various forms of agency collaborated in founding larger rural settlements and how this influenced distinctive practices of local lordship. Chapters four and five focus on two often inter-related forms of assembly held in larger rural centres and negotiated in franchise charters: markets and courts. I will begin in the mid-eleventh century with documents that illustrate a growing network of rural churches.

1

Reform and the rural parish

This chapter considers how the growth of parish identities contributed to the formation of new walled towns around existing settlements in the central Marche. Changing ideas about belonging, ownership and the administration of rural churches evident in documents from eleventh century had an important role not only in strengthening the institutional church, but also creating disparate centres of shared social action. In certain cases, this religious fragmentation helped to foster a local political sphere based around open space within larger walled centres. I begin with the parish as this unit of social organisation has long been seen as a precursor to the rural commune; a focus of territorial action equivalent or coinciding with that of territorial lordship.[1] The physical structure of a rural church is at the conceptual centre of the parish, the church and its associated cemetery as the centre of a village community was central to Robert Fossier's theory of *encellulement*, which outlined the alteration of the productive landscape by lords.[2] Rural churches also have an important place in the historiography of *incastellamento,* fortified villages are often deemed to have emerged around monastic estates associated with small rural churches and as Pierre Toubert has observed in Lazio, the process of *incastellamento* brought new congregations to intra-mural castle churches, giving them a local social significance at the

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[1] Violante, 'Pievi e parrocchie', 643–799, 648. Wickham, *Community,* 62-4.

[2] Robert Fossier, *Enfance de l'Europe: X.-XII. Siècles ; aspects économiques et sociaux*, (Paris, 1982), 288-601. Élisabeth Zadora-Rio, 'The Making of Churchyards and Parish Territories in the Early-Medieval Landscape of France and England in the 7th-12th Centuries: A Reconsideration', *Medieval Archaeology*, 47 (2003), 1–19.

expense of early medieval baptismal churches. More recent studies have also identified this dynamic in the Marche.[3] Churches played a significant role in the structure of larger *castelli* characteristic of the twelfth century but in these generally more populous settlements there is not always a straightforward relationship between parish and commune.

In the Marche, the proliferation and overlapping of parish identities around growing settlements is suggestive of demographic growth. These buildings fostered multi-directional loyalties, creating and cutting across different networks of dependence. Early medieval public power was integrally linked to churches, and I suggest here that gradual, but quite dramatic changes in how laypeople thought about their relationships to churches had significant implications for secular authority.[4] Reform, driven, in part, by local concerns about correct religious practice encouraged emerging parish identities and strengthened networks of ecclesiastical authority, often at the expense of small-scale secular lordship. A focus by ecclesiastical lords on the ownership and maintenance of parish churches opened new avenues for lay initiative. Changing association between laity and churches was both a cause and result of religious change as bonds of kinship, authority and neighbourhood realised in the patronage of churches were gradually transformed. In contrast to arguments that emphasise a symbiosis of lay and secular lordship in the Marche, I

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[3] Toubert, *Les structures*, 790-3. For the Marche: Antongirolami, 'Materiali', 333–64, 339-41, Bernacchia, *Incastellamento e distretti rurali*, 43-56.

[4] For recent debate on the role of the church in Carolingian order : Ian Wood, 'Introduction', *Early Medieval Europe*, 29/4 (2021), 457–61,457-461 and Steffen Patzold and Carine van Rhijn, 'The Carolingian Local *Ecclesia* as a "Temple Society"?', *Early Medieval Europe*, 29/4 (2021), 535–54, 552-554. Paul Fouracre suggests that residual anticlericalism in France may explain this oversight with parallels in Italy Paul J. Fouracre, *Eternal Light and Earthly Concerns: Belief and the Shaping of Medieval Society*, (Manchester, 2021).

find that gradual changes in thinking about church ownership weakened the solidarities of elite family groups responsible for founding smaller rural churches. [5] This reduction in the territorial coherence of rural *consortia* and minor aristocrats was influential in the formation of larger rural centres. Rural communes centred on walled towns became a focus of local identities and new territories. Franchise charters reflect this desire to renegotiate existing territorial frameworks. Thus, the proliferation of the parish is central to the wider argument concerning the centrality of the *platea* to the forms of authority developing in new walled towns. In a diffuse religious landscape, the space outside a single parish church often gained a particular prominence in new towns, but which church often appears to be determined by local circumstances rather than the direction of the diocesan hierarchy.

The question of how to define a parish and its relationship to secular organisation is central to this argument, so a summary of thinking about parish organisation is needed. Early medieval Italy had a dense network of baptismal churches known as *plebs*.[6] This word appears in late Antique and early Medieval conciliar documents denoting an administrative distinction and a group of Christians. The *plebs* is in some sense equivalent to a parish, denoting a community of worshippers and eventually a prominent church building often with particular links to the diocese.[7] The term *plebs* is also common in documents from Neustria and Brittany where Wendy

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[5] Tommaso di Carpegna Falconieri and Giulia Giulianelli, 'Clero, ceti dirigenti e committenza degli edifici sacri nelle Marche tra XI e XIV secolo', in *Umbria e Marche in età romanica. Arti e tecniche a confronto tra XI e XIII secolo*, 2013, 213–24, 215-6.

[6] Cinzio Violante, 'Pievi e parrocchie dalla fine del X all'inizio del XIII secolo', in *Le istituzioni ecclesiastiche della "Societas Christiana" dei secoli XI-XII. Diocesi*, 1977, 643–799, 643-8.

[7] Susan Wood, *The Proprietary Church in the Medieval West* (Oxford, 2006), 67-80.

Davies saw it a defining an overarching core community that encompassed numerous identities within.[8] By the twelfth century the word *parochia* appears widely in documents across Europe, alongside *plebs* and is taken as indicative of stronger village-level identities.[9] The collective identity associated with *parochia* and the English word parishes, may also in part be associated with the *plebs* or Italian *pieve* but important distinction concerning space and church buildings are expressed in the change in nomenclature. The Latin *plebs,* meaning first, 'people', referred to a human community. *Parochia* a compound of the Greek word oikos (house) and the prefix para- (against/next to) 'denotes a relationship to space concerning a church'.[10] On account of the density of early medieval *plebs* in Italy, the emergence of the parish is seen as a less dramatic development than in northern Europe.[11] Change was nonetheless significant, the word *parochianus* starts to appear more regularly from the eleventh century to describe a person identified and regularly attending a church. The parish was a framework for social interaction, the growth of burial in sacred ground included the dead in this dialogue, it was also a framework for collective expenditure: the lighting of a church was a perpetual requirement; a motivation for offerings, and a bell, if present, was an aural marker of community and identity.[12] There is an

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[8] Wendy Davies, 'Introduction: Community Definition and Community Formation in the Early Middle Ages - Some Questions', in *People and Space in the Middle Ages*, 2006, 1–12, 7-9

[9] Wood, *The Proprietary Church*. Moore, *European Revolution*, 59.

[10] Anne Lunven, 'From *Plebs* to *Parochia*: The Perception of the Church in Space from the Ninth to the Twelfth Century (Dioceses of Rennes, Dol, and Saint-Malo)', in *Space in the Medieval West. Places, Territories and Imagined Geographies*, (Oxford, 2014), 100-2.

[11] Violante, 'Pievi e parrocchie', 655.

[12] For lighting see; Paul J. Fouracre, 'Eternal Light and Earthly Needs: Practical Aspects of the Development of Frankish Immunities', in *Property and Power in the Early Middle Ages*, (Cambridge,

overlap between the terms *plebs* and *parochia* that is not always clear, in some cases former proprietary churches took on the title of *plebs* while other *parochiae* remained dependent on extant *plebs*.[13] To summarise, a *parochia* was a designation of a regularly attended church, be that an existing *plebs,* cathedral or another church that had taken on pastoral functions such as regular masses, penance, burial and baptism.[14]

So, what made someone a parishioner? This question has important implications for the argument of this chapter. Burial practice is central: the emergence of the parish is associated with archaeological evidence for a gradual shift towards ordered burial in consecrated ground associated with a church.[15] Recent archaeological research has complicated the chronological associations between the construction of churches and burial grounds and questions of community or seigneurial initiative, with rural churches described as 'laboratories for the

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1995), 53–81, John Arnold and Caroline Goodson, 'Resounding Community: The History and Meaning of Medieval Church Bells', *Viator*, (2012), passim.

[13] Violante, 'Pievi e parrocchie', 653-5. The increasing survival of witness testimony from ecclesiastical disputes from the late twelfth century shows us that parish identity was often contested: For example: SCSV*,* doc. 12, p. 18-9 (1213).

[14] Wood, *The Proprietary Church*, 90-91.

[15] Élisabeth Zadora-Rio, 'The Making of Churchyards and Parish Territories in the Early medieval Landscape of France and England in the 7th-12th Centuries: A Reconsideration', *Medieval Archaeology*, 47 (2003), 1–19, 11-14 and See Corisande Fenwick, The Medieval Cemetery in Elizabeth Fentress, Caroline Goodson and Marco Maiuro, *Villa Magna. An Imperial Estate and Its Legacies*, Archaeological Monographs of the British School at Rome (London, 2017), XXIII, 351-375.

articulation between the sacred and funerary".[16] Excavation frequently pushes back the formation

of churches and collective burials far earlier than first documented. The Carolingian period is

considered a significant juncture, though it is clear from increasing documents that they become

more visible in periods of documentary and demographic growth.[17] We may assume that a world

of negotiation and practice surrounded the physical environment of the church that is largely

beyond our view in this period.[18] A very practical concern, outlined by Susan Reynolds, may

have contributed to the formation of denser parish identities: medieval people wished to avoid

carrying bodies very far to be buried or babies to be baptised.[19] As more people lived closer

together and social networks contracted, this demand was more easily met. More people, with a

greater sense of belonging to their local church had significant social consequences.

To outline the spatial repercussions of changes to church ownership, I will first examine the

trends identifiable among documents recording gifts by lay people of churches in the Marche and

then examine the local implications of this practice with a case study focused on the formation of

a walled perimeter at Macerata in Fermo where gifts of churches fragmented lay lordship and

[16] Michel Lauwers, 'Le cimetière au village ou le village au cimetière ? : Spatialisation et communautarisation des rapports sociaux dans l'Occident médiéval', in *Le cimetière au village dans l'Europe médiévale et moderne*, ed. Cécile Treffort, Flaran (Toulouse, 2020), 41–60, 11.

[17] This important article outlines the role of excavation in refining models of burials and parish formation: Aymat Catafau and Olivier Passarrius, 'Village ecclésial et cellera en Languedoc-Roussillon: questions en débat et éclairages archéologiques', in *Le cimetière au village dans l'Europe médiévale et moderne*, ed. by Cécile Treffort, Flaran (Toulouse, 2020), 107–24.

[18] Angelo Torre, 'Politics Cloaked in Worship: State, Church and Local Power in Piedmont 1570-1770', *Past and Present*, 134, 1992, 42–92, 43-45.

[19] Reynolds, *Kingdoms and Communities*, 152-4.

strengthened client relationships with a powerful bishop. I will then turn to the evidence for

practices associated with parish identities using evidence from ecclesiastical disputes from the

end of the twelfth century before considering the changing role of the parish priest as both

product and source of religious change. I aim to show how currents of thought developing in the

eleventh century gained legal clarity in the twelfth by examining the parish elections and the

regional implications of a new legal discourse surrounding lay church patronage. Both these

issues inform the second and final case study which explores the charter of franchise granted at

Villamagna in 1194 and its relationship to the ownership and function of three neighbourhood

churches. To frame these later developments, we turn now to the context and patterns

surrounding gifts of rural churches in the eleventh century.

Religious change and the rural church

The religious disputes about papal primacy, simony and lay investiture of bishops which

ruptured Latin Christendom in the eleventh century can, by any definition, be considered 'high

politics' and one that engaged with urban crowds in urban centres like Rome, Milan and

Ravenna. However, many of the main protagonists, bishops and ardent reformers such as Peter

Damian, were deeply linked to a rural world, through a desire to acquire land and protection for a

hermetical lifestyle, a vision of reform that was inevitably linked to patronage networks

surrounding fortified settlements and monastic estates centred on little churches or dependent

monasteries.[20] The movement for ecclesiastical reform thus engaged in an ongoing dialogue with

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[20] Kathryn L. Jasper, 'Mapping a Monastic Network: Peter Damian and Fonte Avellana in the Eleventh
Century', PhD Thesis, University of California, Berkeley, 2012. 127-9.

a rural world that sought to project authority and gain salvation through the patronage of rural churches. Susan Wood reminds us that as papal and imperial parties argued about what rights a layperson could legitimately hold in a church, these concerns trickled down slowly to smaller local churches which since Late Antiquity were considered in ways commensurate with property.[21] This idea connects to arguments that reform itself was fuelled by distinctly local concerns, as the pious motives that led rural elites to found churches required them to maintain their efficacy as mediatory spaces in dispersed rural societies.[22] The contradictions inherent in reforming perceptions of lay church property are illustrated by a letter of Pope Leo IX to Peter Damian in 1054 about the possessions of a hermitage at Ocri in Romagna. The letter states that no secular rights or other monasteries should possess the church in any way. The pope sanctions the monastery's possession of a baptismal church (*plebs)* condemning deprivations and assaults on the church by laypeople, except however for the rights (*ius*) held by certain faithful laity who are patrons of the hermitage and had given land for their souls.[23] This letter encapsulates the tensions developing within conceptions of lay patronage, contrasting a negative interpretation of secular abuse of church land with a pliant and cooperative ideal of lay patronage foreshadowing the debates of the twelfth century that sought to determine what legitimate *ius* might be. The clear separation between secular and lay rights visible in the text contrasts with existing practices of church patronage focused on kin-group coherence and family memory.

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[21] Wood, *The Proprietary Church*, 852-3.

[22] Howe, *Church Reform and Social Change in Eleventh-Century Italy*, 160-162.

[23] CFA I doc. 8, p. 17 (1055).

In the early middle ages, proprietary church buildings served as lynchpins in the collective management of shared holdings and memory. A prevailing idea that rural Lombard foundations were largely aristocratic funerary chapels has been modified by recent archaeological surveys that show church building extending beyond a single family group and with consultation from the diocese.[24] Shared foundations by groups of between five and twenty families, are more common in Italy than in northern Europe and are prevalent in the south and centre in particular.[25] It is largely through gifts to monasteries that we can view the preceding arrangements in the ownership of churches and in the Marche this shows a regional prominence of rural *consortia:* kin-based groups perhaps focused on the shared patronage of a rural church.[26] An example from Fermo from 1020 recalls how Lambert the Frank, Ineta his wife and another married couple gave to the bishop their portion (a quarter) of the church of S. Paolo in the *ministerium* of S. Paterniano (founded by their parents) along with its offerings, shrines, books and with its bell

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[24] For rural churches and funerary aristocracy: Cristina La Rocca, 'Le aristocrazie e le loro chiese tra VIII e IX secolo in Italia settentrionale', in *Alle origini del romanico. Monasteri, edifici religiosi, committenza tra storia e archeologia*, (Bologna, 2005), 59–70, 60-62, Alexandra Chavarría, 'Local Churches and Lordship in Late Antique and Early Medieval Northern Italy', in *Churches and Social Power in Early Medieval Europe*, ed. by José C. Sánchez-Pardo and Michael G. Shapland (Turnhout, 2015), XLII, 69–97, 69-71 and 81-2. For possible peasant burials in early medieval rural church see Elisabetta De Mincis, Pastura Giancarlo and Matteo Zagarola, 'San Valentino (Soriano nel Cimino, Viterbo). Nouve acquisizioni (campagne 2018-2019)', *FASTI Online*, 2020, 19-20.

[25] Valerie Ramseyer, *The Transformation of a Religious Landscape*, (New York, 2006), 62-68. Wood, *The Proprietary Church*, 62-624.

[26] For regional context on gifts of churches in the Marche see Anna Fiecconi and Emma Taurino, 'Pievi e parrocchie nelle Marche del XIII e XIV secolo', in *Pievi e parrocchie in Italia nel basso medioevo sec. XIII-XV*, (Padua, 1984), 837–64, 840-2. For several examples see Wood, *The Proprietary Church*, 608-12. For *consortia* more broadly see David Herlihy, *Medieval Households* (Harvard, 1985), 88-9.

and oratory, ornaments, gates and buildings alongside twenty measures of land, vines and woods held between them and their c*onsortes*.[27] Such lists of church furnishings are in some respects formulaic but differ often enough to suggest they function as practical reflections of what had been contributed to the ornament and function of the building. They are some of the clearest written evidence for expenditure on non-productive goods.[28] Equipping and maintaining a rural church or monastery for liturgical celebration reflects a significant investment, requiring items that might accumulate over many centuries alongside others needing periodic renewal.[29] We know little about the make up or size of congregations in such places, but we do sometimes know who considered the church as property. While the diocese always had a role in the provision of churches, these early gifts suggest a strong link between investment in church building and the shared bonds of rural elites. As shares in church buildings were handed to monasteries and bishops, these relations were weakened.

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[27] LF III, doc. 387, p 705 (1028).

[28] On this : Nino Maria Zchomelidse, *Art, Ritual, and Civic Identity in Medieval Southern Italy* (Pennsylvania*,* 2014), passim.

[29] For inventories of parish churches in the Carolingian period: Carl I. Hammer, 'Country Churches, Clerical Inventories and the Carolingian Renaissance in Bavaria', *Church History*, 49 (1980), 5–17, 9-13. This suggests that such furnishings were typical of proprietary churches.

Charters containing gifts of churches from the Marche
Fermo, Camerino, Ascoli, Osimo and Senigallia
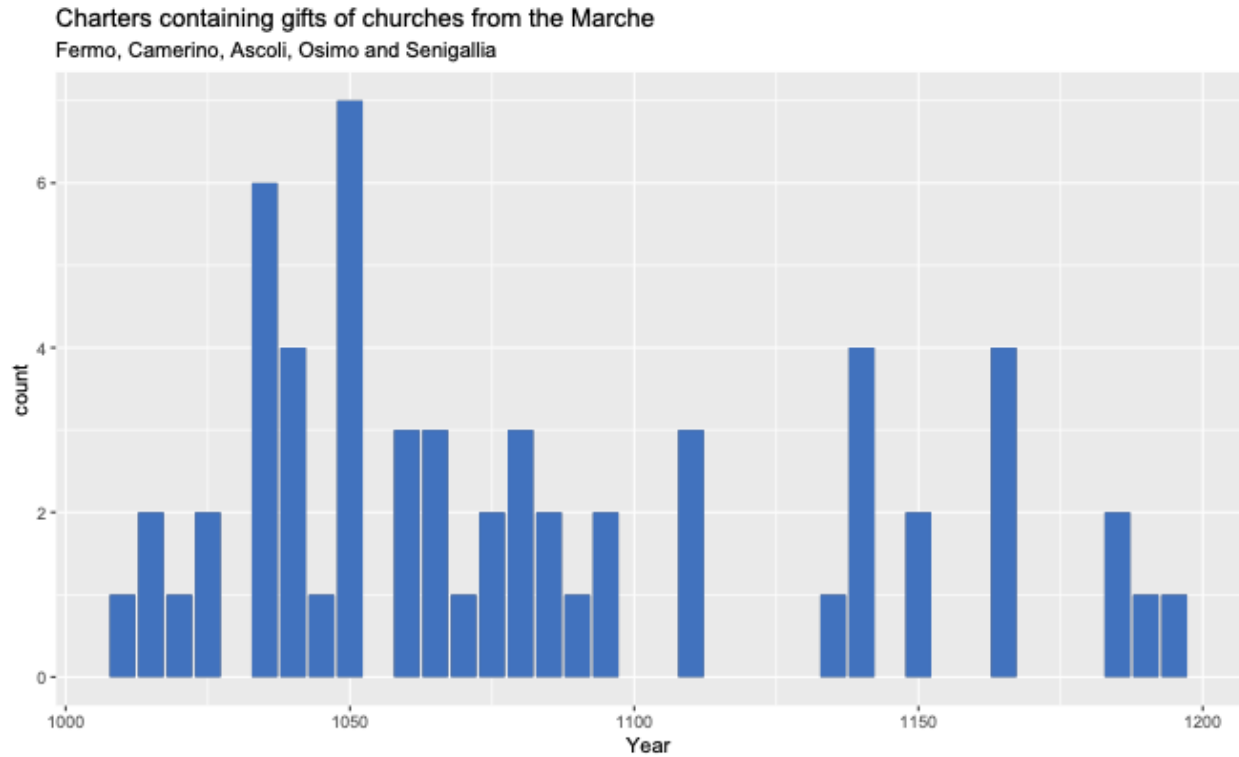
Figure 1: Gifts of churches in the Marche between 1000-1200 CE

The legitimacy of lay rights to churches was increasingly in question by the end of the eleventh

century. In the following century, the demands of reformers and long-standing lay rights were

reconciled in a new legal formulation for lay patronage rights. Gifts of churches to monasteries

and bishoprics increase across the board in this period although attitudes changed slowly and

according to distinctive regional circumstances.[30] In general, although certain revenues from

churches might be retained, lay domination over church buildings was significantly reduced and

regulated. We shall turn to this later, but for now, let us look at how the Marche fits within

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[30] Howe, *Church Reform and Social Change in Eleventh-Century Italy*, 141-7. Laurent Feller, *Les Abruzzes médiévales: Territoire, économie et société en Italie centrale du IXe au XIIe siècle*, Bibliothèque des Écoles Françaises d'Athènes et de Rome (Paris, 1998), CCC, 805-6.

broader patterns (Figure 1). Documents involving church gifts from the Marche seem to follow broader trends, showing a peak in gifts of churches between 1040-80 followed by a smaller upswell after 1140 following the propagation of Gratian's decretals in that year.[31] By the thirteenth century, gifts of churches largely cease, replaced by the less frequent commitment to sponsor the building of a church under the tutelage of a bishop or abbot. Secular rights to churches do not disappear in the long-twelfth century, tithes and death duties remained in lay hands and long leases to proprietors occasionally include rights to churches.[32] Yet, increasingly, church buildings and dues are excluded from leases.[33] Factors beyond reform influenced this change in church patronage: crusading, commerce and the prestige of great monasteries.[34] Moreover, many churches are first documented when they come into ecclesiastical hands, and so their pre-existing patterns of ownership are not often clear. However, there can be little doubt that changing ideas about lay ownership of churches benefitted large monasteries and bishoprics. To generalise, it may be said that when land was given to ecclesiastical lords this was often returned as part of ongoing gift exchange, while in contrast, churches were more likely to remain in the hands of specialists. This enhanced the spiritual authority and material resources of church

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[31] For the French context see Wood, *The Proprietary Church*, 865, note 1. For a contemporary Italian comparison : Feller, *Les Abruzzes médiévales*, CCC, 820-825. The chart of church donations also shows a gradual increase in the 1140s. For *consortia* giving up churches : RF V, doc 1053, p. 53 (1080), RF IV, doc. 850, p. 246 (1054), SVC, doc. 87, p. 46 (1104), *Fiastra* I, doc. 42, p. 92 (1140), LF III doc. 354 p. 639 (1083). For Gratian's decretals: Wood, *The Proprietary Church*, 887.

[32] For example: LF II, doc. 227, p. 422 (1083).

[33] For example: SVC, doc. 99, p. 50 (1160), LF III, doc. 362 p. 654. (1092).

[34] Wood, *The Proprietary Church*, 865.

lords but had the potential to weaken the coherence and authority of elite family groups who had organised around shared churches.

The established liturgical function of monasteries made them attractive partners in maintaining and running local churches. They might also help with the significant expense and expertise required in equipping and furnishing a church.[35] As is well known, the power of Benedictine monasteries reached a peak at the end of the eleventh century, not least in central Italy. Gifts of land and churches by laypeople and churches played a large part in this process. As such, the documentation for rural churches in the Marche is largely a product of monastic practices of institutional memory.[36] This worked out differently depending on the local circumstances. In the more sparsely settled upland areas of Fermo, monasteries were often handed the management of rural *plebs* by bishops perhaps unwilling to undertake the logistics of managing the *cura animarum* and the collection of offerings in rural churches.[37] For example, in the mountainous west of the diocese, in 1044, the bishop of Fermo gave to the monastery of S. Anastasio rights to a collection of offerings from five rural churches near the settlement of Monte S.Martino.[38] Thus

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[35] Wood, *The Proprietary Church*, 694.

[36] Sennis, 'Documentary Practices', 330-35.

[37] Regional examples: Virginio Villani, *I processi storici di trasformazione del sistema insediativo: Gli insediamenti religiosi in eta medievale: pievi ed abbazie* (Ancona, 2000), 18-20. The monastery of S. Savino increased its ownership of rural churches between an episcopal grant of 1155 and confirmation by Alexander III following the sacking of Fermo in 1176. Ugo Taraborrelli, 'Documenti pontifici e vescovili dell'Archivio storico del Capitolo Metropolitano di Fermo: le carte di San Savino, Santa Maria a Mare e San Pietro Vecchio (secoli XI - XIV).', *Quaderni dell'Archivio Storico Arcivescovile di Fermo*, 50 (2010), 5–122, Compare doc. 3, p. 49 (1154) to doc. 4, p.55 (1179).

[38] CDA, doc. 1, p. 7, (1044).

the pious motivations that led lay people to found churches in the first place also fed into a growing belief that bishops and monasteries were best placed to ensure the efficacy of church buildings in aiding salvation.[39]

Lay lordship over churches did not go away but it did undergo significant change. As monasteries and bishoprics increased their influence over rural churches around fortified settlements this had the effect of compromising the coherence of local *consortia* and fostered stronger patronage relationships with great ecclesiastical lords. This changed the dynamics of rural settlements. Barbara Rosenwein and other scholars have marked the mid-eleventh century as a point of significant change in long-established relationships of gift exchange involving land and churches.[40] Janet Nelson reminds us that notions of reciprocity and negotiability did not disperse with changes to thinking about churches as property, but these processes did shift and in doing so impacted a parallel shift into new spheres.[41] Kin groups responsible for shared church

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[39] An early eleventh-century foundation charter for a rural monastery near Veroli in Lazio gives a sense of the motivations behind such joint foundations: "we took council from priests and religious men, about how we might be able to atone for our innumerable sins and evade the anger of the eternal judge and we accepted council from them that there is nothing better within the virtue of almsgiving than to construct from our own possessions a house of canons".Camillo Scaccia Scarafoni, *Le carte della cattedrale di Veroli (Rome: Istituto di storia e d'Arte del Lazio Meridonale, 1960), doc. 36, p. 29-33.* Howe, *Church Reform and Social Change in Eleventh-Century Italy,* 115. For example, a confirmation of Farfa's rights to many churche*s: RF V, doc. 1317, p. 301-2 (1111).

[40] Barbara Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny's Property, 909-1049* (New York, 1989), 232.

[41] Janet L. Nelson, 'Church Properties and the Propertied Church: Donors, the Clergy and the Church in Medieval Western Europe from the Fourth Century to the Twelfth', ed. by Susan Wood, *The English Historical Review*, 124/507 (2009), 355–74, 374.

foundations were in some cases instrumental to the process of *incastellamento* by which fortified settlements were formed.[42] These groups might centre around those we might call aristocrats: descendants of counts or other high officials, less frequently we see *incastellamento* led by broader groups of indeterminate status.[43] Thus motivations of piety and collective expression were bound up in the land management, authority and increased surplus extraction that often accompanied *incastellamento*. Changes to church patronage influenced the balance of power in these settlements and so the franchise charters of the twelfth century which concerned the expansion and synthesis of one or more pre-existent fortified settlements were often prefigured by changes to church patronage as well as by evidence of more parish structures. These dynamics are evident in our first case study focused on the consolidation of several settlements at Macerata in Fermo.

The Attoni, proprietary churches and the synthesis of Macerata and Podio San Giuliano

Macerata, today a small city and provincial capital, was formed in the early 1100s by inhabitants of four neighbouring settlements in negotiation with the bishop of Fermo and a family of lay elites: the Attoni. The gradual incorporation of these smaller centres into a larger walled perimeter coincided with two franchise charters granted to the inhabitants by the bishop in 1116 and 1128. Here, I place these pacts in the spatial context which they sought to modify, in dialogue with an existing account of the formation of the settlement that became Macerata by

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[42] Wood, *The Proprietary Church*, 605-7.

[43] Chris Wickham, *Il problema dell'incastellamento nell'Italia centrale: l'esempio di San Vincenzo al Volturno: studi sulla società degli Appennini nell'alto Medioevo, II* (Siena, 1985), 84-6. *Stablemonte* in Umbria is another example of a group of thirty agreeing to lease a castle: LL, doc. 1594, p. 234, (1113).

Emilia Saracco Previdi.[44] Rural churches were some of the most prominent buildings in the settlements which clustered along the ribbed outcrops surrounding the *plebs* of S. Giuliano.[45] I suggest that the changing sense of ownership and belonging surrounding these churches contributed to the consolidation of a new walled town. In the surviving transactions with one elite family, we can see how gifts of churches to an energetic bishop compromised a localised lordship.

The Attoni, a family of seigneurial elites based in the Chienti Valley, made a gradual move into the clientele of the bishop of Fermo which we can trace through a series of gifts and leases. The family coexisted alongside other lay owners; they did not claim a comital ancestor, but the extended family seem to have maintained a local prominence before their status as secular lords was gradually transformed. We first hear of the Attoni in 1044 when Gagiburga, daughter of Attone, with her husband Bulgarello, sold to her three brothers, Grimaldus, Bernard and Carbone, a significant tract of land (150 *modii)* that includes a *castrum* named *Macerata* and two associated churches, S. Gregorio and S. Sebastiano.[46] This *castrum Macerata* was originally situated at some distance from the later urban centre near the river Chienti and the monastery of S. Croce.[47] Gagiburga also held part of a settlement named *castellum Illice* with its church of S.

[44] Emilia Saracco Previdi, 'La formazione di un nucleo urbano nella Marca medievale: Macerata', *Studi maceratesi. La città medievale nella Marca*, 7 (1973), 34–56, and Emilia Saracco Previdi, 'I possessi immobiliari da un catasto maceratese del 1268', *Atti e memorie (Marche)*, 9 (1975), 169–89.

[45] For the pieve of San Giuliano: Pacini, 'Le pievi dell'antica diocesi di Fermo', 159–276, 177.

[46] *Fiastra* I, doc, 5, p. 13-16 (1044). For a suggested family tree of the Attoni: Foglietti, *Documenti,* 81.

[47] The original *castrum* of Macerata was situated in the *terre maceriatinis* near the monastery of S. Croce al Chienti mentioned in a privilege of Otto I: RF III, doc. 404, p. 111, (967). Saracco Previdi, 'La formazione', 34–56, 27-54. For lease from Fiastra to a member of the Attoni in territory of *Macerata*

Pietro and to the north, a third settlement, *castrum filli Adami,* was held in part by Grimaldus and some cousins.[48] A changing sense of ownership over the proprietary churches played an important role in fragmenting the authority exercised by this family over several neighbouring settlements. Thus, the long-term context for the twelfth-century pacts at Macerata can be traced in the reign of the reform-orientated bishop, Waldericus, who took office around 1056.

Gift exchange between this energetic new bishop and clients such as the Attoni led to several rural churches being handed over to the episcopal church. Waldericus, possibly of German origin, was an ally of Pope Victor II and correspondent of early reformer Peter Damian.[49] Fifty transactions by Waldericus survive in the *Liber Iurium*, a late-medieval compilation of documents outlining the territorial claims of the bishopric, they are largely leases and donations several of which are made with the Attoni.[50] With long leases, churches could make strategic choices to empower local elites, raise funds for building and clarify the documentary rights of the church.[51] Waldericus also set a precedent for later charters of franchise by granting market and

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vecchia: *Fiastra* III, doc. 205, p. 278. (1216). For land here held by the church of Camerino see Saracco Previdi, 'I possessi immobiliari', 177.

[48] The *castrum* of *Illice* with its church dedicated to S. Peter was given in part to the bishop by Gagiburga daughter of Attone. Azzo then granted back in usufruct a portion of the castle of *Illice* and its church: *LF* I, doc 28, p. 49 (1098). For *castrum fili adami*: LF III, doc. 376, p. 683 (1054). Th*e filli adami* were possibly cousins of Grimaldus, see *LF* III doc. 366, 663 (1011).

[49] Maria Sole Cardulli, 'Architettura sacra nella Marka', PhD Thesis, Sapienza, Università di Roma, 41-4.

[50] Cardulli, 'Architettura sacra nella Marka', 185-6.

[51] Chris Wickham, *Medieval Rome: Stability and Crisis of a City, 900-1150* (Oxford, 2015), 56. On the ritual context of emphyteusis lease: Fiore, *Signori e sudditi*, 137-9.

court rights to a new walled settlement: Civitanova.[52] Thus Waldericus both consolidated and experimented with new forms of territorial authority which were connected to a desire to build larger stone churches. The client relationships he developed were also bound up with the organisation of extant rural churches.

Relations between the Attoni and the bishop were mutually supportive and may represent a considered reordering of territories bound up with the family's pious motives. The result was an increase in the bishop's interests in several proprietary churches. Grimaldus and Bernardo, sons of Atto, gave to Waldericus three churches in their entirety alongside shares in a *castello* in 1059.[53] Then in 1070 Grimaldus gave up land and half of his church of S. Salvatore and half of his portion of another.[54] The other half of S. Salvatore was given by Grimaldo as a pious gift to a mountain hermitage.[55] Baroncellus, a contemporary of Grimaldo, gave the church of S. Gregory,

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[52] See Lucio Tomei, 'Genesi e primi sviluppi del Comune nella Marca meridionale: Le vicende del Comune di Fermo dalle origini alla fine del periodo svevo (1268)', in *Società e cultura nella Marca meridionale tra alto e basso Medioevo*, (1995), 129–415, 12.

[53] In 1059 two churches are given to Waldericus associated with an un-named castle near the *plebs de Mosiano* by Macerata: LF III, doc. 355, p. 641 (1059).

[54] Foglietti, *Documenti dei secoli XI. e XII. per la storia di Macerata*, doc. 6, p. 9. In 1070. Grimaldo again exchanges land with Waldericus giving up his church of S. Salvatore and his share in the church of S. Bartholomew. LF II doc. 271 p. 496 (1070). A further share of S. Salvatore was owned by the bishop of Camerino and mentioned in Farfa docs. See notes to *Fiastra* I, doc. 82, p. 158.

[55] Half of S. Salvatore went to the mountain hermitage of S. Michele in Domara (near San Severino) Foglietti, *Documenti*, doc. 17, p. 29 (1083). For its now lost archives : Sensi: Santuari e culto di S. Michele nell'Italia centrale, 256. The family may have given away other portions: Farfa claimed the monastery of S. Firmanus unjustly held half of the church of S. Salvatore (near Macerata). See *RF* V, doc. 1280, p. 269 (undated, probably late eleventh century). See notes to *Fiastra* I, doc. 82, p. 158.

another church near Macerata with its tithes to Adam its priest, deacon and caretaker in person.[56]

The brothers were clients of the bishop, delivering to him two pork shoulders for the feast of

S. Stephen, yet they were also minor lords in their own right. However, as a result of these gifts,

the authority manifested in ownership of local churches was increasingly subordinate to the

bishop. It may be the bishop had long taken some interest in the running of such smaller chapels

and perhaps it seemed right, in the prevailing climate, that the bishop should be proprietor, but it

may, inadvertently, have altered the balance of power in the neighbouring *castelli*.

These transactions do not, by any means, signal an end to lay ownership of church land and

revenues, but what they do show is that gifts of church buildings reinforced ownership by the

bishop and parishioners. In 1073 Bishop Waldericus leased to Grimaldus Attoni the rights to

tithes and death duties from the *parochia* of three churches situated in settlements surrounding

the *plebs* of S. Giuliano for a cash sum and an annual payment.[57] Gifts of tithes have been

interpreted as a means to build loyalty with local elites through establishing a prestigious

relationship, which might, but did not necessarily, lead to the formation of a *bannal* lordship.[58]

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[56] Foglietti, *Documenti,* doc. 20, p. 33 (1099).

[57] *idest in fundo Ceresiole, ipsa parochia de S. Andrea de Ceresiole et ipsa parocchia de S. Martino que est edificata in ispo castello filii adami et de ipsa parocchia ed de alo sanctus andrea trasenis, ipse dicte parochie* LF III, doc 363, p. 655 (1073). The settlement is considered a smaller *castellare* in the twelfth century: *Fiastra* I, doc. 192, p. 313 (1178). Further lease of tithes by Waldericus: LF II. doc. 209, p. 391 (1073) and LF II doc. 278 p. 509 (1083) and LF II, doc. 349, p 623-625 (1073). Further leases of churches in S. Elpidio: LF III, doc. 404, p. 724 (1060). LF I, doc. 109, p 233-235 (1063), LF II, doc. 242, p 447-449 (1066).

[58] John T. Eldevik, *Episcopal Power and Ecclesiastical Reform in the German Empire: Tithes, Lordship and Community, 950-1150*, (New York, 2012), 153-66. Chris Wickham, *The Mountains and the City: The*

Waldericus was probably German and an imperial appointment and perhaps had no familial links to the local aristocracy, thus a gift of tithes might also have helped to bolster the bishop's prestige in a contested area of the diocese. For one of these churches (S. Martino in the *castrum figli di Adami)* had been fairly recently claimed by the bishop after an exchange with the abbot of S. Apollinare in Classe near Ravenna.[59] Significantly, this transfer of tithes provides evidence for *parochiae* situated notably close to the *plebs* of S. Giuliano, suggesting populations large enough to justify regular liturgical celebrations and perhaps burials around these buildings.[60] These tithes may have been a source of prestige and wealth for the Attoni and the handful of other elites who were granted them, but it was they who were responsible for reckoning with what appear to be growing local congregations regarding payment. Moreover, the documented act of giving gifts of tithes and death duties served to clarify that such payments were rightfully owed to the bishop and not, as was sometimes the case, used to support the maintenance of a proprietary church.[61] Therefore, leasing tithes may have had the counter-intuitive effect of consolidating the jurisdiction of the bishop over the Attoni and their contemporaries, while making them responsible for the work of collecting the duties. The next generation of this family sought different means to maintain their local authority.

Tuscan Appennines in the Early Middle Ages (Oxford, 1988), 109-10, Violante, 'Pievi e parrocchie, 643–799, 717-21.

[59] LF I, doc.105, p. 224-226 (1060).

[60] For subsequent increase in churches at Macerata: Saracco Previdi, 'La formazione', 34–56, 51.

[61] For tithes on the ground in contrast to Carolingian legislation : Wood, *The Proprietary Church*, 468-70. A regional example is found in the capitularies of Lambert of Spoleto, : Eldevik, Episcopal Power, 140.

A pact between the Attoni and the new bishop, Azzo from 1108 shows that relations had soured into open conflict. This derived from demands for a new walled perimeter and to a loss of revenues, perhaps tithes. Two sons of Grimaldus and their cousins reconciled with Bishop Azzo before an extended group of *boni homines.* The text states that the bishop was in discord with the Attoni because they had lost (or had ruined: *perdat*) three settlements: *San Giuliano*, *castrum filii adami* and their possessions. The bishop requests that the Attoni not infringe on the land or *homines* of the church of Fermo in *castrum Macerata* or in the *podium novum* that is to be built.[62] Contested rights and the Attoni's plan to build a new walled perimeter closer to the *plebs* of S. Giuliano appears to be a source of considerable tension. As security, each party give in pledge rights over land and 25 families of *mediates homines,* approving access for episcopal messengers (*nuntios*).[63] This attempt to consolidate or to revive the Attoni's lordship was not sustained, it was met by a new agreement between residents and the bishop. Nine years later, in a document of 1116, Azzo made a further pact outside the *plebs* with all the *minores* inhabiting c*astro podio San Iuliano,* the settlement surrounding the *plebs.* Azzo conceded the same rights that his predecessor Waldericus had granted to Civitanova: exemption from collection of the *fodrum,* delegation of low justice to a group of *consules*, and markets free from certain taxes.[64] In return, the inhabitants promise to protect the settlement and to rebuild the walls, up to three times. This document recognises the inhabitant's rights to sale, exchange and inheritance of land,

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[62] *dicti filii Attoni quod noverunt in consilio vel facto quod episcopo Firmani perdat castellum Sancti Iuilani* etc LF I, doc. 29, p.51-53, (1108). Ten years earlier, Azzo had been given and then granted back in usufruct portion of the castle of *Illice* and its church: LF I, doc 28, p. 49 (1098).

[63] LF I, doc. 29, p. 52 (1108).

[64] LF I, doc. 15, p. 18 (1116).

but with a clause unique to this charter: transfer of land is prohibited to *capitanei*, vassals or other churches. This is most probably a reference to the rebellious Attoni or rival church lords such as S. Apollinare in Classe.[65] The Attoni are not signatories of this pact; they were also unlikely to be inhabitants of *Podio S. Giuliano* given they had recently commissioned a new castle, *macerata novitem* nearby. I shall return to this pact, but for now I emphasise that although the agency behind the construction of the new castle remains ambiguous, Bishop Azzo made use of his role as bishop to reinforce loyalties from the congregations of several *parochiae* alongside the *plebs* and did so by supporting the foundation of a larger *castello*.

Legitimising self-governing assemblies in *Podio S. Giuliano,* along communal lines, may have been done to serve as a counterpoint to the local domination of the Attoni, this is suggested by events in the following decade. In 1128 two sons of Grimaldus; Rusticus and Tignosis, make another pact with the new bishop named Liberto, promising not to seize or destroy the goods of the church of Fermo in either *Podio S. Giuliano* or Macerata or to make war against the bishop.[66] A precursor perhaps of growing hostility between Liberto and Werner, margrave and duke of Spoleto.[67] In any case, Macerata did not have a future as a distinctive power base for this family. In 1137 a further pact with the *homines* of S. Giuliano gives the bishop's approval to join Macerata and *podio S. Giuliano* with a new walled perimeter while reiterating the earlier privileges to a now broader group; Rusticus and Tignosis, called *habitatores* of Macerata, gave

[65] LF I, doc. 15, p. 18 (1116).

[66] LF II, doc. 206, p. 385 (1128).

[67] War with bishop LF I doc. 80, p. 172-173 (1130). For Margrave Werner see Fiore, *Signori e sudditi*, 49-52.

their consent. This conjoined settlement was referred to as both *podio S. Giuliano* and *Macerata* for some years.

As more documents from Macerata were written in the late-twelfth century, they illustrate a transformation in the Attoni's local authority, as part of a broader group of local elites, engaged in activities according to the increasingly urban character of Macerata. The sons of Grimaldus still made pious donations to the church of Fermo.[68] They retained the title of *dominus* yet there is no suggestion they took high office in the commune, family members also continued to maintain a distance from the bishop, and some moved away taking up a house and trading rights in Osimo, the neighbouring diocese.[69] Nevertheless, the Attoni retained property, a townhouse and social prominence; a quarter of the town and a walled gate took their name. In the thirteenth century, a descendent became *syndicus* of a lay hostel within the settlement, a form of patronage practised by other urban elites in the region.[70]

Rights to revenues and ownership of disparate parishes underlays the negotiation around expanding Macerata. The handful of *parochiae* documented near Macerata in the 1070s suggests

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[68] LF I. doc. 45, p. 83 (1134). *LF* II, doc. 206, p. 385 (1128). Foglietti, *Documenti*, doc. 25 and 36, p. 40-3.

[69] They are not listed as episcopal vassals here: LF II, doc. 245, p. 455 (1206). leases from Fiastra *Fiastra* II, doc. 176, p. 275 (1200). Son of Tignosis in Osimo: LRO, doc. 24, p. 34 (1198).

[70] . For the house of Grimaldo di Atto: *Fiastra* III, doc. 193, p. 259 and doc. 194, p. 260 (1215). For the *porta di Attoni*: Foglietti, Documenti, 95. A descendent of the Attoni became lay procurator of the hostel of S. Bonus and was involved in a dispute with Fiastra: *Fiastra* III, doc. 167, p. 225 (1214). For lay hospitals: Bernardi, 'Esempi di assistenza a Cingoli nel sec. XIII', 257–88, passim. Lay hospitals in Fermo run by confraternities: *LF* II, doc. 325, p. 579 (1184).

regular liturgical assembly and the possibility of consecrated burial grounds distinct from the

plebs. Only further archaeological research may illuminate the chronology of these churches, the

presence of burials and the order of this process.[71] The charter issued to the *minores* of Macerata

may be seen as an attempt to secure revenues and loyalties of the surrounding churches and their

parishioners, using expressions of unanimity that express a desire for consensus and community

cohesion.[72] The urban nucleus at Macerata was forged through ongoing tensions between Bishop

Azzo and the Attoni, the material process of its foundation initiated a shift in power relations

through negotiations with a wider group of inhabitants associated with the surrounding parishes.

These churches may have been subordinate to the *plebs* at S. Giuliano which here, was situated

within the perimeter fence (*girone)* of a nucleated settlement, a diversion from the more common

lowland site near former Roman settlement.[73] However, at Macerata, S. Giuliano is somewhat

marginal to subsequent developments of the urban topography. Settlement is more focused

around a central *platea* situated to the west of the *plebs* by the church of S. Pietro, an extra mural

parochia that was demolished and rebuilt within the walls.[74] No single parish acted as the

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[71] This insightful study of rural churches in Languedoc exemplified how this might be done: Catafau and Passarrius, 'Village ecclésial et cellera en Languedoc-Roussillon', 107–24.

[72] For charters of Franchise as overlapping local complexity : Provero, *Le parole dei sudditi*, XVII, 12. Violante, 'Pievi e parrocchie', 643–799, 735.

[73] Montesanto another large *castelli* on the north of the Chienti river was also based around a fortified *plebs.* Some, but not all *plebs* in Fermo were situated in parallel early medieval territories known as *ministerium*: Delio Pacini, 'I ministeria nel territorio di Fermo: (secoli X-XII)', in Pacini, *Per la storia medievale di Fermo e del suo territorio*, (Fermo, 2000), 69–158.

[74] Foglietti, Documenti, 84-84 For charter of 1022 mentioning similar dedications in *ministerium s. Iuliani* which Foglietti argues was moved into Macerata see LF I, doc. 13, p. 63. (1020). For assemblies outside this church : *Fiastra* III, doc. 167, p. 226 (1213).

precursor to this settlement. Rather, diverse *parochiae* suggests distinctive religious and communal identities compounded by rural mobility, family strategies and personal loyalties.

The Macerata evidence does not tell us a great deal about interactions between the Attoni and other members of the local community, we do however have an illustrative example from another *castello* in the Chienti valley. At Montegranaro in 1164, a *consortium* of six men gave up all rights (*iure vel uso*) including the s*ervitium* and *obsequium* they took from the church of S. Salvatore in Montegranaro without compensation, to Liberto, bishop of Fermo. This transfer of the building and revenues from the church was done with the consent of the *populus* and the four *consuls* of Montegranaro.[75] S. Salvatore had been held by a *consortium* as a proprietary church until in 1054, a half share of the church was given to the bishop alongside a share in the castle and walls.[76] This group included members of a county-level elite family who in the tenth century had contested another nearby church and estate with the monks of Farfa.[77] We cannot discern the relationship between the *consortia, consules* and *populus*, except that they acted together with the bishop, but the document does hint at an apparently autonomous commune, with a stake in the church and a *consortium* who were clearly no longer in control of the building and its revenues. Farfa and numerous small owners held land around this settlement and there were several smaller churches nearby. It was however the church of S. Salvatore that remained central to the settlement and this parish church was the place of assembly for the commune in the

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[75] LF I, doc. 86, p. 184 (1163).

[76] LF II, doc. 328, p. 589 (1054).

[77] CF I, pg. 252 (981). Also: RF III doc. 398, p. 100 (981). The Siegardi are among a large group described as *boni homines* of the county of Fermo: RF III, doc. 458, p. 169-170 (1019).

thirteenth century.[78] There was probably more going on at Montegranaro than is revealed in this document. Some of the numerous rural churches which surrounded larger *castelli* like Montegranaro and Macerata developed clear parish identities, this process, combined with regional mobility fostered fragmented parish loyalties. This fragmentation and the way that people thought about their belonging to a parish is illustrated with some clarity in later dispute records from the neighbouring *castello* of Sant'Elpidio.

The parish, priests and their effects on social networks

The question of parochial identity was not always a simple matter, it was shaped by networks of loyalty spanning multiple centres. Conflict between church lords over parish revenues and patronage relationships was prompted by generational movements of people between settlements. Medieval people made use of many overlapping social frameworks, but parish identities are more visible than most, being units of organisation of particular concern to ecclesiastical record keepers as tithes and expectations of burial payments increasingly became the prerogative of church lords.[79] As such, parish boundaries were spaces forged by negotiations as well as precept. Burial linked a family to a place, and in this regard questions of individual

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[78] The remains of this church and its thirteenth-century portal are incorporated into a civic building in the main thoroughfare of Montegranaro for general assembly held here: ASF, *pergamene*, n. 1870. For refs to lay transactions and churches: Giammario Borri, 'Montegranaro castello del contado di Fermo dalle origini al XV secolo', in *Spiritualità e cultura nell'età della riforma della Chiesa*, (Rome, 2006), 451–62 and for transcription of previous document: Appendice, doc. 1, p. 475 (1224).

[79] Reynolds, *Kingdoms and communities*, 152-4. Élisabeth Zadora-Rio, 'Territoires paroissiaux et contrunction de l'espace vernaculaire', *Médiévales*, 49 (2005), 105–19.

preference and loyalty influenced conflict between churches and the physical parameters of the parish.

A somewhat later series of witness testimonies from a dispute in May 1203 illustrates the complicated questions of parochial belonging in churches surrounding the *castello* of Sant'Elpidio in the Chienti valley. A disagreement between two rural monasteries: S. Pietro in Butrio, a daughter house of S. Apollinare Nuovo near Ravenna, and S. Croce al Chienti reached a violent climax following a long-standing disagreement. Witness testimony from this dispute reveals what made someone a parishioner in this rural context. Egido, a canon of Fermo, interviewed sixteen people about the parochial status of certain individuals and where they were been buried. Several witnesses describe the climax of a rumbling dispute concerning a man named Guarcinus, who was 'not of this land' but had arrived when he married a local woman, allegedly *parochiana* of the church of S. Paolo (a dependent church of S. Pietro in Butrio) where her father had been buried.[80] When her husband died, she made announcements to the neighbourhood that he ought to be carried to S. Pietro in Butrio to be buried there too. And so, Guarcinus's body was taken by family and friends to S. Pietro and left in the *domus* of the church. Having seen the body being taken there, a group of monks and *homines* from S. Croce turned up at the *domus* of the church, picked up the body of Guarcinus and carried the corpse off

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[80] Pacini, 'Le pievi dell'antica diocesi di Fermo', 159–276, 265-266. Pacini does not include this church on the list of baptismal churches subject to the bishop of Fermo. S. Paolo's relationship to the diocese is complicated by the claims of Farfa and S. Pietro in Butrio. It is sometimes referred to as a *plebs*. For the location of S. Paolo see Vincenzo Galiè, *Insediamenti romani e medievali nei territori di Civitanova e Sant'Elpidio: ipotesi di ricostruzione topodemografica nell'ambito del Cluentensis vicus e di Cluana* (Macerata, 1988), 156.

to S. Croce.[81] According to another witness, it was a bloody scene: a wooden bed was damaged and the angry prior of S. Pietro in Butrio was beaten and left unconscious by monks and lay oblates (*conversi*) from S. Croce.[82] The prior of S. Pietro believed that Guarcinus should have been buried with them as his wife was a parishioner of a dependent *plebs.* Other witnesses claimed Guarcinus was a parishioner of another church: S. Giovanni, six kilometres away on the road leading to S. Elpidio.[83] This violent confrontation was the result of a family disagreement about allegiances and shows that abbots wished to cultivate intergenerational links with local families and claim burial offerings (*mortuorum*). Physical possession of a body helped secure the claims of an abbot and his followers.

This dispute also illustrates how the physical burial place linked the living with the dead and that privileged burial within monastic centres coexisted in tension with burial around smaller parish churches. The testimony also shows that parochial identity was open to negotiation and spread beyond the bounded territory of larger settlements. The text offers several answers to the question of how the burial place should be determined. The deceased's last wish certainly played a part, this was a frequent question to witnesses, which few could answer, if the last wish was unknown, kinship predominates.[84] Parochial status was considered partially hereditary; the prior

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[81] *Fiastra* III, doc. 24, p. 32 (1203).

[82] *Fiastra* III, doc. 24, p. 36 (1203). For lay oblates in monastic orders besides the Cistercians : James France, *Separate but Equal: Cistercian Lay Brothers, 1120 - 1350*, (Minnesota, 2012), 30-34.

[83] For the location of this church according with the former collegiate church of S. Giovanni : Galiè, *Insediamenti*, 157.

[84] See *Fiastra* III, doc. 24, pg. 37 (1203). A comparable case at Lucca ended with a ruling by the bishop that people could choose whether to be buried in a *pieve* or dependent chapel, : Violante, 'Pievi e parrocchie, 643–799, 742.

of S. Pietro in Butrio argued that Guarcinus should be buried at S. Paolo because his wife's

father was a *parochianus* there, this was repeated by several witnesses.[85] The same claim is made

about a certain Montanellus whose brother Firmone was made a monk at S. Croce al Chienti

around 1153. Montanellus's body was kept at his family's mill while the prior of S. Pietro in

Butrio appealed to Rome, asserting that Montanellus should be buried with his ancestors at S.

Pietro.[86] One witness claimed that Firmone appealed to the abbot of S. Croce to allow his brother

burial at S. Pietro. In response, the abbot of S. Croce once more stole the body and hid it.[87] The

burial of an ancestor in a given place and the implications for a family's loyalty was worth

fighting about, but when it came to court, was proved by local collective memory.

Parish status, like many forms of medieval proof was determined by repeated practice that was

widely seen and known.[88] The 1203 testimony shows very clearly the role of repeated practice in

determining rights and how this might be contested. Two of the sixteen witnesses are rural

chaplains, and their questions focus on why certain people were *parochiani* of a particular

church. Some were marked as *parochiani* because the chaplain remembers them accepting

penitence, hearing the divine office on high holy days or bringing disputes to be judged by the

priest.[89] Other witnesses indicate parochial status from the act of paying renders to a particular

church or owning or leasing land in its territory. Vows of homage or fealty to an abbot also

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[85] *Fiastra* III, doc 24, p. 34-5 (1203).

[86] *Fiastra* III, doc 24, p. 34, 36, 37 (1203).

[87] *Fiastra* III, doc 24, p 36 (1203). For parallels: Violante, 'Pievi e parrocchie', 643–799, 742.

[88] For the workings of *fama* in a similar case : Chris Wickham, *Courts and Conflict in Twelfth-century Tuscany* (Oxford, 2003), 213–16.

[89] *Fiastra* III, doc 24, p 36 and 39 (1203).

justified parochial status and burial rights.[90] No further documents survive from this case, so we do not know how each claim weighed against the other. Nevertheless, this document affirms that belonging to a parish was flexible and not clearly delimited. Church lords had a clear interest in parish revenues, but claims interacted with a vernacular reality and inherent fragmentation.[91] Parish identity was anchored in the movements and rituals associated with the material space of the church and cemetery and a shared memory of belonging. The testimony here of rural priests is a reminder of their mediatory role between parish groupings and ecclesiastical hierarchies. It may be that a shift in the status and loyalties of rural priests played a significant role in the growing instability of lay church ownership in the twelfth century. The behaviour and relationships of parish priests was a major concern of reforming writers, hagiographic texts from the Marche suggest how the behaviour of local priests were imagined and, perhaps, experienced.

The *passio* of Franca composed during the early eleventh century in Fermo illustrates anxieties about the divided loyalties of parish priests endangering a religious vocation. The *passio* recalls the trials of a wandering female hermit named Franca and exhibits a concern for clerical celibacy which predates the peak of church reform and does so from the perspective of a young woman whose pursuit of a contemplative life was beset with difficulty.[92] The text's stated purpose is to record the edifying example of Franca who left her parental home in Fermo to lead a religious

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[90] *Fiastra* III, doc 24, p 34 (1203). For leasing See also p. 40.

[91] Zadora-Rio, 'Territoires paroissiaux', 23-29.

[92] The *passio* is recorded in a twelfth-century legendary from near Spoleto in the church of San Felice in Narco, its composition is dated to the early eleventh century by reference to emperors Otto III and Henry II and was dedicated to an unidentified abbot: Baudouin de Gaiffier, 'Hagiographie du Picenum vie de S. Elpidius. Passion de Ste Franca', *Analecta Bollandiana*, 75 (1957), 288–89, 295.

life, living and praying at an unidentified church for two years until she was subjected to the unwanted sexual advances of a local priest. After fleeing to Fermo, where she is blessed by the bishop, she travels to a church dedicated to the archangel Michael in *Vallis Pontana* (Sant'Angelo in Pontano). Here again, she is troubled by a local priest fuelled with demonic lust. Notably, a group of *nepoti* support the priest, suggesting a secular clergy embedded in the community and able to draw on the resources of a wider kinship group to achieve their aims.

The texts' narrative tension derives from the contrast between the escape provided by the wilderness and the difficulty of a woman's religious life in the priest's *domus*. When questioned by a wandering shepherd, Franca states that God can be found anywhere as she refuses exhortations to come and live with the priest and share the bread and wine of the common life: the coincidence of household and *ecclesia* are positioned as the source of Franca's troubles.[93] The *passio* may be read as an *exemplar* cautioning against unordered female religious life. Alternatively, Eugenio Susi posits that the author of the *passio* may have been a nun living in one of the female monasteries around Fermo at some point under the influence of Farfa, a suggestion bolstered by the account of the arrival of a pious woman to rescue Franca from the priests.[94] If so, it might then convey a concern for church reform driven by personal experience

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[93] Gaiffier, '"Hagiographie du Picenum vie de S. Elpidius. Passion de Ste Franca"', 288–89, 297.

[94] Gaiffier, '"Hagiographie"', 288–89, 298. This observation is made despite the dedication to an unidentified abbot: Eugenio Susi, 'L'agiografia picena fra l'Oriente e Farfa', in *Agiografia e culto dei santi nel Piceno*, (Spoleto, 1998), 57–84, 82-84, LF I, p. 163, note 236. *RegFirm*, doc. 4 p. 301. Franca's life has no miraculous or historical elements and appears to have been written by a contemporary source. In contrast: Antonio Sennis, 'Narrating Places: Memory and Space in Medieval Monasteries', in *People and Space in the Middle Ages*, 2006, 275–94, 288. No record of church dedications or cult associated with Franca survives. Franca is not to my knowledge remembered in the liturgical calendars of the region,

of worldly priests as a practical hindrance to a religious vocation. This reading of the *passio* of
Franca accords with scholarship that sees reform as a long-term and localised phenomenon
where priests were relied upon as mediators between both secular and divine, speaking to the
problems of a life devoted to salvation when monasteries and churches were inextricably linked
to networks of kinship in rural settlements.[95]

The promiscuous and ill-educated secular priest was a caricature exaggerated for rhetorical
purposes by generations of reforming clerics.[96] Though there was a factual basis for this scorn,
recent scholarship has nuanced the largely negative view of the early medieval parish priest,
showing a long-standing concern for their instruction and continuity in the role as mediators
between local society, the divine and the diocese.[97] Indeed, a concern for a church to be attended
to by a priest that could effectively perform the rituals required for salvation had been a
requirement since the late Roman period and was necessary for all but the smallest chapels.[98]
Nevertheless, there is clear evidence of gradual and piecemeal change in the status and loyalties
of local priests. In a grand narrative of religious and social change, R. I Moore positioned the

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besides the church of San Felice de Narco where the *passio* is preserved. *Archivio Capitolare del Duomo di San Lorenzo*, Spoleto (Perugia), I-II 'Leggendario di San Felice di Narco' [BHL 3091m], ff. 84v-85v.

[95] Howe, *Church Reform and Social Change in Eleventh-Century Italy*, 109-115.

[96] Giancarlo Andenna, *Alcune osservazioni a proposito delle fondazioni cluniacensi in Piemonte (sec. 11.-13.)* (Cesena, 1984), 701.

[97] Famously: Emmanuelle Le Roy Ladurie, *Montaillou: The Promised Land of Error* (New York, 2008), 157-62 Also: Miller, *The Formation of a Medieval Church*, 46. For a reappraisal of the Carolingian priest : Carine van Rhijn, 'Manuscripts for Local Priests and the Carolingian Reforms', in *Men in the Middle. Local Priests in Early Medieval Europe*, (Berlin, 2016), 177–98, 177-198.

[98] Wood, *The Proprietary Church*, 521-3.

parish priests as a mediator for the 'little community' in new parishes, this role for the priest in turn strengthened the diocese which gained a tighter hold over the same priests.[99] This remains somewhat schematic, bishops were perennially influential figures and parishioners sometimes maintained rights of election in the later Middle Ages. Nevertheless, a more bureaucratic church does seem to have changed the balance of power in many local communities as the density and demands of parishioners increased. Research by Julia Barrow suggests that practices of clerical marriage were only gradually and partially affected by reform. Barrow carefully highlights the slow decline of direct dynasties in favour of uncle-nephew relationships, leaving many sons of priests in need of new occupations.[100] Further, a change in priestly values emerges from Maureen Miller's study of notarial charters in Lombardy which concludes that priests themselves increasingly chose to distance themselves from their kin in favour of their assigned office.[101]

The charter evidence from Fermo and Farfa indeed indicates that local priests became more closely connected to the diocese and monastic lordship around the turn of the twelfth century.[102] Leasing to priests had been a practice since at least the eighth century, as evidenced by the Farfa cartularies, but as documents and gifts of proprietary churches increased, the situation probably became more commonplace, even if the short-term nature of such transactions made documents

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[99] Moore, *European Revolution*, 62-3 and Moore, 'Family, Community and Cult', 49–69, passim.

[100] Julia Barrow, *The Clergy in the Medieval World: Secular Clerics, Their Families and Careers in North-Western Europe, c. 800 - c. 1200* (Cambridge, 2015), 137-151.

[101] Maureen Miller, 'Clerical Identity and Reform: Notarial Descriptions of the Secular Clergy in the Po Valley, 750-1200', in *Medieval Purity and Piety*, (New York, 1998), 305–35, 314-5.

[102] See Toubert, *Les structures*, 925-6.

relatively scarce.[103] We get a sense of what such an arrangement could entail from a short-term (*precaria*) lease to a priest from the rural monastery of S. Anastasio near Amandola in Fermo. Here the monastery gives a priest tenure over half a church and the offerings of the living and the dead in return for an annual gift of two pork shoulders, a measure of wheat, fifteen *focacce,* a flagon of wine and 12 d.[104] As laypeople gave more rural churches to monasteries and the same churches developed parish functions it became more likely that rural priests were tenants and dependents of monasteries. These connections coexisted with other links to the diocese, lay lords, kin and community. For example, the two chaplains who give evidence in the Fiastra case of 1203 had held half the rights in their appointed churches in the names of different monasteries (S. Pietro in Butrio and S. Croce al Chienti). Both priests also seem to have moved post at least once, perhaps loosening local ties.[105]

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[103] LL II, doc. 2072, 2073, p. 320 (1041) lease of church by priest next document also, but undated. LL II doc. 2056, p. 314 (1036) lease of churches to another abbot LL II, doc. 2128, p. 334 (1063) priests lease a church in Fermo from Farfa. Priest along with a *consortium* leases land to construct a mill in 1169: Archivio di Stato Ascoli Piceno, Originale [A], ASAP, SAM, cass. II, n. 15. Wood, *The Proprietary Church*, 88-95. For the decline of short or low status leases in the eleventh century : Marios Costambeys, 'Archives and Social Change in Italy*', passim.

[104] CDA, doc. 10, p. 9 (1193). For a comparative *precaria* lease to a group of priests and kin group see Francesco Savini, *Il cartulario della chiesa Teramana. Codice latino in pergamena del sec. XII dell'archivio vescovile di Teramo* (Roma, 1910), doc. 41, p. 76-7 (1041).

[105] Don Baroncellus held half of S. Salvatore in the name of S. Pietro in Butrito. He also held half of the church of S. Maria when he was chaplain there: *Fiastra* III, doc. 24, p. 35 (1203).

In some respects, we see priests operating similarly to minor lords, judging disputes, accepting renders and making long leases of church land.[106] A move towards diocesan loyalties and away from relatives is also suggested when priests themselves donate churches to either a bishop or monasteries, providing the resources and legitimacy for small rural churches.[107] The documented increase in land gifts to individual priests may have been encouraged by clerical celibacy, yet the sharp increase in documents of the late-twelfth century may explain this rise. Several lay gifts of church portions to priests survive and it may be that such gifts to relatives was another means to circumnavigate doubt surrounding lay patronage.[108] The growth of the parish and a parallel shift in the loyalties of local priests perhaps made rural churches and the space outside them less a family possession and more of a spatial framework for identity and dispute. It was at just this time that canon lawyers were clarifying the nature of rights that laypeople could hold in churches, so to these developments we will now turn.

The legal discourse of ius patronatus *and the election of parish priests in the Chienti Valley*

The statement of one witness in the parish dispute of 1203 shows how much lay ownership of churches had changed during the twelfth century. When asked if the children of a certain

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[106] For seigneurial dues/tithes expected to a rural church : *RF* V, Appendix, doc. 1, p. 326. (possibly thirteenth century). For an emphyteusis lease by the priest of a *plebs* see SVC. doc. 108. p. 53 (1171). For a series of emphyteusis leases made by rural church provost see Borri, 'Le carte del monastero di S. Maria di Valfucina (1058-1250)', 5–83, doc. 24-28, p. 39-40, (1196-1200).

[107] Priest gives church *pro anima* to bishop LF III doc. 351, p. 631 (1063).

[108] A suggestion of this practice is found in our 1203 case: Fiastra III, doc. 25, p. 37 (1203), also: *Fiastra* I, doc. 44, p. 94 (1141), SVC, doc. 124 and 129, p. 61-2 (1201 and 1210). For lease to a priest and an extended group of relatives with statement of consanguinity laws: LL II, doc. 2130, p. 335 (1167).

Matheus Falconis were patrons of the *plebs* S. Paolo, the witness claimed that Matheus had once held rights of *ius patronus* in the church but since then he and his *consortia* had quit all *ius* and *actione* in the *plebs* because the prior of S. Peter feared the pope would excommunicate any lay person holding *ius patronatus* in a church.[109] Matheus may have been deceived; this seems a particularly strict and somewhat disingenuous interpretation of papal thinking about lay patronage of churches.[110] Nevertheless, it hints at just how much ideas of lay proprietorship had transformed as canon lawyers and popes sought to reconcile the fundamental tension between the reality of a proprietary understanding of churches and fear of simony and lay investiture that was already at work in the eleventh century. Susan Wood provides a nuanced outline of this process, which I will summarise here.[111] This new legal discourse, engaged with changing local practice, had consequences for the spatial dynamics of many rural settlements where proprietary churches, *plebs* and new parishes overlapped.

The concept of *ius patronatus* emerged from the consolidation of church legislation which began under Pope Calixtus II at the first Lateran council following the Concordat of Worms in 1123. Following Gratian's systematic collection of canon law in 1140 canon lawyers in Bologna sought to distinguish patronage from lay *dominium* using the term *advocatium* and later *patronatus* to describe lay rights to a church.[112] This framework allowed patrons to maintain a semblance of their inherited rights in churches that they or their ancestors had built. The aim was

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[109] *Fiastra* III, doc. 24, p. 32 (1203).

[110] An example of Innocent III upholding lay patronage rights: Kenneth Pennington, 'Cum Causam Que: A Decretal of Innocent III', *Bulletin of Medieval Canon Law*, Vol. 5, 101.

[111] Wood, *The Proprietary Church*, 884-907

[112] Wood, *The Proprietary Church*, Gratian: 889-892. *Ius patronatus*: 892-5.

to reduce lay control over churches, recognising the historic rights of church proprietors while restricting their influence in the running of a church. *Ius patronatus* gave patrons the right to put forth a suitable candidate to fill the religious office in a church, but the final decision on this matter should be made by an ecclesiastical authority, most often the bishop.[113] As Wood concludes, this change was not a result of aggressive ecclesiastical pressure or rationalising canonists, but 'changing attitudes and developing routines'.[114] In the Marche these changes are reflected in the uptick in church gifts after 1140 although the term *ius patronatus* appears regularly only from the 1180s.[115] The proliferation of these ideas and their social consequences is suggested by a forged document dated to 1145 but likely written by the Cistercians in the 1180s. The document states that the margrave, Werner, had relinquished all patronage rights in the abbey of Fiastra and it was accompanied by a similarly forged donation.[116] It may be that this was a precautionary measure by the monks, guarding against meddling by Werner's descendants or other secular officials in choosing a new abbot. The next case study will explore the practical impact upon rural settlements of the adoption of *ius patronatus* as part of canon law but first, to understand how these wider legal changes might influence social dynamics at the level of the parish, it is worth examining another dispute record from the Fiastra archive which suggests how these wider legal changes might be used and contested when a new priest was chosen.

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[113] Wood, *The Proprietary Church*, 895-6.

[114] Wood, *The Proprietary Church*, 907.

[115] For an early ref see *Fiastra* I, doc. 207, p. 336 (1180).

[116] *Fiastra* I, doc. 51, p. 107 (dated 1145, but a forgery which De Luca attributes to the 1180s) See also docs. 47 and 48, p. 99-100.

Both lords and parishioners might have a role in choosing a parish priest and the way of choosing a priest varied across Latin Europe according to the vagaries of local custom and lordship. Evidence for parish elections is found more frequently in Italy and could be a fiercely guarded privilege.[117] Questions of patronage rights increasingly played a role in disputes concerning the customs of parish election.[118] This is suggested in another court case from the Fiastra archive which shows parishioners strenuously asserting their collective choice of priest in opposition to claims of patronage rights. These testimonies recorded in 1211 give a sense of how the assertion of parochial rights to elect priests had changed here over the twelfth century particularly concerning lay patronage rights. The dispute concerns the church of S. Lorenzo, located not far from the town of Sant'Elpidio, which according to witnesses had once been dedicated to Saint Paul.[119] Two men, Cintio and Acto Peteradammi, laid claim to rights of patronage here inherited from their fathers. This ran contrary to the statement of several witnesses who deny this was the case, stating that for thirty years the parishioners (*parochiani*) chose the chaplain for S. Lorenzo and while Cintio and Acto had helped in this choice they did

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[117] Giovanni Cherubini, 'Parroco, parrocchie e popolo nelle campagne dell'Italia centro-settentrionale alla fine del Medioevo', in *Pievi e parrocchie in Italia nel basso medioevo sec. XIII-XV*, (Florence,1984), 351–413.

Reynolds, *Kingdoms and Communities*, 93-94. Augustine Thompson, *Cities of God: The Religion of the Italian Communes, 1125-1325* (Pennsylvania, 2010), 49.

We cannot say that this practice was the norm. In contrast, see documents from Amandola in which monks and abbot appoint a priest for a rural church and grant him the tithe: CDA, doc. 21, p, 22 (1231). For transfer of rights to elect a parish priest to provost of a rural monastery in the neighbouring Abruzzo diocese of Teramo : Savini, *Il cartulario della chiesa Teramana*, doc. 58, p. 105 (1127).

[118] For Tuscan examples: Wickham, *Courts and Conflict,* 213–16.

[119] It may be that this is the same church which was disputed by S. Croce in 1203 and now rededicated and subject to the *plebs* of S. Elpidio: *Fiastra* III, doc. 121, p. 165 (1211).

so as parishioners, not patrons.[120] Following this, we find a defiant statement by all witnesses

that they had the right to choose a chaplain.[121] Next, a statement from the *syndicus* claimed that

the church had been a parish for thirty years continually and that the parishioners of S. Lorenzo

chose the chaplain together with the priest of the *plebs* of S. Elpidio (*plebanus*). The s*yndicus*

goes further, claiming that although patrons could be parishioners, the defendants were not, in

fact, patrons of the church.[122] No resolution is recorded, so we cannot see how these arguments

were received and can only guess if those claiming to be patrons got their chosen chaplain. The

church hierarchy had a role in determining the priest and it may be that this dispute was bound

up with a wider conflict related to the *plebs* and commune at Sant'Elpidio. Nevertheless, this

document suggests how asserting a collective right to choose a priest weakened the claims of lay

founders and patrons whose legitimacy was increasingly in question. This facet of parish identity

was perhaps related to other fields of collective action and collective decision-making, let us

keep this in mind as we turn to the settlement of Villamagna and its surrounding churches.

Church patronage, fragmentation of lordship and the franchise charter of Villamagna

The settlement of Villamagna, my second case study, offers a view of how parish identities and

changing ideas of lay patronage influenced village-level politics. This example shows a parallel

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[120] *omnes actonem et Cintium Perteadammi cum parrochianos eclesie Sancti Laurenti, sed adiecerunt quod bene faciebant tamquam parrochiani non tamquam patroni. Fiastra* III, doc. 121, p. 165 (1211). For S. Lorenzo: Pacini, 'Le pievi dell'antica diocesi di Fermo', 159–276, 91.

[121] *Fiastra* III, doc. 121, p. 165 (1211).

[122] *sed quod patroni dicuntur esse parrochianos ecclesie in qua habet patronem, quos fuisse patronos negant adversarii: Fiastra* III, doc. 121, p. 165 (1211).

shift in focus by a local aristocratic family, influenced in part by changing ideas of ownership surrounding local churches. The evidence for parish structures and patronage of these churches may have played a role in the decision-making behind a document from 1194 where residents and lords agree to expand the walls, establish a local market and set up a commune. The settlement of Villamagna was situated close to the Cistercian abbey of Fiastra, and increasing patronage of the Cistercians and their economic practices influenced the exercise of authority in this settlement. I argue that this process intersects closely with changing personal and legal attachments to several local churches over the course of the twelfth century.

The transformation of the authority exercised by the Offoni counts over the settlement of Villamagna was a gradual process linked to emerging parish identities and changing ideas of church ownership. The *curtis* and later *castrum* of Villamagna, as the name suggests, emerged around the site of a Late Antique villa situated near the Roman town *Urbs Salvia* on a hill 2km from the riverside abbey of Fiastra. [123] The Offoni family ruled the *castrum, curtis* and *privilegium* of Villamagna, they were descendants of Mainardus, a count, who was accused of usurping local land from Farfa.[124] The Offoni were rivals of the Attoni of Macerata in 1030 and except for the comital title seem broadly comparable in status with this latter group. [125] Fiastra

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[123] Chiavari, 'Note di topografia', 132-41.

[124] RF V, doc. 1298, p. 288 and CF I, p. 252.

[125] Two early documents, although possibly forged, may reflect the families claim here and record conflict with the Attoni: *Fiastra* I, doc. 2, p. 5-8 (1030), doc. 8. p. 23 (1077) this gift of land is made in reconciliation for an attack by the Attoni of Macerata. For topography: Aldo Chiavari, 'Note di topografia medievale nell'area dell'abbazia di Fiastra', in *Montolmo e centri vicini. Ricerche e contributi*, Studi Maceratesi, 33, (Macerata, 1991), 126-7.

became a popular centre of patronage by the Offoni themselves and other less prominent holders, this shift to landholding mediated by the Cistercians was partially responsible for a transformation of the Offoni's local authority and status. Concurrently, concepts of ownership in local churches also underwent significant change. This prompted significant changes to the dynamics of space, the location of assemblies and communal loyalties, which were instrumental in wider social change. At Villamagna this was articulated in 1194, in a document defining a new basis for the lordship and self-government by inhabitants in exchange for building a larger walled perimeter.[126] This attempt to negotiate new customs and expand the settlement as a commune was short-lived; in 1199 Villamagna was sacked by an army led by imperial Seneschal, Markward of Anweiler.[127] After this, the family gave up on their plans for Villamagna, and submitted to the neighbouring town of Tolentino, two brothers Matheo and Forte Offoni, promised to go and live there with certain *homines*, then a year later Forte Offoni agreed with lord Gualterio Abbraciamonte and the *consuls* of neighbouring Urbisaglia to instead live there, promising to help fortify this centre and not to rebuild Villamagna.[128] The family now moved closer into the orbit of Fiastra as vassals and oblates, following further defeats in a series of legal disputes.[129]

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[126] *Fiastra* II, doc. 113, p. 177 (1194).

[127] For the destruction of Villamagna see notes and text of *Fiastra* II, doc. 173, p. 268 (1199). For later references: *Fiastra* III, doc. 46, p. 66 (1206).

[128] Carlo Santini, *Saggio de memorie della città di Tolentino*, 1789, appendix, doc. 6, p. 269 (1199). For agreement not to rebuild Villamagna: *Fiastra* II, doc. 182, p 285 (1200). Urbisaglia is named after the Roman *municipum urbs salvia:* Virgili, *Insediamenti,* 24-40.

[129] Renzi, *Nascita di una signoria,*14-21.

Rural churches linked powerful families to one another, to the land and to the divine, anchoring their social prominence. Three churches in the vicinity of Villamagna- S. Angelo, S. Pietro and S. Valentino - exhibit changing relationships with prominent local elites. I suggest that a crisis of legitimacy faced by rural aristocrats in the Marche from the mid-twelfth century was connected to a further transformation of church patronage focused on the emerging discourse of *ius patronatus,* combined with growing parish identities and a changing role for the offspring of local priests.[130] Rural elites were able to retain some of the revenues associated with churches but much of the symbolic authority was restrained by the legal framework of *ius patronatus*. Concurrently, local priests, became increasingly loyal to monastic and diocesan networks. Links to kin were weakened and sons who were no longer guaranteed to inherit office sought new avenues for acquiring prestige and social power. A less discernible, though equally important consequence of this change relates to the changing use of space in and around the church. I suggest that this change in church ownership was also instrumental in topographic changes expressed in the wider walled perimeter and the assemblies held within.

S. Angelo in Villamagna, the oldest church near the settlement, was at some points claimed by the lords of Villamagna, yet their rights in the church remained tenuous and fragmented. S. Angelo is documented from the tenth century and its church and *curtis* were at some point possessions of Farfa, confirmed in several imperial privileges.[131] The church estate or *fundus* is

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[130] This expands the analysis of Maire Vigueur and Renzi which emphasises fragmented property rights: 9 and Renzi, *Nascita di una signoria,* 25-30.

[131] See LL I, p. 144 n. 224, CF I, p. 326. Delio Pacini, 'I monaci di Farfa nelle valli picene del Chienti e del Potenza', in *Pacini, Per la storia medievale di Fermo e del suo territorio*, 2000, 277–342, 293-4. A *curtis* and church *S. Angelo in villa magna* is listed as usurped from Farfa: RF III, doc. 379, p. 84 (939).

particularly well documented in the Fiastra charters but there are no references to the church building itself, nor are there identifiable remains, though it may lie close to the excavated villa site.[132] S. Angelo was not a *plebs* but by the thirteenth century at least it was considered a parish, perhaps subject to the nearest *plebs* of S. Andrea outside Urbisaglia.[133] Members of the Offoni family seem to have laid claim to the churches of Villamagna in a charter of 1119.[134] Fractions of the estate were donated or sold to Fiastra and rights to a stream were redirected to feed cisterns in the monk's cloister with a third of this water reserved for the communal use of Villamagna.[135] Additional portions of the *terra* S. Angelo were acquired by Fiastra and the neighbouring lords of Urbisaglia and when in 1237 the bishop of Camerino sought to clarify patronage rights they were shared by both parties, the Offoni acting here only as vassals of the Cistercians.[136] In the following year, a chaplain of S. Angelo leased land to a resident of Urbisaglia who held a plot

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See also 20 modii of land in *vico s. Angeli in teritorium Camertulum* leased to the sons of a Grimaldi in 955: LF I, doc. 224, p. 144 (955). RF V doc. 1318, p. 304. For the suggestion that the Villamagna in the Farfa cartulary is near Ripatransone in the south of the diocese : Chiavari, 'Note di topografia', 117–214, 202-3. This is disputed by Pacini, see above.

[132] Chiavari, 'Note di topografia medievale', 117–214, 204.

[133] Descendent of the Apponi family states that he is a *parochianus* of S. Angelo leaving a gift of money in a will: *Fiastra* VII doc. 54, p. 95 (1252), *Fiastra* VII, doc. 68, p. 117 (1252).

[134] Sons of Count Lambert promise to cede their portions of Villamagna to their brother if they do not have male heirs: *Fiastra* I, doc. 23, p. 61 (1119).

[135] *fons sancti angelo* was a spring which later fed the cloister of the monastery at Fiastra. Rights to half the water from the stream are sold to Fiastra in 1172 by Ioseph Alberti Apponi for 40 s: Fiastra I, doc. 150, p. 253 (1172). Fiastra V, doc. 143, p. 255 (1237), Marina Righetti Tosti-Croce, *Architettura per il lavoro: dal caso cistercense a un caso cistercense: Chiaravalle di Fiastra*, (Rome, 1993), IV, 49-50. Will of Offoni descendent: *Fiastra* V, doc. 156, p. 285 (1237).

[136] *Fiastra* V, doc. 144, p.267 (1237)

next door illustrating direct management of the church's assets by a local priest.[137] Thus between 1119 and 1237 the Offoni ceased to be considered lords or patrons of S. Angelo. It may be that their tenuous rights to a church, usurped from Farfa, dissolved, as land associated with the building was transferred to new owners. We might also speculate at the impact of an emerging parish identity and possible limitations on the lord's ability to appoint priests. With more

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[137] *Fiastra* VI, doc. 14, p. 26 (1238)

certainty, we can say that rights to church land became fragmented and only indirectly associated with the Offoni.

Figure 2: Possible site of S. Angelo in Villamagna to the west of the excavated villa site (photo credit, Watkins)

Figure 3: View to the northwest of the Villamagna excavations towards Fiastra (photo credit, Watkins)

Two neighbouring rural churches show more explicitly a change in ownership related to prevailing ideas about church patronage. The first, S. Valentino was constructed 1km to the south of the Villa site in Villamagna.[138] In 1141, Peter and Lambert, sons of Count Offo and co-lords of Villamagna, reached an accord with Guido prior of S. Maria di Loro, a daughter house of the Abruzzo monastery S. Clemente in Causaria to give back *(reconciliare)* the church of S.

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[138] Chiavari, 'Note di topografia medievale', 117–214, 220.

Valentino in return for a gift of land (50 *modi*). They do so on the condition that they will still receive the church's annual death duties (*mortuorum*).[139] What was the motivation behind this transaction? Perhaps they felt, driven by piety and the counsel of the priest or prior, that their lordship over this church was no longer just. Maybe it had once been a possession of the monastery usurped or exchanged previously by the Offoni. Perhaps there were rumours that the margrave planned to give an old church and a large estate to the Cistercians just north of Villamagna, encouraging the Offoni in turn to strengthen their links with a great monastic patron like S. Clemente? Although mere speculation, these are all worth considering. The idea that this gift was encouraged or brokered by the priest, Rustico, is supported by a note that he had been ordained in office by Saint Mary and all the saints - a possible reference to tutelage in S. Maria in Loro. More certainly, the document shows how this branch of the Offoni had changed its relationship with the church to fit with prevailing ideas about simony and lay patronage. A clause stating that 'goods would return to their original owners should either fail to keep the bargain' reminds us of the continuing proprietary understanding of such transactions.[140] The exclusion of death duties leaves open the possibility that this was a parochial church with a regular congregation and perhaps a cemetery. The building was situated between the common land of neighbouring c*astrum Loro* (Loro Piceno) and was described as a boundary marker for the lands of Fiastra and other, more minor lords, and losing direct control of this prominent landmark was

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[139] *Fiastra* I, doc. 46, p. 97-99 (1141). The same counts had received the church in a sale in 1119. *Fiastra* I, doc. 23, p. 61 (1119). For S. Clemente's land around *castrum Loro*: Alessandro Pratesi and Paolo Cherubini, *Iohannis Berardi Liber Instrumentorum Seu Chronicorum Monasterii Casauriensis Seu Chronicon Casauriense*, Fonti per la Storia dell'Italia Medievale. *Rerum Italicarum Scriptores* (Rome, 2017–2018), XIV, I–III, III, doc. 2079, 2975 (1102).

[140] *Fiastra* I, doc. 46, p.99 (1141).

a precursor to the decline of the Offoni on the local stage.[141] It was not only former comital families that had rights in rural churches; less prominent rural elites also made similar exchanges.

From S. Pietro, the third church in the *curtis* of Villamagna we gain a sense of how a family of medium elites, initially dependent on the Offoni, adapted to changing norms of church patronage.[142] Alberto Apponi was a minor lord who first appears in 1098 in a pact with Count Lambert, son of Offo, where he agrees to come and live in the *castrum Villa Magna* retaining services owed by his *homines* while paying homage in turn to Lambert.[143] Perhaps S. Pietro had long been held as a family church or maybe they acquired rights after having moved into the *castrum*. This is not clear, and we hear little else from the family for sixty-five years. Then, in 1167, Alberto's son Joseph confirms all the donations which his father had made to the abbot of Fiastra: twenty-nine plots of land, a mill, tenancies with services owed by eight men and the church of S. Pietro and its *tenimentis*, leasing them back in *emphyteusis* for a price of 30 s. and an annual pound of wax, probably a provision for lighting a church.[144] This and further transactions, including the sale of half their rights to the stream of S. Angelo, brought stronger relations with Fiastra, probably to the detriment of their ties to the Offoni.[145] They retained the

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[141] i*n fundo sterpeti Gualterii terras quantacumque sit iuxta ecclesiam Sancti Valentini et iuxta terra hominum Lori et iuxta rivum et iuxta terram domini Iacobi: Fiastra* IV, doc. 213, p. 346. (1230). The church was later used as a boundary marker in an imperial privilege marking the extent of Fiastra's holdings, having acquired and leased back much Offoni land: *Fiastra* III, doc. 95, p. 131 (1210).

[142] For the location of S. Pietro in Villamagna see Chiavari, 'Note di topografia', 117–214, 206-7.

[143] *Fiastra* I, doc. 13, p. 39 (1098).

[144] *Fiastra* I, doc. 124, p. 215-6 (1167).

[145] Sale of stream: *Fiastra* I, doc. 150, p. 253 (1172).

revenues from the church, but the family's claim in S. Pietro was later considered as *ius patronatus*.[146] We shall see that the Cistercians began to have a greater role in the appointment of priests and the functioning of the church itself when a dispute arose between the Apponi and Fiastra. In this dispute, we can see how these new conceptions of ownership worked out in practice when bonds created by pious donations were frayed by conflict.

The implications of the long-term shift in church patronage emerge in a later conflict between the monks of Fiastra and a certain Joshua and his grandfather, Joseph son of Appo.[147] In 1203, in front of a judge at *castro Ripa* (Ripa S. Genesio), Joshua and Joseph claim that two priests who were chaplains of S. Pietro and also sacristans for Fiastra had taken 10 lbs of Lucca money that they had left there for safekeeping and given five to Albert, a *converso*, the pair asked for the money back in the name of the church, to which they still retained a sense of ownership or belonging (*nostre ecclesie Sancti Petri*); they also ask for the return of their father's land, some livestock, goods and a chest which they claim the monks had stolen from their *domus* when Villamagna was sacked by the army of Markward of Anweiler.[148] In turn, the monks accuse the Apponi of raising an armed crowd against them and killing their cattle, asking in compensation for several plots of land in Villamagna, a cow, two pairs of sandals and four lambs.[149] We learn from this dispute that, despite the claims of the Apponi, the chaplains were closely connected to

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[146] *Fiastra VI*, doc. 37, p. 67 (1235).

[147] We can deduce that Joshua is of the Apponi as his father Alberic is likely the son of Ioseph Apponi, see *Fiastra* I, doc. 209. p. 340 (1180). Further, both Joseph and Joshua reference their possession of the church to which the Apponi are certainly patrons.

[148] *Fiastra* III, doc. 46, p. 65-6 (1206).

[149] *Fiastra* III, doc. 47, p. 67 (1206).

Fiastra and, by this account, very much the abbot's men. The Apponi's sense of proprietorship over the church may have been combined with a parishioners' understanding of collective ownership following our earlier example from S. Elpidio. This rural church acted as a repository for wealth, documents and family memory, a practice which had been used here in the abbot's favour. The Apponi probably still held the church in emphyteusi*s,* but it seems they had few legitimate ways to exercise their control over the building and those who maintained it, beside *ius patronatus* rights. Both parties reach a compromise: the money will be returned, but the Apponi received a little less land and quit all hereditary claims to the church.[150] This suggests that lay rights beyond *ius patronatus* were increasingly considered invalid, despite long-standing claims of ownership.[151] There are other violent disputes about patronage rights in this period but this case is particularly instructive as it suggests how changing practices surrounding these local churches may have influenced the communal franchise negotiated at Villamagna a few years earlier.[152]

The principal actors in the communal pact brokered at Villamagna in 1194 were three sons of a priest who negotiated the settlement with the *domini* (two branches of the Offoni, led by Count Matheo and his wife Ammirata). Specifically, they act as representatives of all free-holding

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[150] *Albericu Iosuei et eius nepos XV libras Lucensium quas petebant a predicto Abbate et eodem conventu, nomine ecclesie Sancti Petri remittant et quietant*
Fiastra III, doc. 48, p. 69 (1206).

[151] *Fiastra* III, doc. 48, p. 68-70 (1206).

[152] For complaints of violent acts by certain *nobile* related to claims of *ius patronatus* made by the monastery of S. Anastasio near Fermo see LF III, doc. 430 p. 755 (1234).

residents (*aloderis hominibus, maioribus et minoribus, habitantibus et commorantibus).*[153] Their

father, Aymerico, was a local priest who had held land in Villamagna since 1167 as a neighbour

of the Apponi.[154] Perhaps he was chaplain of S. Angelo or was removed from a rural church and

given over to local priories. The children of priests were still a fact of life in the Marche, a

reminder that practices of clerical celibacy remained a reforming ideal rather than a consistent

practice.[155] For example, in the terms of a later franchise charter issued to Aspramonte, the sons

of priests are required to give a third of all their possessions in exchange for sole rights of *ius*

patronatus in a church, a reminder that a priest's son still stood a chance of claiming his father's

office, but it came at a price and was by no means guaranteed.[156] These brothers, known later as

the *presbiterii,* appear in numerous charters with a decidedly ambiguous relationship to Fiastra.

Their land holdings focused on a shared mill, typical of middling local landholders.[157] The

brothers seem to have brokered this new pact and spoke for the community, but we should not

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[153] Villamagna pact: *Fiastra* II, doc. 113, p. 177-80 (1194). Subsequently Matheo's brother gives up his
rights in Villamagna in return for a house in Urbisaglia: *Fiastra* II doc. 125, p. 198 (1195).

[154] *Fiastra* I, doc. 124, p. 217, (1167).

[155] For persistence of priestly marriage in other rural contexts: Michelle Armstrong-Partida, 'Priestly
Wives: The Role and Acceptance of Clerics' Concubines in the Parishes of Late Medieval Catalunya',
Speculum, 88/1 (2013), 166–214, passim.

[156] *Item de filiis presbiterorum dicimus quod teneantur dare tertiam partem rerum suarum omnium soli
paterentibus ecclesiarum (Paterentia = iuspatronatus) ASF* no. 1817 Hubart [A]. (1223).

[157] Fiastra II, doc. 164, p. 254 (1198), *Fiastra* III, doc. 21, p. 27 (1202) and doc. 44, p. 63 (1205).
Controversy over rights to mill of the presbiteri *Fiastra* III, doc. 77, p. 104 (1208). Fiastra claim that the
Apponi have usurped land held by *filiorum presbiteri Aimerici*: *Fiastra* III, doc. 47, p. 67. (1206) Some
members had joined the inhabitants of Montemilone in their dispute with Fiastra: *Fiastra* III, doc. 203,
p. 276 (1216).

imagine them as egalitarian peasant leaders. This is made clear when we examine the terms of the pact.

The Offoni coalition presented all inhabitants with a new perimeter and plots of land inside for those who helped to build a new wall. They then promise to the *presbiterii* and freeholders not to molest their land and allow them to enjoy feudal tenure and services owed in peace, with provisions against alienation to outside lords. They provide for markets free of certain sales taxes, judicial rights and promise not to render a series of dues *(tolionam, datiam, debitam usantiam)*.[158] In turn, the *presbiterii* promise to build the wall within seven years to the satisfaction of the new *consules* (one chosen by the *domini,* another by the *populus)* in return they wish to be absolved of all *servitiis castelli* and promise to all *homines* of Villamagna to uphold the agreed provisions.[159] The agreement reflects several converging ideals, which will be examined in later chapters.

The assembly which produced the privileges of 1194 sought to reorganise the use of space at Villamagna and renegotiate relations between the counts and smaller landholders along the lines of the castle communes active in neighbouring centres and cities. It shows signs of a negotiated compromise by both parties which represents a new set of strategies for the Offoni and medium elites like the *presbiterii.* When viewed in context, it reflects the growing instability of the Offoni lordship, no longer able to legitimise its local authority through officeholding, or their role as lord and patron of the churches in and around the settlement. The parish identities

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[158] *Fiastra* II, doc. 113 p. 177, (1194).

[159] *ab aliis servitiis castelli volumus esse adsoluti et quieti: Fiastra* II, doc. 113 p. 178 (1194).

emerging across these rural churches were probably another consideration that coincided with the expansion of the Cistercians. The highly localised authority of the comital family had been weakened by the perceived illegitimacy of their role in local churches.[160]

We can now take stock and think about how this Villamagna pact compares to the earlier documents from Macerata. Each case study reflects distinctive periods of religious and social change, however in each settlement changing rights in churches affects the balance of local authority prompting new strategies that were contingent on a parallel transformation in the use of space. There are some striking differences, Macerata became a provincial centre, with later a bishopric and university. In contrast, the urban project at Villamagna was returned to the plough, the settlement was finally abandoned following the destruction of its churches in 1450.[161] The pact at Macerata was negotiated with a bishop, while that at Villamagna with lay elites. New practices associated with the parish and church patronage worked in the favour of the bishop and against the Offoni. if we considered the pacts in sequence then organisation around churches takes a more central role. Bishop Azzo's accord with the inhabitants of Macerata, strengthened diocesan control over rural churches in a contested border area, during a period when secular lordship over churches was still open to debate. Securing rights to parish churches and their tithes came at the expense of secular authority which was delegated to local assemblies. In contrast, when the Offoni sought to expand Villamagna in 1194, it appears their local authority

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[160] *Fiastra* II doc. 125, p. 198 (1195).

[161] The settlement was sacked, and churches destroyed by troops from the Kingdom of Naples in 1450. After this the settlement was largely abandoned: Chiavari, 'Note di topografia medievale', 117–214, 205-7

was already slipping away, medium elites once dependent on the Offoni redirected land and loyalties to the Cistercians and to established castle communes on the surrounding hills. As the Offoni's claims to ownership of local churches diminished and networks of imperial authority declined, temporarily, in the late twelfth century the rights and revenues available to the Offoni dwindled.[162] The document of 1194 reordered the settlement, creating a new spatial framework for assemblies and a renegotiation of relations with medium elites that were linked to accessing revenues from market exchange.

The decline of the Offoni was particularly acute on account of both the proximity to the Cistercians and the sacking of Villamagna. Of course, not all secular lords suffered a similar a fate and elsewhere churches, secular lords and communes produced enduring relationships. [163] Nevertheless, Church lords clearly benefitted from changes to church patronage leading secular elites to seek different sources of legitimacy. Church patronage is therefore an important variable in the transformation of lordship in the twelfth century.

This chapter has argued that church reform, was a localised process with long-term material and social consequences which contributed towards a transformation of space and authority in the twelfth century. The proliferation of parish identities and dispersed networks of patronage and loyalties compromised weaker secular lordship. The growth of an institutional church and the legal discourse of *ius patronatus* regulated but ultimately furthered a process of dissolution where weaker lordships prevailed. The emergence of fewer nucleated settlements and

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[162] Renzi, *Nascita*, 55-64.

[163] Piedmont: Provero, *Le parole dei sudditi*, 41-2.

demarcated public space became a space for competition between rural elites detached from aristocratic hierarchies or pre-existing rural *consortia* linked together through shared patronage of rural churches, the proliferation of parish identities indicates broader participation in this political sphere that included smaller landholders and peasants. It was through this process of fragmentation and reordering that parishes influenced the formation of rural communes. Church reform as an instrument of legal and political change coexisted with parallel processes of localised political power, increasingly documented collective action and a slow increase in commercialisation. [164] This argument about the interdependence of material and religious change will be advanced in the next chapter with a focus on the material consequences of church building.

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[164] For collapse of central power as a motor of social change: Fiore, *Signori e sudditi*, 257-8.

2

Building through reform in the Marche, cult, leasehold and sacred space

Working in vain on constructing '*useless buildings*' was one of the many accusations directed at abbots and prelates who fell afoul of angry reformer Peter Damian.[1] In this tirade Abbot Richard of Verdun was imagined in hell, building fortifications for eternity. Castles were by the eleventh century an established part of aristocratic identity and church lords certainly claimed many. Yet such criticism formed part of an expansive dialogue of letters and sermons by reforming clerics which frequently sought to distinguish the building and dedicating of churches as a political and spiritual discourse which intimately engaged growing crowds and congregations.[2] Architectural innovations and expansions of churches were a means to utilise and direct lay piety and pilgrimage using a sacred past to shape authority in the present.[3] Church building has been

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[1] This criticism was directed by Peter Damian at Richard Abbot of S. Vanne in Verdun: Patrick J. Geary, *Furta Sacra: Thefts of Relics in the Central Middle Ages - Revised Edition* (2011), 67.

[2] Louis I. Hamilton, *A Sacred City: Consecrating Churches and Reforming Society in Eleventh-century Italy* (2010), 89-107.

[3] This accords with Bernhard Töpfer, 'The Cult of Relics and Pilgrimage in Burgundy and Aquitaine at the Time of the Monastic Reform', in *The Peace of God*, 1992, 41–57, 51-4. This practice was not particular to the eleventh century: Caroline Goodson, *The Rome of Pope Paschal I: Papal Power, Urban Renovation, Church Rebuilding and Relic Translation, 817-824* (Cambridge, 2010), 268-73. Georgia Vocino, 'Under the Aegis of the Saints. Hagiography and Power in Early Carolingian Northern Italy', *Early Medieval Europe*, 22/1 (2013), 26–52, 53-4.

categorised as 'reform in practice' whereby constructing, furnishing and expanding churches along with clearing and 'improving' land became an essential quality of the holy prelate.[4]

Investment in construction and furnishing was embraced by churches of all kinds, often in competition with one another, and this included bishops and prelates who did not side with the papal reform party.[5] This chapter examines the construction of two monastic churches in the central Marche in the early twelfth century paying particular attention to how the process of building influenced the growth and social dynamics of neighbouring settlements. These two brick and stone structures illustrates how prelates adapted to the geopolitics of reform by paying particular attention to lay piety, they also suggest that church building was connected to a reorganisation of local land tenure allowing for some speculative conclusions about the impact which the construction of churches had upon social relations in surrounding settlements. I argue here that the tensions of reform heightened the need for church lords to engage more closely with the demands of lay piety. This requirement was heightened in the tense political climate of the 'investiture contest' where the structures and legitimacy of ecclesiastical lordship were threatened. The material consequences of this demand for church building are found in changes to the management of tithes and land tenure.

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[4] Cushing, *Reform and Papacy in the Eleventh Century*, 92-5 and 36-7. J A Bowman, *Shifting Landmarks: Property, Proof, and Dispute in Catalonia Around the Year 1000* (2004), 1-16. A notable example is the *vita* of abbot and hermit Romuald, who built monasteries in northern Camerino: *Vita Romualdi*, Peter Damian, BHL: 7324.For an example of Romuald's charters: Giberti, 'Le Pergamene Sanseverino Marche', doc. 1, p. 1-7, (998).

[5]: See below, p. 101, note 13, Diana Webb, *Patrons and Defenders: The Saints in the Italian City State* (London, 1996), 1-33, Geary, *Furta Sacra*, 130-36.

Many urban cathedrals were rebuilt across Italy between 1020 and 1122, these projects were acts of cooperation between urban communities, bishops and secular lords. For example, in Cremona, patronage of a new cathedral extended from the great countess, Matilda of Canossa to a broad section of urban society as revealed in inscriptions and sculptures expressing the contributions of artisans and merchants.[6] The joint patronage of these structures imparted a sense of collective ownership, which later manifested in secular organisations for building and maintenance of churches.[7] The space of these structures had political implications: Cathedrals frequently served as a meeting place for nascent urban communes as too do did the open space outside. These assemblies influenced the urban topography and prompted an eventual architectural response from bishops. This construction work coincided with a reimagining of how a bishop should, ideally, behave. New narrative model of the saintly bishop, valorised monastic ideals in obvious tension with the secular and military functions frequently exercised by eleventh-century Italian bishops, promoting a renewed investment in architectural patronage and the promotion of saint's cults.[8] Church Building was an integral expression of religious changes, essential to liturgical

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[6] Miller, *The Bishop's Palace*, 8. For Matilda and artisan patronage in Lombard and Tuscan cities such as Cremona: Arturo Carlo Quintavalle, 'Matilda and the Cities of the Gregorian Reform', 15-21 and Bruno Klein, 'Romanesque Cathedrals in Northern Italy: Building Processes between Bishop and Commune.', in *Romanesque Patrons and Processes*, (Oxford, 2018), 31–38. Piacenza: Tosco, *ll castello,* 90.

[7] Miller, *The Bishop's Palace*, 86-89.

[8] Anna Benvenuti Papi, *Pastori di Popolo: Storie e leggende di vescovi e di città nell'Italia medievale*, Politica e storia, VII (Florence, 1988), 204-218. For the proliferation of saintly bishops and abbots see Pierluigi Licciardello, 'Agiografia latina dell'Italia centrale, 950-1130', in *Hagiographies. Histoire internationale de la littérature*, 2010, V, 447–729 and Miller, *The Bishop's Palace*, 172-4, -136 and 157-61. For episcopal saints: Geary, *Furta Sacra*, 26-9. Webb, *Patrons and Defenders*, 35-45. For southern examples see Paul Oldfield, *Sanctity and Pilgrimage in Medieval Southern Italy, 1000-1200* (Cambridge, 2014), 64-82. For bishop saints in particular: 77-82. Howe emphasises how this process was highly

celebration and promotion of new cult practice, churches were durable buildings creating demarcated sacred spaces that also served multiple social functions, the public discourse of reform was conducted in and around them.

This chapter suggests that parallel changes are observable in the rural landscape of the Marche, illustrating that regional prelates censured by reformers also forged useful models of sanctity and invested in church building. Despite periodic shifts in loyalties, Apennine central Italy remained largely an imperial stronghold in the eleventh century. In this period, the central Marche became a border to the new Norman kingdom of Sicily and the bishoprics of Fermo, Ascoli, Camerino and Osimo were all subject to the Archbishop of Ravenna Wibert (The 'antipope' Clement III) who in 1080 was confirmed by Emperor Henry IV as lord of vast territories in the northern Marche and Camerino.[9] Farfa, a major landholder in the Marche remained a bulwark for Emperors Henry IV and V, requiring from their abbots, much careful negotiation of conflicted papal and imperial loyalties.[10] Like their papally orientated counterparts, imperialist churches responded with new currents of architectural and artistic patronage serving papal supremacy.[11]

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localised: John Howe, 'St Berardus of Marsica (1130): "Model Gregorian Bishop"', *The Journal of Ecclesiastical History*, 58 (2007), 400–416, 409-416. For the emphasis on artistic patronage of popes in the aftermath of the investiture contest: Mary Stroll, *Symbols As Power: The Papacy Following the Investiture Contest* (Leiden, 1991). For theft of relics as a response to political circumstance: Geary, *Furta Sacra*, 130.

[9] MGH *diplomata*, VI *Die Urkunden Heinrichs IV* (1056-1106). Pars 1, p. 33-135 (1080).

[10] Mary Stroll, *The Medieval Abbey of Farfa: Target of Papal and Imperial Ambitions* (Leiden, 1997), Susan Boynton, 'Shaping a Monastic Identity: Liturgy and History at the Imperial Abbey of Farfa, 1000-1125', (Ithaca, 2006).

[11] For example: Ernst Kitzinger, 'The Gregorian Reform and the Visual Arts: A Problem of Method', *Transactions of the Royal Historical Society*, 22 (1972), 87–102, passim. Anat Tcherikover, 'Reflections

For papal reformers, the rituals and liturgy surrounding the dedication of churches provided a framework for dominating the construction of sacred space in interaction with growing congregations; yet while the canon collections of Anselm II sought a papal monopoly over the right to consecrate and commission churches, this remained an ideal, never realised.[12]

Opponents of the papal party held a reciprocal desire to assert their spiritual authority in the face of Gregorian censure. A study of the few surviving documents associated with 'antipope' Wibert (Clement III) suggests he commissioned more fortifications than churches, reflecting the turbulence of his reign, though across the extended period of the investiture contest, in the archdiocese of Ravenna, the Duchy of Spoleto and imperially aligned cities in Lombardy, those opposed or ambivalent to the reform party were engaged in their distinctive flavour of reform that was expressed in the construction and decoration of churches.[13] Authors of saints' lives from

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of the Investiture Controversy at Nonantola and Modena', *Zeitschrift Für Kunstgeschichte*, 60/2 (1997), 150–65. Caroline Goodson, 'Material Memory: Rebuilding the Basilica of S. Cecilia in Trastevere, Rome', *Early Medieval Europe*, 15 (2007), 2–34, 31-33.

[12] Hamilton, *A Sacred City*, 195-7 and 128-131.

[13] For the castle building of the Wibert in the archbisopric of Ravenna : Riccardo Pallotti, 'L'antipapa Clemente III e il governo dell'Esarcato tra impero, papato e signorie comitali', *Ravenna studi e ricerche*, 22 (2015), 155–98, 32-36 and For imperialist panegyrics from pro-imperial bishops: Ian Stuart Robinson, *Authority and Resistance in the Investiture Contest: The Polemical Literature of the Late 11th Century* (Manchester, 1978), 60-72. For example, Cadalus, appointed by Henry IV as antipope began the construction of the basilica of S. Maria in this period: Arturo Carlo Quintavalle, *Basilica cattedrale di Parma. Novecento anni di arte, storia, fede* (Parma, 2005), 15-19. For the crisis in Parma in 1104 see Hamilton, *A Sacred City*, 196. For patronage associated with Clement III: Umberto Longo, 'A Saint of Damned Memory. Clement III, (Anti)Pope', *Reti Medievali Rivista*, 13/1, 1 (2012), 137–51, 137-145. Tommaso di Carpegna Falconieri, 'Popes Through the Looking Glass, or n'est pas un Pape', *Reti Medievali Rivista*, 13/1, 1 (2012), 121–36, For possible Wibertine influence in the Fresco cycles in S.

the Marche set about repurposing the spiritual resources of the Roman past and reimagining the lives of foundational bishops, connecting the local landscape to universal Christian narratives.[14] For example, Bishop Berard II of Ascoli, in the face of papal censure, engaged in a new program of hagiography for local bishop-saint Emidio to coincide with a reconstruction of the city cathedral.[15] Similarly, the eleventh-century *vita* of Saint Elpidio of Fermo shows the holy man negotiating with and directly converting an idealised emperor and facing persecution from a rebellious count with a notable absence of papal intercession.[16] These creative responses to papal criticism realised in text, liturgy and stone drew from the particular qualities of local places to accommodate a lay piety that was liable to evaluate and debate the validity of clerical behaviour. All this required money and a reorientation of local resources and loyalties.

Clemente: Lila Yawn, 'Clement's New Clothes. The Destruction of Old S. Clemente in Rome, the Eleventh-Century Frescoes, and the Cult of (Anti)Pope Clement III', *Reti Medievali*, 13 (2012), 175–208, 184-6.

[14] Parallels in Piedmont: Cristina La Rocca, 'Using the Roman Past: Abandoned Towns and Local Power in the Eleventh Century Piemonte', *Early Medieval Europe*, 5 (1996), 45–69. For localisation of universal narratives: Sennis, 'Narrating Places', 275–94, 283-293.

[15] For papal condemnation of Bernard II : Peter Damian, *Letters, Edited by Owen J. Blum*, 7 vols (1989), III, volume 4, letter 97, p. 81, (1063). This letter was from the period of early reform popes loyal to the emperor. For context : Antonino Franchi, *Ascoli Pontificia : dal 342 al 1241*, (Ascoli Piceno, 1996), doc. 28, 30, 32 p. 31-4 and Kehr *Italia Pontificia* IV, 150-1. For the *vita* of S. Emidio compiled to coincide with the construction of a new cathedral at Ascoli Piceno : Furio Cappelli, 'Architettura e agiografia nel Piceno medievale: il santuario di S. Emidio di Ascoli', in *Agiografia e culto dei santi nel Piceno*, 1998, 225–35, 202. Milziade Santoni, *Degli Atti e Del Culto Di Ansovino* (Camerino, 1883), 71-91 For episcopal authority in Ascoli: Martina Cameli, *La chiesa scritta: documentazione e autorappresentazione dei vescovi di Ascoli Piceno tra XI e XIII secolo* (Verona, 2009).

[16] Gaiffier, '"Hagiographie du Picenum vie de S. Elpidius. Passion de Ste Franca"', 288–89, 290-4.

As is well known, the leasing of church lands was a constant source of tension and negotiation in European medieval societies. Both scholars and contemporary commentators placed particular emphasis on the matter of inheritable claims to church land, be that benefices granted in the Carolingian period, or the decree made by Emperor Conrad II in 1023 that inheritance of *libelli* be protected.[17] The legal terminology differs across Italy. The *libellus* contract is most common in the north while in former Byzantine areas and the Duchy of Spoleto (Lazio, Romagna, Umbria and the Marche) long-term negotiations over land rights frequently involved an emphyteusis contract.[18] This was a grant of land inheritable for three generations (a generation being 29 years) usually granted for a substantial entry fee and an annual rent often small enough to be largely symbolic.[19] The low rent associated with emphyteusis contracts was not simply the price paid for strengthening client relationships, as Chris Wickham suggests for Rome, these contracts might coincide with other tenurial relations and the large cash entry fee provided immediate wealth allowing for long-term economic calculations that provided more certainty than the usually

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[17] Jones, *The Italian City-State: From Commune to Signoria* (Oxford, 1997), 113-5. Emperor Conrad II's *constitutio de feudis* has famously been taken as indicative of negotiations around hereditable tenure. For discussion of continuity and distinctions in impact between ecclesiastical and secular lords see 6, 431-3.

[18] For the distinctions between these contracts: Mario Ascheri, *The Laws of Late Medieval Italy (1000 - 1500): Foundations for a European Legal System.* (Leiden, 2013), 68-70. There is not a clear split: *libelli* coexist alongside *emphyteusis* around Rome: Wickham, *Medieval Rome*, 56.

[19] For the significance of emphyteusis in formerly Byzantine areas : T S Brown, *Gentlemen and Officers: Imperial Administration and Aristocratic Power in Byzantine Italy, A.D. 554-800* (1984), 193-5.

sporadic payment of rent.[20] Records of pledges of church land for cash also increase in the late

eleventh century, illustrating agreements between clients and prelates for cash payments.[21] All

this poses questions about how these large cash gifts were used at a time when lease-holding

exercised by great churches was changed and challenged.

Moral dilemma over the leasing of church land is common in the polemical literature of the

eleventh century. Hubert of Silva Candida condemned simoniac bishops for leasing church lands

and tithes to laymen. As John Eldevik notes in his study of tithes and reform, condemnation of

leasing church lands by reformers such as Hubert of Silva Candida and Peter Damian was not

directed at all rental of church lands, but rather focused on arrangements, such as land granted in

beneficia which took land permanently out of the control of local churches.[22] Gregory of Catino,

Farfa's chronicler, also made similar accusations about two abbots he considered profligate:

Berard II and Guido III were accused by Gregory of dispersing Farfa's holdings to followers

living in Farfa's castles, particularly mounted knights by injudicious use of emphyteusis

contracts.[23] John Eldevik positions such criticism as a response to a change in direction in church

patronage that saw a shift away from land transactions as illustrating reciprocity and friendship,

gifts which formed part of Barbara Rosenwein's famous 'social glue'.[24] What mattered to

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[20] Wickham, *Medieval Rome*, 78-75 and 54-55.

[21] Toubert, *Les structures*, 608-12 and Wickham, *Medieval Rome*, 82-3.

[22] Eldevik, *Episcopal Power,* 139-52.

[23] For reform condemnation of leasing tithes and church land Eldevik, *Episcopal Power*, 139-141. For Gregory's criticism of emphyteusis grants: *CF* I, p 235. Also: Mary Stroll, *The Medieval Abbey of Farfa: Target of Papal and Imperial Ambitions* (1997), 93.

[24] Rosenwein, *To Be the Neighbor of Saint Peter* and *Negotiating Space: Power, Restraint, and Privileges of Immunity in Early Medieval Europe* (1999), passim.

reformers was not so much lay control of church lands, but the idea that it came at the expense of

the church, a shift which became problematic as bishops and abbots became increasingly

estranged from local aristocratic lineages a process which occurred alongside the spread of

localised conflict and a military identity among small-scale rural elites.[25]

I suggest that reforming ideals about the prudent management of church resources may also be

connected to construction of the larger brick and stone churches which multiply in the late-

eleventh century. Building churches was an expression of reform that required significant

resources. It is not usually possible to know exactly how the construction of church buildings

were funded. Only occasionally do donations make it explicit that a gift should provide for the

construction.[26] In contrast, diocesan treasuries had always had a role in church construction and

probably continued to fund church building.[27] Building the generally larger brick and stone

churches characteristic of the eleventh and twelfth century was time consuming and costly and

often required supplementary resources.[28] Much of the surviving evidence concerns urban

cathedrals, where civic participation was often significant, though not necessarily desired. [29] All

[25] Eldevik, *Episcopal Power*, 171-5.

[26] For example: *Fiastra* II, doc. 142, p. 225-7

[27] Goodson, *The Rome of Pope Paschal I*, 66. The Pope allegedly had a monopoly on church building at
Rome: Robert Coates-Stephens, *Building in Early Medieval Rome, 500-1000 AD* ([Unpublished, PhD
Diss, University of London], 1995), 19.

[28] For example, Pope Alexander III made a request to the *clericos et populus* of the Marche to contribute
to rebuilding the fire-damaged cathedral at Fermo: Kehr, *Italia Pontifica* IV, p. 139, No.1, (1177).

[29] See above, note 6, for later evidence: George Dameron, *Florence and Its Church in the Age of Dante*,
(Philadelphia, 2005), 142. For construction as an index of conflict between bishop and commune at
Rheims: Barbara Abou-El-Haj, 'The Urban Setting for Late Medieval Church Building: Reims and Its

this leads me to consider that an increase in long leases with entry fees may be connected to church building. To use Eldevik's example of Lucca: when in the metric *Vita Anselmi*, Anselm, later Pope Alexander II, confessed to his nephew Anselm II, that he was a 'wretch' who gave away tithes and issued leases for a price, we are led to wonder how these actions related to the construction of a new cathedral at Lucca which began during his episcopate in 1063.[30] This remains somewhat speculative as links between construction and leases are rarely made explicit. The two case studies offered in this chapter suggest that the Christian congregations who used and visited larger basilicas and smaller local churches influenced its architectural form and that the process of building new churches might also instigate new strategies for managing church lands, distributing church land to a broader range of tenants on more secure terms. I suggest that this agrarian change, linked to changing religious practice, in certain cases, contributed to the formation of new urban centres and by extension their rural communes.

By asking the question of how churches were built and paid for, this chapter illustrates some local consequences of reconstitution of the sacred in the aftermath of the geo-political ruptures of reform. The argument unfolds in three parts. First, we shall compare two documents which illustrate contrasting ways that funds and resources were allocated to church building. These contrasting motivations for construction frame the two main case studies focused on the expansion of two neighbouring monastic churches, S. Maria in Chienti and S. Croce al Chienti,

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Cathedral between 1210 and 1240', *Art History*, 11 (1988), 17–41. For an outline of the patronage and finance of church buildings : Tosco, *Il castello,* 2-43 and 76-96.

[30] Eldevik, *Episcopal Power*, 173-4. Construction expenses might also have played a role in Anselm's decision to request episcopal rents in cash rather than kind, see Wickham and others, *The Mountains and the City*, 39.

both in the Chienti Valley in the central Marche. I suggest links between each structure and political events: the death of 'Antipope' Clement III in 1100 and a controversial abbatial election at Farfa in the run up to the Concordat of Worms in 1122. Both churches were constructed in a contested area of Fermo and made use of architectural patterns encouraging lay piety and veneration of relics. These projects coexisted with a reorganisation of patronage relationships with an already diverse rural society and through new long-leases fostered further social differentiation in surrounding settlements. Finally, these two case studies are positioned in contrast with other regional patterns of monastic patronage and settlement. Despite a general paucity of evidence, I aim to make connections between the different methods of funding church building and changes to existing social dynamics, and so now I turn to two clear and contrasting examples that do illustrate how church-building might be funded.

Part 1: Comparing cooperation and coercion in building churches between Ascoli and Farfa.

New churches could be a product of collective effort and enthusiasm. Such enthusiasm is well illustrated by a remarkable sheet of parchment that is in effect a miniature archive, recording contributions to the reconstruction of a small parish church on the borders of the southern Marche between Ascoli and Teramo. The long document was the work of a priest named Daniel de Ceresia. Daniel seems to have started the text in 1180 stating that he, along with his mother and father, had returned all their possessions for the restoration of the church of S. Emidio de Folca because Saint Emidio (patron of Ascoli) had miraculously restored his sight. On account of this miraculous healing, the local population *(populus qui erat de istis provinciis)* specifically a group of twenty-one people, including several priests and relatives agreed to restore all the

church's goods, returning all tithes, lands and offerings that belonged to the *parochiani* of that church which had previously been destroyed (*conculcatam et destructam*). In addition, they return three books, pastures and a mill and the rest of this document outlines a detailed series of small land gifts (including a single walnut tree), eight of these donations are from named *parochiani* of the church itself.[31] This church may have been abandoned or destroyed by fire, conflict or earthquake. In any case, this document shows a ground-up commitment to revitalise this centre through gift exchange, recognising land claims which over time had perhaps been usurped or ignored. The restoration of lands reflects a collective effort towards construction that in this case seems to have been guided by the charismatic energy of a local priest. Along with further small pious donations, later documents show the involvement of the diocesan church and the consolidation of parish networks: the same documents record in 1204 a consecration ceremony for the new structure attended by the bishop of Teramo and Marsibilia, abbess of S. Angelo Magno in Ascoli which defined parish boundaries alongside further gifts of land.[32] The nave of a church was considered responsibility of parishioners, at least it was codified as such in the early thirteenth century.[33] This documents illustrates a practice of collective responsibility for the fabric of a church. The patronage of small altars and paintings which came to characterise lay involvement in parish churches existed alongside broader collective responsibilities for material upkeep. The miraculous context here might be exceptional, nevertheless, the cartulary shows,

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[31] Martina Cameli, 'Le ragioni della devozione e le necessità della documentazione: Mirabilia e cartulario di una chiesetta dell'Appenino ascolano-teramano nel XII secolo', *Bullettino dell'Istituto storico italiano per il medio evo*, 113 (2011), 1–130, appendix doc.1 and 2, p. 21-34 (1180).

[32] Cameli, 'Le ragioni della devozione', appendix, doc. 4, p. 25 (1204).

[33] Thompson, *Cities of God*, 23-25, 39-4.

even in this remote area, a now well-established mode of practice and thinking about parish identity, in which a broad group of parishioners were documented as being responsible for parish land and the construction of the church building itself.

This process of parish renovation driven by local piety appears in sharp contrast with another document from central Italy that accounts for the construction of a great church by a major monastic lordship. This example comes from outside the Marche, it concerns the main abbey of Farfa, a great monastery in the Sabine hills that was a major landowner and political player in the Marche. This document of 1097, from Farfa's cartulary, gives a sense of the planning and labour expected by a great lord to build a large stone abbey church.[34] , Abbot Berard II of Farfa demanded that rents and labour services from four of the abbey's *castelli* were to be directed to fund the new abbey with compensation for loss of revenues offered to those holding fiefs, pledged land and certain mounted elites (*equites*). All those owing labour services or holding short-term leases (*libelli*) from the monastery are obliged to come and work on the project and each *castello* is to send twenty *homines* to work for the entire week. Certain tithes and profits from a market and several mills were reserved for the project, presumably to pay for materials and specialist builders.[35] In addition, seventeen named settlements surrounding the abbey were to construct lime kilns and provide donkeys to carry their allocation of lime to the building site.

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[34] *RF* V, doc. 1153, p. 156-9 (1097).

[35] François Bougard and Étienne Hubert conclude that this was not build in imitation of Cluny but bears closer comparison with Monte Amiata in southern Tuscany and with southern German models: François Bougard, Étienne Hubert and Ghislaine Noyé, 'Les techniques de construction en Sabine: enquête préliminaire sur la "chiesa nuova" de l'abbaye de Farfa', *Mélanges de l'Ecole française de Rome. Moyen Âge, temps modernes*, 99 (1987), 729–64, 735.

This was a grand and ambitious construction project; judging from the unfinished perimeter, François Bougard suggested an area comparable with that of the third abbey church at Cluny or the eleventh century *duomo* in Milan.[36] This agreement illustrates how a combination of peasant labour and payments of cash and produce contributed to building a great church, which was, however, never finished.

There are also good reasons to believe that these commitments were exceptional. No similar provisions survive in Farfa's cartulary, and it seems that for many among Farfa's *familia,* this commitment was a step too far.[37] Study of the extant remains suggests that though Berard's abbacy saw significant work on the building it was then abandoned for two decades and never completed.[38] According to Gregory of Catino, Farfa's chronicler, this project exemplified the decadent excess of a profligate abbot. Gregory, who held particular animosity towards Berard II, states that the revenues allocated for the building were squandered on favours for his kin and elites from Rome.[39] Despite Gregory's central role in shaping narratives of power at Farfa, it is clear that Berard II divided the monastic community.[40] A preamble to the building instructions claims the project was the will of the Virgin Mary herself, threatening excommunication for

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[36] Bougard, Hubert and Noyé, 'Les techniques de construction en Sabine', 729–64, 735-6.

[37] Stroll, *The Medieval Abbey of Farfa*, 71-2. Charles McClendon, *The Imperial Abbey of Farfa: Architectural Currents of the Early Middle Ages* (Yale, 1987), 12-13.

[38] Bougard, Hubert and Noyé, 'Les techniques de construction en Sabine', 729–64, 735-6.

[39] For Berard II and his unpopularity with Gregory and the monastic community : CF II, p 214-6. For analysis: McClendon, *The Imperial Abbey of Farfa, 109-114*.

[40] Antonio Sennis, 'Dreams, Visions and Political Competition in the Monasteries of Medieval Central Italy', in *Compétition et sacré au haut Moyen Âge. Entre médiation et exclusion*, (Turnhout, 2015), 361–78, 372-3. Boynton, 'Shaping a Monastic Identity', 2006–7, 26-7.

those who disagreed with or impeded the work.[41] While these were probably serious concerns, we may detect a note of desperation here, and it seems that these arduous demands added to the animosity toward Berard II among some of the monks and clients. There was perhaps little to recommend the site of the new church as a social space, situated as it was on the steep and isolated slope of Monte S. Martino above the abbey church. Moreover, a series of revolts which beset Farfa in the following decades are a reminder that the support of those living in the neighbouring *castelli* was conditional.[42] Berard II's charter is certainly useful in determining the scale of operations involved in such a project, but the circumstances suggest that coercion alone was not enough to get the thing finished.

These methods of funding churches are both somewhat exceptional and appear in quite distinctive circumstances, they are therefore not easily comparable. Nevertheless, they illustrate two contrasting ways in which a church could be funded. We know little else about the donors for the reconstruction of S. Emidio de Folca they are perhaps a group of moderate village landholders who previously cultivated or maintained some sense of ownership in the church's land, before and perhaps after Daniel the priest encouraged their donations. S. Emidio de Folca was situated in mountainous border country, and lordship may have been weaker here. The bishop of Teramo and abbess of S. Angelo Magno were, geographically, somewhat distant

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[41] RF V, doc. 1154, p. 155 (1097).

[42] For Gregory of Catino's account of rebellion see RF V p. 308-311. For historical context see Stroll, *The Medieval Abbey of Farfa*, 235-244. For an example outlining Farfa's modified lordship following the concessions of Abbot Guido to neighbouring c*astelli* RF V, doc. 1320, p. 313-315. (1119-1125) For privilege to *populus* of certain *castelli* in which judicial rights are given away : RF V, doc.1324, p. 317-9 (1119-1125).

figures and may not have exercised a strong territorial authority. In contrast, Berard II's plan

clearly illustrates the social hierarchies emerging in the *castelli* at the heart of Farfa's territorial

lordship. This Farfa example is not from the Marche, but it is worth highlighting here as it

provides a valuable point of comparison as we turn to examine the construction of new churches

on Farfa's lands in the Marche. Farfa's imperial allegiance and extensive landholding across

central Italy meant that events in the Sabina had repercussions in the Marche. Berard II was

succeeded as abbot of Farfa by Berard III (1099-1119), an aristocrat from the Sabina who had

been prior of Offida in the southern Marche. During his abbacy and that of his successor Guido,

Farfa underwent significant political and religious upheaval, this political context frames our first

case study of church building, the monastic church of S. Maria in Chienti. This building was a

significant departure from Farfa's past building practices in the region. In Northern Fermo,

where the abbey's lordship was not particularly strong, it offered close engagement with

contemporary currents of lay piety and coincided with a reconfiguration of Farfa's approach to

landholding.

Part 2: S. Maria in Chienti and S. Croce al Chienti: architectural responses to the 'investiture contest' in the Chienti Valley

Thinking closely about the choices made in the construction of new brick and stone churches

provides a means to evaluate how the "high politics" of the investiture contest engaged with

local societies. As documents concerning church building are scarce, we are usually reduced to

speculation as to the agents and motivations behind the architectural choices made in building

the larger stone churches so characteristic of the eleventh and twelfth centuries. Despite this lack

of clarity, if we wish to understand how religious change was felt, experienced and demanded by

the laity, it is worth thinking closely about how the architectural choices made in building churches interacted with the perceived presence of the divine and the construction of this presence by the actions of human agents. As social hierarchies were mapped onto such spaces their reconstruction reflects new accommodations and concerns within the societies which moved within and around them, empowering individuals to position themselves as actors in productive relationships with holy intercessors.[43] The agency behind architectural choices often remains opaque as regional practices coexist with innovation and knowledge sharing, yet though agents are often hard to identify, architecture was charged with political as well as religious meaning, influencing local exchange and landholding. Both case studies shows a renewed focus on display and access to relics by the laity, both churches were creative endeavours by imperialist prelates adapting to the reality of the Gregorian party's tighter grip on the papacy under the new Emperor Henry V.

Building the basilica church at S. Maria in Chienti: building for participation and the reorientation of Farfa's authority in the Marche

The great abbey of Farfa was engaged in a continual struggle to maintain control of its many holdings in the Marche. The region had particular significance for the central abbey in the Sabina since the monks of Farfa had lived here in exile in the ninth century, when the monks returned to the Sabina, they brought with them 100 hundred free and servile labourers from Fermo to rebuild the central abbey church. Subsequently, in the tenth century, the holy body of Saint Victoria was

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[43] Jeanne Halgren Kilde, *Sacred Power, Sacred Space: An Introduction to Christian Architecture and Worship* (Oxford, 2008), 5-11.

brought from the Sabina, in procession across the Apennines to southern Fermo where a church and castle dedicated to the saint served as a regional estate centre and focal point of Farfa's regional lordship.[44] Alongside an increase in church donations in the eleventh century, Farfa's chronicle records repeated threats and incursions to the monastery's possessions by local aristocrats and followers of the bishops of Fermo and Osimo.[45] In some cases those who rebelled against the monks were sworn followers of the monastery whose allegiances were evidently fickle.[46] One response to this pressure was the localisation of landed estates around four regional priories at S. Vittoria in Matenano, S. Maria in Offida, S. Maria in Giorgio and S. Maria in Chienti.[47] A new abbey church at this last centre may be seen as a response to these ongoing tensions.

The structure of the twelfth century church at S. Maria in Chienti stands out as something new. The architectural choices are particularly striking, given that Farfa is associated with few building projects in the Marche in the troubled decades around 1100. Abbot Berard III commissioned a new priory at Montegiorgio, near to where recent rebellions had taken place, but

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[44] *CF* I, *Destructio,* 35-6. Division of patrimony: *Destructio 38-39.* Agapitus II *Epistolae* (J-L 364)*:* 8 and Vincenzo Fiocchi Nicolai, 'Nuove ricerche e considerazioni sui santuari martiriali si S. Vittoria e S. Anatolia e sui rapporti con l'abbazia di Farfa', in *Farfa Abbazia Imperiale. Atti del convegno*, 2006, 421– 35.

[45] For a summary of Farfa's holdings in the Piceno valleys : Pacini, 'I monaci di Farfa', 230-283 and 'Possessi e chiese Farfensi nelle valli Picene del Tenna e dell'Aso (secoli VIII-XII)', in *Pacini, Per la storia medievale di Fermo e del suo territorio*, (Fermo, 2000), 343–428.

[46] RF V, doc. 1213 and 1214, p. 204-6 (1099-1119) and CF II, p. 270-2 (1110-1119). For discussion : Fiore, *Signori e sudditi*, 224-228.

[47] These are first visible as units of organisation in a bull of excommunication issued against usurpers of Farfa's land: *RF* V doc. 1307 p. 294-6 (1060).

aside from this, a list of Berard's building projects mentions only fortifications.[48] This lacuna in church building may be explained by an increase in gifts of existing rural churches and the residual prestige of early medieval structures such as the substantial priory at S. Vittoria in Matenano.[49] The stone church of S. Maria *in muris* at Belmonte in southern Fermo is a rare example of an extant tenth-century Farfa chapel (Figure 4), constructed with reused stone and *spolia* from a former Roman town. This small stone church was a compact node in the network of Farfa's lordship, with a secure stone tower that offered strategic views across the valley, renders of grain and wine were gathered here and the church was visited on occasion by the abbot and his armed followers.[50] This small building was a defensible sanctuary that would hold only a few dozen people at a time. It stands in sharp contrast to the much larger church known as S. Maria in Chienti, which with a very different style of church building sought different ways to engage with Farfa's rural clientele.

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[48] CF II, p. 139. Gregory notes that these had been completed and confirmed in Henry V's privilege: *RF* V, doc. 1318, p. 302-6 (1118).

[49] Fiocchi Nicolai, 'Nuove ricerche e considerazioni sui santuari martiriali di S. Vittoria e S. Anatolia e sui rapporti con l'abbazia di Farfa', 421–35. Giulia Spina, 'Il "Cappellone" di Santa Vittoria in Matenano: gli affreschi dell'oratorio degli Innocenti', in *Farfa e il Piceno. Agiografia, assetti del territorio, sistemi di potere nel Medioevo*, (Ascoli Piceno, 2017), 109–40, 105.
Molinari, 'Siti rurali', 129–42, 133-5.

[50] The church was later disputed with the canons of Fermo where witnesses recall the abbot *hoc plus quia vidit in dicta ecclesia S. Maria, hospitan et recipi donnum abbatem. farfensem cura multitudine militum a, capellano ecclesie S. Marie et bene serviri tamquam dominum et hoc plus quod dum cucurrerunt denarii Henrici prestabantur pro servitio* SCSV*, doc. 12, p.20 (date uncertain but prior to 1220).

Figure 4: S. Maria in Muris, Belmonte, Province of Fermo. A tenth-century stone church owned by Farfa (Image credit. Watkins)

S. Maria in Chienti became a very different kind of church. In part, this was a response to local political and geographic circumstances. The earliest reference to medieval settlement is a tenth-century monastic *cella*, a small monastic building typically associated with Farfa's early medieval estates.[51] Pious donations brought a female monastery, a mill, several churches and the *castrum* of *mons alperti* into Farfa's possession.[52] Farfa was less influential in the North of Fermo and here was in open competition with the bishop of Fermo.[53] The choice to build a large brick and stone church here in a lowland site was, I believe, connected to the contested abbacy of

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[51] Stefano Del Lungo, *Prenze abbaziale nell'alto Lazio: San Salvatore al Monte Amiata e la sue relazioni con l'abbazia di Farfa (secoli VII-XII)* (Rome 2001), 15-23. Pacini, 'I monaci di Farfa', 277–342, passim. The earliest reference to the church is from the tenth century: CF I, p 38 and RF III, doc. 354, p. 56-7 (947).

[52] Later donations nearby: RF IV, doc. 675. p. 77 (1027). For full topographical references see Carlo Castignani, 'Nuovi contributi sulla chiesa della SS. Annunziata di Montecosaro, l'antica S. Maria al Chienti', in *Studi Giuseppe Avarucci*, 2008, 197–249, 199-201. A portion of Mons Alperti had been donated by the Abbess Carizia and her sister with the monastery of S. Salvatore in Cantalupo. RF IV, doc. 909, p.305. (1049). See Galiè, *Insediamenti*, 21-2.

[53] Bishop Azzo of Fermo forbid clients from relations with Farfa: LF II, 284, p. 518 (1117).

Guido and Farfa's shift to papal allegiance. Novel architectural choices reflected changes to

Farfa's local authority and a response to lay piety.[54]

Figure 5: Basilica Sant'Antimo di Castelnuovo, Montalcino, (Image credit: kristobalite Flickr Creative Commons license)

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[54] For plans of S. Maria in Chienti : Paolo Favole, *Marches romanes*, La nuit des temps (Saint-Léger-Vauban, 1993), LXXX.

Figure 6: Basilica Santa Maria a Pie di Chienti (Image credit: Watkins)

The architectural form of the extant brick and stone church of S. Maria in Chienti is unusual for the Marche and shows a particular commitment to promoting local pilgrimage and accommodating lay piety (Figure 6). The twelfth-century church is like a group church from Burgundy and Auvergne which emulate the third church at Cluny. This group of churches all have three or four radial chapels accessed by an ambulatory with six separating columns (Figure 7). A small number of Italian churches also follow this pattern, the closest being S. Antimo in Castelnuovo (near Montalcino in southern Tuscany), dedicated a few years earlier, around 1118 (Figure 5).[55] The ambulatory and radial chapels reflect the central place of relics and lay pilgrimage, being a walkway for people to access smaller chapels without disturbing liturgical activity around the main altar.[56] These chapels were places for prayer and requests for intercession by the laity, they were also used for other things: early-modern episcopal visitations complained that the people met for illicit meetings in the candlelit chapels and brought animals there to shelter.[57] In its dedication to Mary, Farfa's ancient patron, the church was well placed to engage with the growing Marian cult, gaining new significance and popularity in the twelfth century.[58] Marks of devotion are found around a stone box extracted from the main altar: the box is covered in graffiti remembering the names of clergy and lay people as close as possible to four

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[55] Favole, *Marches romanes*, LXXX, 243.

[56] C. Edson Armi, 'First Romanesque Wall Systems and the Context of the Ambulatory with Radiating Chapels', *Journal of the Society of Architectural Historians*, 65/4 (2006), 496-500.

[57] Castignani, 'Nuovi contributi sulla chiesa della SS. Annunziata di Montecosaro, l'antica S. Maria al Chienti', 197–249, Appendix, doc. 1, p. 24-3.

[58] Maria Elma Grelli, 'Pietà e devozione Mariana nel Piceno medievale: dedicazioni, indulgenze, miracoli e trattati', in *Agiografia e culto dei santi nel Piceno*, (Spoleto, 1998), 173–208. Nigel J. Morgan, 'Texts and Images of Marian Devotion in English Twelfth-Century Monasticism, and Their Influence on the Secular Church', in *Monasteries and Society in Medieval Britain*, (New York, 1999), 117–36.

ceramic reliquaries within (Figure 8).[59] By the fifteenth century, the liturgical duties of the

monks were separated by the construction of an upper church and a new stone staircase leading

to the main sanctuary, but the twelfth-century church was a more open architectural statement

concerned with the routes of pilgrims throughout the church and lay devotion focused around

small side chapels.

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[59] Avarucci, 'Epigrafi medievali nella chiesa di S. Maria a Pie' di Chienti', 83–120, 18-24.
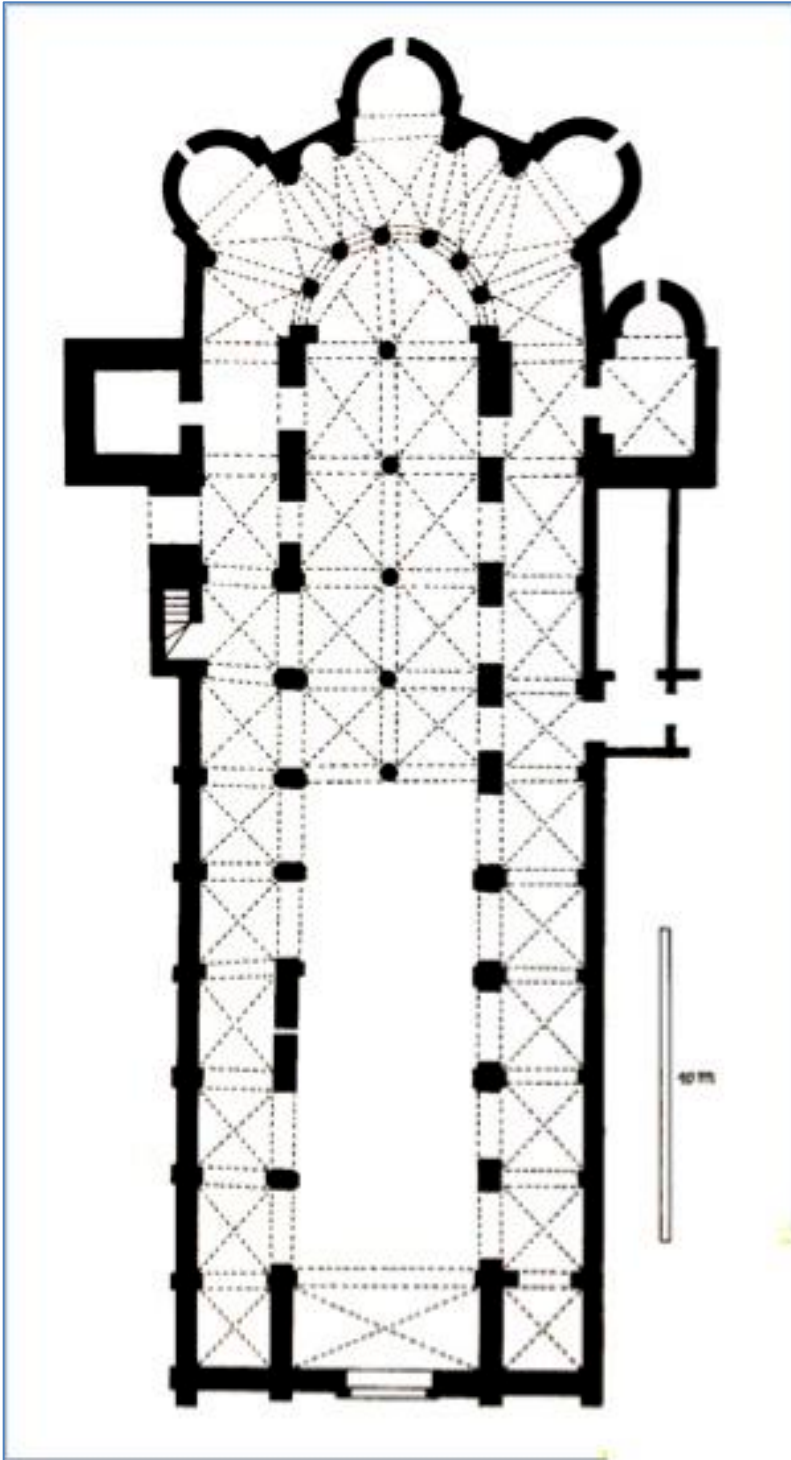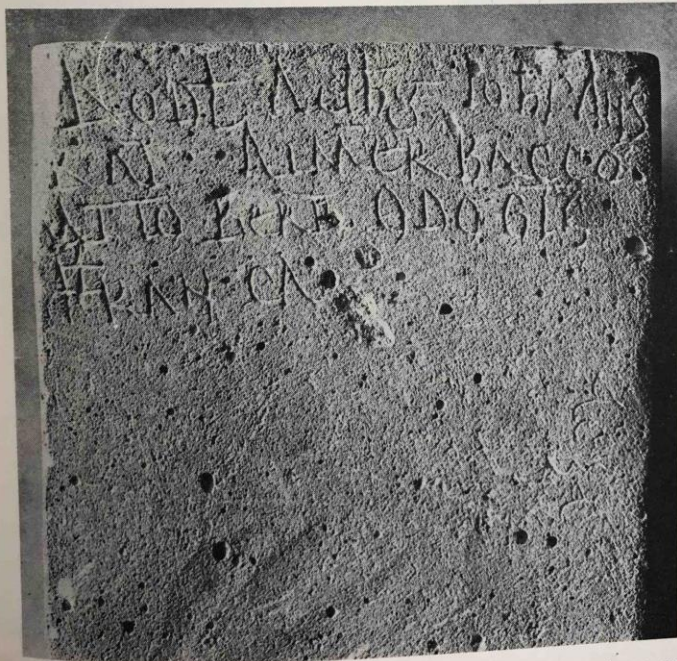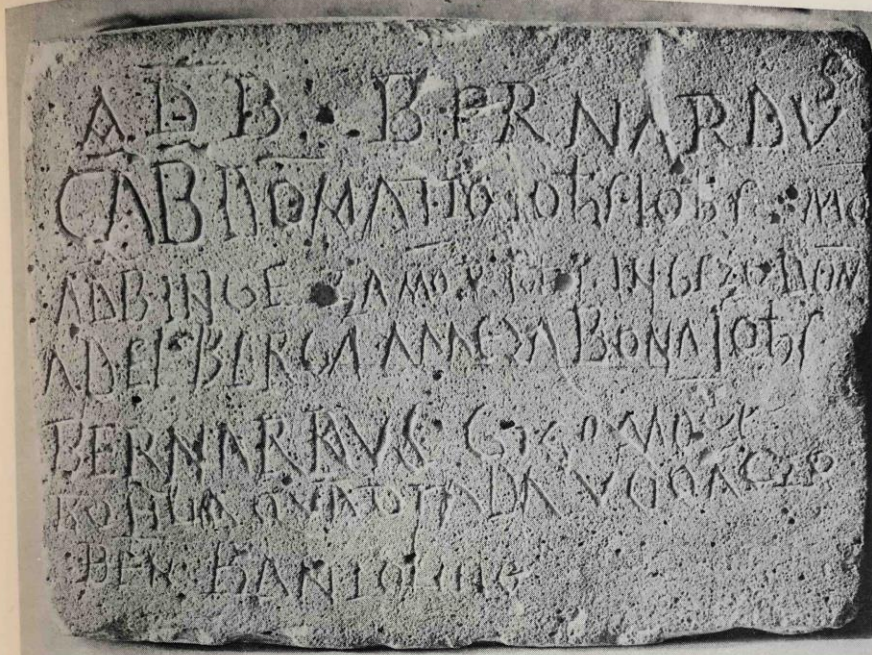
Figure 7: Plan of S. Maria in Chienti. (Image credit: Paolo Favole)

TAV. X. S. Maria a Pie' di Chienti. Capsella. 1. Prima parete minore esterna.
2. Seconda parete minore esterna.

Figure 8: Two sides of reliquary coffin with inscriptions from S. Maria in Chienti (Image credit: Giuseppe Avarucci).

The choice to construct this church in a style associated with Cluny may also have been a political expression of the changing allegiances of the monks of Farfa. Farfa had loosely adopted Cluniac reforms in the early-eleventh century but retained its own liturgical practices which were closer to other Italian traditions.[60] Like its liturgy, the eleventh century building program, studied by Charles McClendon, was a hybrid, included Cluniac influences with a northern, imperial, architectural style.[61] Farfa's liturgy underwent significant changes during a period of political upheaval at the abbey during the years leading up to the Concordat of Worms in 1122, a final juncture in the 'investiture contest'. Susan Boynton has drawn attention to this change after the election of a new abbot named Guido III. Gregory of Catino wrote an anguished account of the election of Guido, a sacristan or caretaker of the abbey's estates from a peasant family, chosen as a compromise candidate to placate quarrelling monks from aristocratic factions. This conflict became a proxy for struggle between Pope and Emperor: According to Gregory, Guido refused election, and the emperor appointed another monk, Berard as Abbot, but on the arrival of an Imperial legate, Guido refused to step down initially supported by the rest of the monastery and later by the papacy, attempts by an aristocratic faction to oust him prompted rebellion by *milites* and *populus* from surrounding *castelli*. With Guido still in place, Pope Calixtus II managed to submit the strategic abbey of Farfa to papal authority in the run up to the Concordat at Worms. Boynton identified musical influence from Northern France and Sicily in Farfa's liturgical manuscripts reflecting Gregory's complaints of outrageous new liturgical music, popular with young novices, encapsulating the conservative chronicler's fears of political change at Farfa.[62] I

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[60] Boynton, 'Shaping a Monastic Identity', 206–7, 115-118.

[61] McClendon, *The Imperial Abbey of Farfa*, 100-2.

[62] Boynton, 'Shaping a Monastic Identity', 206-230.

suggest that new architectural form may also be a product of Guido's abbacy and the shift to papal allegiance. The Cluniac influences in the plan of S. Maria in Chienti might be seen as a political statement, considering that Pope Gelasius II had died at Cluny in 1119 and that Pope Calixtus II was also consecrated pope at the Burgundian abbey in 1122. If, the church was inspired by S. Antimo at Montalcino rather than its Burgundian prototypes, then construction may have begun somewhat closer to 1118 and was done so in the aftermath of the change in Farfa's loyalties. This view of the construction of S. Maria in Chienti offers a different perspective on Guido's abbacy.

Behind Gregory's extremely partial account of events surrounding Guido's abbacy, we can detect a change in approach to the management of the abbey's lands. Gregory of Catino was among a group of aristocratic monks who left Farfa in protest at Guido's election, fearing that they might offend their overlord the emperor. The exiles were forced to return on pain of ex-communication after unsuccessfully petitioning Pope Calixtus to remove Guido.[63] Gregory's account is extremely negative, but if we look beyond this to the documents issued during his abbey, there are hints that Guido was not merely profligate, but was adapting to a new social reality in Farfa's castles, in accord with a different view of the abbey's role in society. Gregory complained that he was lenient in dispensing justice, and had dispersed market rights, labour services, mills and a herd of buffalo and cattle to supportive knights (*equites*).[64] Gregory accused Guido of becoming rich from leasing land, while making the monks dress in sackcloth, eschewing their liturgical finery. Guido may well have felt pressured to make concessions to

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[63] CF II, p. 313.

[64] CF II, p. 312.

supportive rural elites, yet we might also detect signs of a more austere reformed monasticism with different ideas about the monk's role as lords. Guido retained for Farfa market and milling rights across many of the abbey's possessions but granted privileges to *castelli* who had supported his abbacy, allowing them to run court assemblies.[65] As to Gregory's claims about leasing peasant farmsteads, Guido certainly issued more leases than his predecessors: an average of fifty a year. Gregory recorded them, rather tersely, in the *Liber Largitorius:* they lack reference to the common three-generation clause, require generally smaller entry fees and are perhaps to less influential recipients (few receive other leases).[66] The documents from Guido's abbacy, thus show a reordering of this monastic lordship that may have extended to Farfa's possessions in the Marche.

The new church of S. Maria in Chienti was consecrated in the first year after Guido's reign by his successor, abbot Adenolfus, on a visit to the Marche in 1125 recorded by Gregory of Catino. This coincides with a stone inscription of consecration by Adenolfus, flanked by doves and palms, correlating to Gregory's narrative where the *populus* of the Marche joyfully renew their loyalty to Farfa. [67] Yet while Adenolfus oversaw the consecration of the church, the design and funding probably predated this; churches were usually consecrated when they were at least

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[65] For privilege to *populus* of certain *castelli* in which judicial rights are delegated: RF V, doc.1324, p. 317-9 (1119-1125).

[66] A total of 302 leases are recorded for Guido's abbacy, an average of 50 for each year of his reign: LL II, doc. 1654-1956. p. 248-88 (1119-1125) For comparison Berard II issued an average of 9 a year and Berard III an average of 17. Berard II: LL II, doc. 1235-1313 (1090-99) and Berard III: LL II, doc. 1314-1653 (1099-1119).

[67]. Presumably this is a reference to Farfa's tenants rather than the entire region: CF I, Appendice, p. 35-6.

partially complete, not least because of a desire to place dedicatory inscriptions close to the altar and nave. Moreover, liturgical documents recording ceremonies for church dedications imply interaction of crowd and priests with extant architectural space within the church.[68] It thus seems quite probable that construction had begun before Adenolfus visited the Marche in early 1125, and even if the church building was driven by Adenolfus, it was likely done so in recognition of Farfa's new political status.[69] All this leaves open the possibility that plans for this church reflects the new direction taken during the abbacy of Guido III when Farfa was subjected to the authority of the reform papacy.

It may be that this new church was funded by a parallel grant of long leases for Farfa's local estates in the Marche. Early-modern archivists recorded a now lost series of emphyteusis leases by the prior of S. Maria in Chienti to the inhabitants of a neighbouring castle, Montecosaro dating to the early twelfth century.[70] This is not much to go on. Yet by the fourteenth century these estates were divided into nearly 300 tenancies with largely uniform divisions and rent, allowing for the informal vagaries of generational division it appears the monasteries land was held by a cross-section of local society. One document lists small contiguous plots held by 167 named tenants in long-lease (*tenetes scriptes* or *emphyteusis*), with consistent rents: an annual

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[68] Hamilton, *A Sacred City*, 19-25. Sible de Blaauw, 'Liturgical and Spatial Aspects of the Consecrative Inscriptions of Roman Churches, 11th-13th Centuries', *Archiv Für Diplomatik*, 60 (2014), 335–56, 4-8.

[69] It may be that Adenolfus, completed a church begun during the abbacy of Berard III, though I suspect Gregory of Catino would not have been shy to credit Berard III with the construction of a substantial church, had that been the case.

[70] For this suggestion see Carlo Castignani, 'Formazione e primi secoli di vita del Comune di Montecosaro', in *Montecosaro. Percorsi di storia*, 1995, 112–79, note 20.

payment of a *barrilis* (barrel?) of grain for the *decima* and *pro census* either three or four *denari*.
[71] All this indicates a collectively managed open field system devoted to grain cultivation in the

floodplains and hills surrounding the church. A second document lists land leased to residents of

the surrounding settlements Monte S. Iusto and Morrovalle, also in contiguous plots, with sale of

land prohibited. This is a much later document, drawn up to reassert Farfa's land claims in the

fourteenth century and so we cannot securely place this proliferation of long leases to the early

twelfth century.[72] A slightly more contemporary reference in a boundary clause from 1192 lists

the land of the *ecclesie sancte marie clentis et hominum de Montecosaro*, hinting at a sense of

joint ownership that might accord with the secure tenure on long leases.[73] We cannot consider

this clear evidence of new leases coinciding with expansion of the church, but it may point

towards a parallel expansion of *emphyteusis* contracts in the Marche.

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[71] The document is from the communal archive of Montecosaro and transcribed here: Rossano Cicconi, 'Documenti dei secoli XIII-XIV e una giunta del XV', in *Montecosaro. Percorsi di storia*, 1995, 243–324, doc. 19, p. 277-311 (1320). A second document from the archivio di Stato di Fermo outlines rents owed by residents from Montegranaro, Montecosaro and Morrovale: Cicconi, 'Documenti dei secoli XIII-XIV e una giunta del XV', 243–324, doc. 30, p. 305-311 (1320).

[72] The document is drawn up by the family notary of a Mercenarius Monteverde who with his brother established a *signoria* in Fermo in the early-fourteenth century and at the request of the abbot set about recording and reasserting Farfa's claims to rent from the priory's estates: Castignani, 'Montecosaro', 688-692 I take influence here from Sandro Carocci's recent application of early-modern records to assess the use of common land in earlier periods: Sandro Carocci, *Lordships of Southern Italy: Rural Societies, Aristocratic Powers and Monarchy in the 12th and 13th Centuries* (Rome, 2018), 405-413.

[73] *LL* II, doc. 1957, p. 288 (1192).

Gregory of Catino's negative view of Guido III leases, reflected social expectations about who should receive land on a long emphyteusis contracts, usually associated with high status individuals.[74] Sandro Tiberini's work on Umbria identifies a marked increase in emphyteusis contracts in the twelfth century that are used to confirm relationships of obligation and dependence with cultivating tenants in return for tenure that was closer to allodial landholding.[75] A lacuna of cultivating leases by Farfa in the eleventh century may be a result of selective archival practice, and if we follow the logic of Susan Reynolds, who sought to disconnect obligations of fidelity from landholding, we may doubt their 'feudal' character.[76] Gregory of Catino painted Guido III as the choice of the *ministeriales*, *villani* and *rustici* more specifically he decried new emphyteusis grants to *equites,* village-level elites with an increasingly militarised status. [77] Short-term leases known as *libelli* came with clear obligations to landlords and as shown by Bernard II's plans for Farfa, could be used as a basis for obligations to carry out

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[74] Rome: M Costambeys, 'Review Article: Property, Ideology and the Territorial Power of the Papacy in the Early Middle Ages', *Early Medieval Europe*, 9 (2000), 367–96, 337. Also: Brown, *Gentlemen and Officers*, 193-5. Fiore, *Signori e sudditi*, 133-5. Costambeys, *Archives and Social Change in Italy, c.900*, 265-9.

[75] Sandro Tiberini, *Le signorie rurali nell'Umbria settentrionale. Perugia e Gubbio, secc. 11-13*, Pubblicazioni degli archivi di stato. Saggi (Roma, 1999), LII, 295-298. For another Marche emphyteusis including customary services: Giammario Borri, Carte del 'Monasterio di Santa Maria di Valfucina 1058-1250 (Part 1.)', *Studia Picena* Vol. 55 1990. doc. 64. p. 50 (11

[76] Costambeys, *Archives and Social Change in Italy, c.900*, 265-9. Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted*, (1994). Alessio Fiore considers these obligations to be highly formalised and akin to feudal contracts found elsewhere in Italy. Fiore, *Signori e sudditi*, 134-7.

[77] Maria Elena Cortese, 'Rural Milites in Central and Northern Italy Between Local Elites and Aristocracy (1100-1300)', in *Social Mobility in Medieval Italy (1100-1500)*, (Rome, 2018), 335–52, 338-339.

construction work.[78] Yet given Farfa's fragile finances and tenuous authority in this part of the

Marche, less coercive measures may have been required. Those who gained land on generous

emphyteusis terms frequently gave something in return, cash entry fees are not always

documented, but are elsewhere considered a common feature of these contracts and entry-fees

appear frequently in Farfa's rent book: the *Liber Largitorius*.[79] It thus seems plausible that

emphyteusis granted for smaller plots might be offered in return for cash entry fees or physical

labour directed towards the construction a new church. Emphyteusis leases were not necessarily

free of obligations but provided secure tenure on land that could be cultivated with the prospect

of gain from long-term improvements and were, at least partially, alienable.[80] The prospect

raised here of many long leases to village level cultivators may have helped to foster local castle

communes which develop over the course of the twelfth century.[81]

In this contested area of Northern Fermo, Farfa's local priory seems to have taken a more

communicative approach to asserting its local position, as a counterbalance to the two competing

lordships of Bishop and Margrave who both exercised authority over the nearby fortified villages

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[78] For obligations associated with *libellus* contracts : Ascheri, *The Laws of Late Medieval Italy (1000 - 1500)*, 68-70.

[79] Wickham, *Medieval Rome*, 78-81.

[80] For alienation of emphyteusis land: Wickham, *Medieval Rome*, 54-55.

[81] Another substantial long lease from 1192 which gave two churches to an Alberto and a priest was witnessed by a group of communal elites from Morrovalle and Civitanova LL II, doc. 1957, p. 288 (1192). The Common land of both communes alongside that of S. Maria in Chienti are described in late-medieval conflict between Civitvanova and Montecosaro: Castignani, Carlo and Cicconi, Rossano "Montecosaro e S. Maria di Chienti nei documenti dei secoli XIV - XV" in *Studi Maceratesi* 33 (1999): 685-812, doc. 43, p. 775-777.

of Morrovalle and Montecosaro. Our best evidence for life in Morrovalle during the twelfth

century is found in a series of witness depositions which emphasise episcopal jurisdiction over

courts. Morrovalle was held on lease by Margrave Werner and neighbouring Montecosaro

appears to have been administered by an episcopal *vicedominus* whose sons maintained a local

prominence in the settlement.[82] When war broke out between bishop and margrave in the 1140s

this area was a frontline and the inhabitants of Morrovalle were ordered by the bishop to fortify

(cavare et fodare) a *castrum novum*.[83] By 1200 Morrovalle had grown substantially, with

evidence of a commune and local courts that are largely documented through rebellion against

episcopal authority.[84] The basilica church of S. Maria in Chienti exemplifies a shift in the use

and demarcation of sacred space incorporating demands of lay piety, pilgrimage, and personal

devotion, this change in emphasis coincided with the abbey's somewhat torturous shift towards

papal governance. The shift in Farfa's allegiances appears in our narrative sources as particularly

stark, yet similar adjustments to ecclesiastical authority are found in other instances of church

building elsewhere in the Chienti valley, where geo-political change, and church construction

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[82] For Alberto di Montecosaro and his control of local *plebs* San Lorenzo : Castignani, 'Formazione e primi secoli di vita del Comune di Montecosaro', 112–79. For sales by the sons of Alberto Montecosaro: *Fiastra* II, doc. 13, p. 21 (1181) and doc. 66 p. 100 (1187).

[83] For dispute between Margrave and bishop over Morrovalle : LF I doc, 142 (1164). For depositions concerning rebellion at Morrovalle: LF II doc. 391 (1209), pp. 713-715.

[84] The depositions stating episcopal privileges derive from a rebellion. A Privilege of Honorius III granting the bishop judicial and market rights over certain Fermo *castelli* including Morrovalle*:* LF I, doc. 284, p 180-1 (1219). There is indication these privileges reflected an ideal rather than a reality of episcopal control in the thirteenth century. For commune at Morrovalle in the thirteenth century : Tomei, 'Genesi', 129–415, 16-17.

can be linked in different circumstances to the distribution of landholding and the formation of rural communes in neighbouring settlements.

Reconfiguring episcopal lordship in the aftermath of the investiture contest: Rebuilding S. Croce al Chienti and local agrarian change.

The expansion of the monastic church of S. Croce al Chienti illustrates two main points, firstly it shows that in early 1100s pro-imperial bishops sought new means to bolster their legitimacy, in parallel to papally orientated currents of reform. Secondly, it offers up contrasting fragments which articulate how lease holding and local political practice were altered in dialogue with the expansion of a local cult centre. The monastic church of S. Croce al Chienti was rebuilt around the turn of the twelfth century, and I argue it may have been done so during the episcopate of Bishop Azzo of Fermo (1089-1118). Azzo came to the see during a time of Emperor Henry IV's attempts at reconciliation with the Roman church, he may well have been appointed by an emperor and held office with conflicting obligations towards Rome and the 'antipope' presiding in Ravenna. Episcopal authority was at this time subject to change and scrutiny, Azzo shows signs of adaptation [85]

Through the lens of S. Croce al Chienti, we shall examine how bishop and monastery co-operated producing new buildings and renegotiating relations with inhabitants of *castelli* in the

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[85] Gerhard Schwartz, *Die Besetzung der Bistümer Reichsitaliens unter den sächsischen und salischen Kaisern [microform]: mit den Listen der Bischöfe, 951-1122* (Leipzig, 1913), 235-6. Michele Catalani, *De ecclesia Firmana ejusque episcopis et archiepiscopis commentarius. (Appendix monumentorum).* (Fermo, 1783), 128-33. For Azzo's possible link to Verona and the unusual dedication of a church to S. Zeno see Tomei, 'Genesi', 129–415, 142.

north of the diocese.[86] Azzo followed in the footsteps of his predecessor Waldericus but did so in notably more unstable times. As we saw in Chapter 1, Waldericus had brokered new relationships with local society to consolidate rights to tithes from rural churches as at Macerata and granting a franchise to Civitanova. Documents from Fermo's episcopal cartulary indicate Azzo was an active bishop, responding to the aftermath of the investiture contest and intent on reorganising and documenting local networks of clientele across the diocese. Azzo was also active outside the diocese, travelling to the holy land in the aftermath of the first Crusade. The Basilica of S. Croce al Chienti may have been reconstructed in this period, following a donation of land from the bishop. This architectural patronage can be viewed alongside the two franchise charters negotiated with Montolmo and Macerata in the 1110s, to understand how ecclesiastical authority was renegotiated as new quasi-urban spaces emerged in tandem with a refashioning of episcopal authority.

The politics of reform and its local impact

The large diocese of Fermo was torn between the authority of Ravenna and Rome. The growing strategic significance of the Marche as a gateway to the Norman polity taking shape in the south made the diocese a site of struggle within the wider investiture dispute. Following the death of Bishop Waldericus (1057- 1074), Gregory VII appointed a certain Archdeacon Adelbertus to manage the see until a suitable candidate could be elected, requesting obedience to Adelbertus

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[86] John Elvedik has described a shift in episcopal authority a reflective of a shift in social relations mediated by crown and office and towards social relations mediation by ties of property and territory: Eldevik, *Episcopal Power*, 138.

from a count, Hubert of Fermo.[87] However, it was not long before Henry IV took control of the

bishoprics of the Marche and Spoleto and appointed a loyalist bishop of Fermo named

Wolfgang, Gregory VII complained in a letter about the appointment of this total unknown

whom he swiftly excommunicated.[88] After this, Robert Guiscard made incursions into the south

of the diocese and Henry IV considered granting the Marche to the Norman duke.[89] Around this

time, the bishopric of Fermo passed to Hugh of Remiremont (1083-88), a strong opponent of

Gregory VII and in the secular sphere, Henry IV appointed his household retainer, Werner, as

Duke of Spoleto and margrave of Ancona who in turn aided the election of antipopes to succeed

Clement III, placing the bishops of the Marche firmly within the orbit of the imperialist

archdiocese at Ravenna.[90]

The documents produced during Azzo's tenure as bishop suggest economic change and an

episcopal lordship that was also in a state of transition. The civil wars of the preceding decades

were drawing to a close, but Azzo, probably an imperial appointee, thus faced an implicit

challenge to his legitimacy.[91] There are signs of escalation in the long-running tensions with

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[87] MGH *epistolae* 2.1 II, 38 p. 174 (1074). Adelbert the Archdeacon takes the *plebs* of S. Elpidio and the castle in lease from Bishop Wolfgang: LF I, doc. 19, p. 28-30 (1079).

[88] For documents issued by Bishop Wolfgang: LF I, doc. 358, p. 646-7 (1079).

[89] Robinson, *Henry IV*, 214-5.

[90] Peter Partner, *The Lands of St. Peter: The Papal State in the Middle Ages and the Early Renaissance* (1972), 140-1. Robinson, *Henry IV*, 293. The authority of subsequent Antipopes decreased as the reform party popes were more widely recognised as canonical. Documents issued by Hugh of Remiremont also known as Ugo Candido in Fermo: *LF* I, doc, 38, p. 71 (1083), *LF* I, doc. 21, p. 33 (1088). and LF I doc. 24, p. 39 (10880). LF II. doc. 211, p. 394-5 (1089) Robinson, *Henry IV,* 293.

[91] Imperial loyalties suggested by exchange in S. Elpidio: *LF* II. doc. 367, p. 664-6 (1089). and 370 p. 670 (1096).

Farfa: a grant by Azzo of land near Morrovalle contains a promise that the recipient will not

alienate land to Farfa or build any *castrum* or *civitas*.[92] The presence of Margrave Werner

complicated matters, he maintained cordial relations with Farfa and regional bishops, receiving a

handful of episcopal *castelli* on long lease across Fermo and eastern Camerino.[93] Azzo actively

sought to consolidate episcopal authority, striking deals with large rural *consortia* to rebuild

fortifications and dwellings, using new agreements of fidelity to consolidate loyalties while

delegating authority to *consortia* of rural elites or castle communes.[94] The diocesan church

expanded its authority through donations of *castelli* from local aristocrats, which were then

entrusted to officials through short-term *usufruct* leases.[95] The franchise charters for Montolmo

and Podio S. Giuliano, made by Azzo in emulation of his predecessor Waldericus, are multi-

faceted. They follow a trend towards localisation of authority and represent an attempt by

episcopal lords to delegate their judicial authority while consolidating rights to churches. A

reaction to increasing agricultural yields is also apparent: Azzo gave away market rights in these

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[92] : *LF* II, 284, p. 518 (1117).

[93] Azzo leased to Werner and his wife the castle of Agello in LF I, doc. 44, p. 8-81 (1112).

[94] For pact with *consortia* of at least 20 to rebuild and fortify Servigliano see *LF* I, doc. 65, p. 136-8
(1108). A pact to demolish existing fortifications and move to Servigliano and commit to reconstruction:
LF II, doc. 274, p. 502-5 (1108). For context see Fiore, *The Seigneurial Transformation*, 63. Exchange
with promise to build a castle and not submit to enemies of the church: *LF* II, doc. 213, p. 399 (1110). LF
I. doc. 92, p. 192-3 (1095).

[95] For donation from Count Transmund: *RegFirm*, doc. 7, p. 305 (1095). Donation of the castle and
church in Rofiano: LF I, doc. 61, p. 128-129 (1099). Exchange with Acto Bulgari from Montolmo: LF II.
doc. 345, p. 618 (1109). Also: LF I, doc. 26, p. 45 (1102); doc. 88, p. 187 (1110), LF II. doc 210, p. 393
(1089). For oaths of fidelity : Tomei, 'Genesi', 129–415, 27 and *LF* I, doc. 62, p. 131 (1100).

two franchise charters and also leased three mills and gave lands to build several more.[96] Azzo's activity in the diocese shows not only a formalisation of local political power but also an increasing emphasis on the bishop's spiritual resources.[97] The importance to the bishop of acquiring and later displaying saints' relics is shown in an account of bishop Azzo's participation in the pilgrimage and violence of the First Crusade.

In an anonymous Venetian hagiographic text, Azzo travelled to the Holy Land in 1100 in the wake of the sack of Jerusalem and sought relics to return to the Marche. This text, known as the *translatio sancti Nicolai,* sought to justify Venetian claims to the body of S. Nicolas against the rival claims of the city of Bari following the theft of the saint's body from Myra in Anatolia.[98] While the author may have made a strategic choice to include details about a prelate bordering Bari's Norman allies, there is little reason to doubt Azzo's presence on Venetian ships. In the *miracula* that follows the main narrative, Azzo with a *consul/comes* of Fermo docked at Myra in Anatolia on the way to Jerusalem and so heard the lamentations of the local priests at the loss of Nicholas's body. Having read Greek inscriptions verifying Nicholas's presence here, Azzo continued to Jerusalem where after falling ill, he was reproached in a dream by Nicholas for not

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[96] Lease of a mill: LF II, doc. 216, p. 402 (1105) and *LF* II. doc. 223, p. 415 (1095). Lease for the construction of a Mill by S. Claudio: *LF* II, doc 248, p. 461 (1089) and by S. Elpidio: LF II, doc 302, p. 548 (1113).

[97] Miller, *The Bishop's Palace*, 126-143.

[98] Anonymous monk of Lido, *Historia de translatione, Miracula Recueil des historiens des croisades. Historiens occidentaux*, (Paris, 1895), V. For analysis: Elena Bellomo, 'The First Crusade and the Latin East as Seen from Venice: The Account of the "Translatio Sancti Nicolai"', *Early Medieval Europe*, 17 (2009), 420–43,420-6. The presence of bishop Azzo as current bishop is used to date the text : 423. For analysis of Bari's claim to Saint Nicholas and the context of relic theft see Geary, *Furta Sacra*, 100-103.

visiting him for a healing cure. Heeding the saint's advice, Azzo visited the body of S. Nicholas

aboard a Venetian ship and was miraculously healed, before returning on the ship to Venice.[99]

Azzo appears also in the main narrative, while in Venice he conceals parts of S. Nicholas's body

in a silver reliquary to found a monastery in the saint's honour in the Marche. Following an

argument with the bishop of Castello, the reliquary is cast into the sea, only to be miraculously

recovered by Venetian sailors, proving that Nicholas did not wish his body divided.[100] Azzo's bit

part in this narrative provides insight into a by-product of crusade: acquiring spiritual resources

for churches. It may be that such efforts were particularly urgent for bishops invested by an

emperor as the papal party strengthened their claims against lay investiture. The reconstruction

of S. Croce al Chienti focused on lay veneration of relics and may have been driven by the

patronage of Bishop Azzo, following his return from the Holy Land.

S. Croce al Chienti was an early medieval monastic church which was enlarged in the central

Middle Ages to improve access to and display of relics. An existing tri-apsed basilica was

enhanced with a second phase of building. Hildegard Sahler, who has carried out the most

extensive study of the church, posits the extension of the church to the turn of the twelfth century

with an extension of the early medieval church, extending the nave to hold more worshippers and

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[99] There he allegedly retired to the monastery of San Nicolò al Lido: Anonymous monk of Lido, *Historia de translatione,* V, 291.

[100] Anonymous monk of Lido, *Historia de translatione,* V for encounter with S. Nicolo at Myra: 290-1, for attempted relic theft: 285. *aliquid reliquiarum eiusdem Sancti in argentea popside collocaret, quas ei sub tali conditione donara ut inde idem Episcopus Firmanus, Monasterium illi de littore subditum ad honorem ipsius, in marchia transformaret*: Anonymous monk of Lido, *Historia de translatione,* V, 291. Azzo may have been successful in acquiring relics to attribute to S. Nicolas as a church was dedicated to the saint outside Civitanova by 1141: *Fiastra* I, doc. 44, p. 94 (1141).

providing for a larger crypt that allowed more people to view and venerate relics.[101] The enlarged

crypt included carved pillars and a bas-relief tympanum by local masons in a regional style

reminiscent of earlier Lombard work.[102]

Bishop Azzo may have contributed to this reconstruction with a gift of tithes, offerings and

burials from two local baptismal churches (*plebs)* at S. Marone (Civitanova) and S. Elpidio.[103]

The description of the gift states that previously the tithes from the *plebs* of S. Elpidio had been

granted unjustly, a reference perhaps to the lease of tithes to an Archdeacon, Adelbertus, who in

1079 had been Pope Gregory VII's preferred choice for bishop. In 1094 tithes from churches in

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[101] Hildegard Sahler, 'Santa Croce Del Chienti. Eine Spätkarolingische Reichsabtei in Den Italienischen
Marken', in *FS Hans-Christoph Dittscheid*, 2010, 373–422, 401-2. For architectural innovation and
expansion of churches to utilise and direct growing lay piety Töpfer, 'The Cult of Relics', 41–57, 51-4.

[102] The new crypt contained carved pillars with close similarities to a bas-relief tympanum now
incorporated into the clock tower at neighbouring Sant'Elpidio. A signature found beneath one carving
links the production to local builders who witness documents from the Fiastra archives: *Fiastra* I, doc.
101, p. 183 (1163), doc. 132, p. 227 (1168), FIastra I, doc. 103, p. 15 (1163). Sahler, 'Santa Croce Del
Chienti. Eine Spätkarolingische Reichsabtei in Den Italienischen Marken', 373–422, 405-6.

[103] We know about these gifts only from later gifts by his successor Bishop Liberto who gives a further
piece of woodland and confirms the gifts of the founding bishop Teodicio and his predecessor Azzo.
From this we can deduce that Azzo gave the tithes which are not included in the initial gift or the imperial
diplomas: Anna Maria Accardo*, I documenti di Santa Croce dell'archivio di Sant'Elpidio a Mare
(Sant'Elpidio al Mare, 2009), doc. 7, p. 47 (1132).* An explanation for the exclusion of Azzo's gift might
be dating to the pontificate of Antipope Clement III. There is some doubt about this as a later privilege by
bishop Presbitero notes a further gift made by a bishop Peter. *Accardo, I documenti, doc. 7, p. 47 (1132),
doc. 9, p. 48, (1142).* There is one doc for Peter I: *LF* I 85, p. 179-81, (1074). For provisions of tithes
from vacant churches to fund Wells cathedral in 1187: Joseph Armitage Robinson, 'Documentary
Evidence Relating to the Building of the Cathedral Church of Wells', *The Archaeological Journal*, 85
(1928), 1–22, 2-3. Tosco, *Il castello,* 81.

S. Elpidio, Macerata, Morrovalle and Montelupone were also given by Azzo to the Ravenna monastery of S. Apollinare in Classe via its daughter house of S. Pietro in Butiro, fostering a rivalry for control of parish churches that continued a century later.[104] In conditions of economic and demographic growth tithe revenues from parish churches became increasingly lucrative, though in contrast to contemporary attempts by bishops to reaffirm episcopal rights to tithing, Azzo sought to enhance the status and size of a distinctive monastic community, perhaps helping to fund its material reconstruction.

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[104] For mention this grant in 1094 : *Annales Camuldense*s III, p. 62. For a description of these territories in a privilege of 1185 for S. Apollinare by Pope Urban III: *Annales Camuldense*s IV, appendix, doc. 84, p137-8 (1185). This grant mentions S. Pietro in Butrio, a possession of S. Apollinare in Classe in 1045: Ruggero Benericetti, *Le carte Ravennati del secolo undicesimo 7: archivi minori, Monasteri di Sant'Apollinare ...*, Studi della biblioteca Card. Gaetano Cicognani (Imola, 2011), XVI, doc. 565, p. 22, or *Annales Camuldenses* II, p. 98 and appendix, doc. 59. p. 115 (1045). Exchange of 1083 in which tithes from S. Maria di Sico are given in exchange for tithes of S. Apollinare granted by Waldericus LF II, doc. 278, p. 508 (1083).

Figure 9: The extant church of S. Croce al Chienti (Image credit: illuoghidelsilenzio.com).

S. Croce was not a grand monastery but had a regional reputation and clientele that may have suited the bishop's aims. In choosing to patronise this church dedicated to the cross, perhaps Bishop Azzo sought to capture the crusading zeitgeist which had partially united papal and imperial factions, while harking back to a history of local imperially sponsored piety.[105] S. Croce

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[105] For Carolingian relationship with the vera crux in the holy land : John F. Moffitt, 'Charlemagne's Denarius, Constantine's Edicule, and the Vera Crux', *Quidditas*, 28 (2007), 23–60.
Land grants for the construction of S. Croce: Accardo*, I documenti, appendice, doc, 1, p 38 (886).* For manuscript references and the questionable validity of the extant Carolingian donations : Francesco

had been commissioned by Carolingian emperor Charles the Fat, ostensibly, to house a relic of the true cross. A monastic inventory of 1266 which lists a piece of the true cross encased in silver as the churches' primary relic, listed in addition, six other reliquaries one of silver and two of ivory. This was not an exceptional collection of relics, but outlines the valuable spiritual resources of the abbey.[106] The twelfth-century phase of construction although neither particularly grand nor distinctive, nonetheless invoked the early medieval prestige of the church's Carolingian era plan and echoed the tri-apse form which characterised the building program of Azzo's predecessor Waldericus (Figure 9).[107] Azzo's grant of rural tithes to S. Croce was an investment in a sacred place, which served as a focus of local and regional pilgrimage.

Contributing to the new church may also have helped to augment the influence of the bishop in the north of the diocese. For a small Benedictine foundation, S. Croce is fairly well documented: a portion of the churches archive was retained by the Cistercian abbey of Fiastra, offering a run of charters and a detailed thirteenth-century monastic inventory which paints a rich and vivid picture of the priorities and resources of this small house, outlining its extensive landholding across the Chienti valley.[108] Pious donations bolstered by a series of imperial privileges show the abbey as a major local landholder with a string of estates focused around rural churches across the valley and along the coast. The abbot of S. Croce paid tribute to the bishop of Fermo while maintaining a network of parish churches in and around the valley's main settlements, which

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'Wolfgang Hagemann, Studi e documenti per la storia del Fermano nell'età degli Svevi (secoli XII-XIII), a cura di Francesco Pirani', 2011, 40-43.

[106] SC, *doc. 6, p. 65 (1266).*

[107] Cardulli, 'Architettura sacra nella Marka', 135 and 149.

[108] Brentano, *Two Churches*, 272-3.

were leased to local chaplains. Bishop Azzo's relations with the local aristocracy, forged through land leasing, was often unstable (see Chapter 1).[109] It may be that patronage of the abbey and its reconstruction helped the bishop counterbalance aristocratic clients, by accessing S. Croce's patronage networks which spread across the valley and included more moderate landholders.[110] Close cooperation between S. Croce and the bishop is a notable point of contrast with S. Maria in Chienti which developed in clear rivalry with the diocesan centre, there are however clear parallels in the use of long leases.

Positioning the church of S. Croce al Chienti: building clientele and distinctions of settlement in the Chienti Valley

The reconstruction of the abbey church at S. Croce may also have ushered in an expansion of three-generation leases to a wider range of monastic clients. The few documented tenants from S. Croce in this period appear to be of moderate status: leases for modest plots of 7 and 8 *modii* are granted to two groups of brothers with an annual rent paid at the high altar on the feast of the

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[109] The Bulgari were another group of elite episcopal clients: LF I, doc. 130, p. 127 (1095) and doc. 153, p. 135 (1109) and LF II, 199 p. 374 (1058). For further leases : LF I. doc 28, p. 48-49 (1097), *LF* II. doc. 239, p. 443 (1115). LF I, doc. 81, p. 174 (1102). Usufruct of port of S. Libero: LF I, doc. 87, p. 185, (1104). Usufruct in ministerium of Chienti: LF II, doc. 251, p. 465-7 (1109). Emphyteusis grant of castle mill and portion of a church by S. Elpidio: LF I, doc. 22, p. 35 (1104). For concession of judicial rights in these grants : *Tomei, 'Genesi', 129–415, 8-9.*

[110] Azzo also had some smaller clients in the Chienti valley, for example, Ermengarda takes life usufruct for improvement of land *ad laborandum* with rent in candle of arm's length in: LF II, doc. 347, p. 621 (1094). For smaller leases in Montolmo. LF I, doc. 100 and 101, p. 209-11 (1101-1106). LF II, doc. 210, p. 393 (1089).

Cross.[111] These tenants are possibly peasant cultivators, they could also be middlemen leasing to dependent peasants but there are no references to *homines* or *mansi* that make this explicit.[112] As records improve in the late twelfth century it becomes clear that throughout the lower Chienti valley, small landholders and monastic tenants took over uncultivated or directly farmed monastic land in *emphyteusis*. These later documents reveal a more intensive agricultural landscape, with more concerted evidence of land clearance, planting of vines and stock raising leading to disputes with local elites that sought to usurp S. Croce's holdings.[113] The late medieval inventory from 1266 indicates that 8-10,000 *modii*, over half of S. Croce's land was leased in emphyteusis or "*per scriptum*", distinct from its pastures, ten dependent churches and the eight thousand bushels produced from directly managed fields and mills.[114] It appears that S. Croce began to use emphyteusis leases to handle relations with peasant tenants, whose holdings might lay beneath holdings of more powerful local elite, for example, one emphyteusis from 1196 for 2 *modii* of land was issued to a tenant who promised *homagium* to the abbot, this document had a note inscribed on the verso indicating that it was held by another individual, either in exchange or as a landlord.[115] Indeed scraps of mid-twelfth century parchment, perhaps

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[111] They contain stipulations: *ad laborandi, cultandi et meliorandi* and prohibit sale or exchange common in many *precaria* or *empyhteusis* contracts *Fiastra* I, doc 11, p. 35 (1085) and *Fiastra* I, doc. 25, p. 64-6 (1122).

[112] For parallels in Rome see Wickham, *Medieval Rome*, 79.

[113] For land clearance leases: *Fiastra* V, doc. 14, 15, 16, p. 29-35. (1231).

[114] SC, doc. 6, p. 75. (1266).

[115] *Fiastra* II, doc. 134, p. 214. (1196). Verso: *hanc tenet Rainaldus Dalimanii*. Rent is for 3 d. of Henry VI or 19 d. of Lucca. Lucca money was considerably devalued in the later-twelfth century: William Day, 'The Early Development of the Florentine Economy, c. 1100-1275' (unpublished PhD diss., London School of Economics and Political Science, 2000), 9-10. For similar case: *Fiastra* VII, doc. 96 and 112,

from S. Croce show multiple levels of tenancy associated with *mansi*.[116] A subset of the archive from S. Croce was summarised in 1263 by a notary from S. Elpidio, around half of the 115 documents listed are leases, and forty are named as emphyteusis contracts, many are identified as residents of Montolmo, Macerata or Civitanova, taking single pieces of land, some are known communal elites, while others appear to have themselves held *mansi* from the abbey, taking more land in emphyteusis.[117] All this suggests an increasingly complex landscape of tenure where peasants holding *mansi* were sometimes able to expand their holdings by taking out emphyteusis leases. There are tentative suggestions that an expansion of emphyteusis contracts was connected to rebuilding S. Croce: an early modern register preserved in archives of Montolmo maintains a list of new long leases agreed with the inhabitants of Montolmo by abbot Morico of S. Croce (1115-1126). [118] It may be then that gifts of tithes and new long leases funded building work saw resulting in a wider section of local landholders holding portions of monastic land on secure tenure, though this remains a hypothesis. With more certainty we can see how the abbot of S.

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p. 160 and p. 186. Ianni Andri is styled as *dominus.* A *Berard Andree* served was a prominent citizen and *iudex* of Civitanova, see below p. 317.

[116] *Fiastra* II, Appendix, doc. 1 and 2, p. 287.

[117] *Fiastra* VIII, doc. 208, p. 371-389 (1263). Emphyteusis leases from the Burdoni, Blanci, Guarneri, Encrescevi, Olivierii who also feature in *mansi* list from *Fiastra* II, appendix, doc. 1 and 2, p. 287.

[118] See Borri, 'Documenti', 12 note 30. Transcripts of the leases survive in an early modern register by Gregorio Ugolini: *Memorie Istoriche della terra di Monte dell'Olmo,1683 (kept at Biblioteca communale di Fermo and in Corridonia), 22-25.* See Giacinto Pagnani, 'Archivi marchigiani: Civitanova, Corridonia, Morrovalle', in *Atti del Convegno sulle fonti documentarie e bibliografiche per la storia della provincia di Macerata*, 1966, 105–22, 114 and 'Hagemann, *Studi e documenti*, Montolmo (Corridonia), 5.

Croce, in co-operation with bishop Azzo agreed a significant reordering of local authority in the castle of Montolmo.

In 1115, the residents of Montolmo sought a new accommodation with the bishop and the abbot of S. Croce with a franchise charter. As at Macerata, to understand this document we may examine the landscape of local churches. Montolmo developed around a patchwork of rural churches indicating a concentration of settlement around the elevated site of the current settlement. Two churches: *S. Maria in castello,* a possession of S. Croce, and S. Pietro were both later situated within the castle walls. Nearby lay the substantial *plebs* of S Claudio al Chienti, across the river, and another *plebs,* S. Donato, to the south.[119] S. Pietro was once a proprietary church shared by a *consortia* of twelve situated in the neighbouring castle of Ripalta, who gave a third of the church to Bishop Waldericus in 1066 to end a dispute, with a clause that forbade building more fortifications.[120] Another once-proprietary church, S. Michele lay in a smaller castle situated on an outcrop surrounding Montolmo.[121] The franchise charter reordered relations with a wider community, defining a new territory focused on the castle, it also brought a new

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[119] Paolo Bartolazzi*, Montolmo, oggi città di Pausola, sua origine, incrementi e decadenza nel medio evo e nel cinquecento, con appendice del suo risorgimento; memorie raccolte con molte notizie di storia marchigiana,* (Corridonia, 1887), 21-23 and 61-3. For lease by abbot of *S. Maria in castello* to a priest in the 1230s see inventory: *Fiastra* VIII, doc. 208, p. 371-389 (1263).

[120] LF II, doc. 242, p. 448-9 (1066).

[121] S. Michele associated with a small castle just outside Montolmo given to Bishop Waldericus in 1070: LF I, doc. 32, 59-60 (1070).

social significance to the spaces outside the two churches within the walls, S *Maria in castello* and S. Pietro whose *platea* serve as places of assembly.[122]

From the text of the franchise, we get a good sense that the bishop and abbot sought to strengthen the relationships with the parishioners of these disparate churches. Threatening damnation and pursuit by vengeful angels for those who renege on the pact, Bishop Azzo and Abbot Morico together acknowledged the possessions held by all the *minores* subject to the church and the monastery, confirmed their rights to sell, exchange and inherit land while maintaining services owed. In return for loyalty and a promise to defend and, if necessary, rebuild the castle walls, the inhabitants were granted the same market and judicial privileges and exemption from the *fodrum* levy, granted by Waldericus to Civitanova and in the following year, Podio S. Giuliano. Though the franchise may have benefited many inhabitants, limiting arbitrary exactions, it was witnessed by a powerful episcopal client, Acto Bulgari and an episcopal bailiff (*vicedominus*).[123]

Like the charter granted to neighbouring Podio S. Giuliano (Chapter 1) the franchise agreed at Montolmo served to counterbalance the influence of minor aristocrats from neighbouring Ripalta and Cerqueto; a count Giberto and his sons who maintained fractious relations with the bishop until the castle was handed over to the commune of Montolmo in 1152 and its inhabitants

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[122] For assemblies held outside *S. Maria in castello*: LF II, doc. 245, p 456 (1206). Charter enacted in platea of S. Petri in Montolmo: *Fiastra* III, doc. 13, p. 19-20 (1202).

[123] For the office of *vicedominus* see, George Dameron, *Episcopal Power and Florentine Society, 1000-1320* (Harvard, 1991), 63-65.

granted the same civic privileges.[124] Rebuilding S. Croce, was a refashioning of a local sacred history, it may have been connected to the Montolmo franchise and an expansion of long-leases for monastic clients, indicating a shift away from secular jurisdiction and a focus on authority and revenues associated with church buildings, while increasing the autonomy and financial resources for those representing regional castle communities.

Franchise charters cannot be seen as a direct consequence of building churches. To use our previous example, Farfa did not seem to exercise the territorial authority to grant one to settlements around S. Maria in Chienti and unlike Montolmo, and the nearest castle commune at Morrovalle seems to have developed autonomy from the bishop through extended conflict. What I am suggesting with the examples from this chapter, is that securing resources for building was an important prerogative of prelates in the age of reform, and this frequently required a renegotiation of relationships with local clientele. Where parish structures were dense and village communities variegated, new articulations of sacred authority helped to redefine aspects of certain prelates' territorial lordship while fostering partial local autonomy in settlements that produced urban patterns of assembly and authority.

Contrasting patterns of church-building, castle society and monastic clientele in the central Marche

A relationship between church-building and castle communes is by no means explicit. There were other relationships between church building and monastic patronage, that we can use to

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[124] Archivio comunale di Corridonia, p*ergamene*, no. 1, (1152). For an earlier dispute: LF I, doc. 34, p. 63-4 (1143).

place our two case studies in context. Our two case studies were chosen partly because of the relative density of surviving documentation, which are nevertheless fragmentary, and in other cases documents are even more scarce, this may reflect a local absence of seigneurial power or simply a loss of monastic archives. S. Croce and S. Maria in Chienti were situated in notably contested areas of territorial control and may have served a mediatory role, attracting patronage from diverse sources. In other cases, we can see close relationships between local aristocrats and more contained hierarchies of village level monastic clientele. The abbey of Rambona is thus a useful point of comparison.

The Abbey of Rambona, underwent a phase of expansion, that bears close parallels with S. Croce al Chienti. The church was built in the ninth century following a grant from Empress Ageltruda. In the eleventh century, it became a localised cult and pilgrimage centre focused on the figure of Amicus, an early eleventh-century abbot.[125] An enlargement of the abbey during the eleventh or early twelfth century maintained the three-apsed Carolingian era plan with the addition of two staircases giving access to a monumental crypt where extensive use of *spoilia* augmented Amicus's tomb (Figure 10). No documents for Rambona make clear how the building work was funded, but it may be that the reconstruction coincided with a donation made by 'antipope' Clement III.[126] Some uncertainties surround the surviving donations on account of a later conflict

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[125] Damian, *Letters, Edited by Owen J. Blum*, III, volume 6, letter 29.

[126] For donation of Clement III see Kehr *Italia Pontifica* IV, p. 126 (1096). This may have come from Clement's holdings north of the Potenza river confirmed by Henry IV: MGH*, Diplomata*, *Die Urkunden Heinrichs IV,* 2 doc. 322, p. 422 (1080).

with Fiastra, which nevertheless illustrate a clientele of local elites, including a count, Manfred, who leased part of the castle of Aiano.[127]

At Montemilone there appears to be a close relationship between the abbey of Rambona and local elites. A series of disputes with Fiastra, in the late twelfth century, illustrate a substantial *consortium* of monastic clients whose links with the abbey were close enough that they were referred to as the *Rambonenses*. [128] The Fiastra dispute includes a long list of the *homines* of Montemilone, an illustrative snapshot of a hierarchy of the settlement's male inhabitants: listed first are three preeminent individuals, (one, Albertus Pauli is called elsewhere *miles)* accompanied by their unnamed *laboratores*, beneath them appear fifty-three named individuals and familial groups who also worked the monasteries land, only one of which is listed as employing their own *laboratores*.[129] The chief tenants at Rambona might have been a militarised elite; *equites* loyal to the abbot, The potential hegemony of this group was here counterbalanced by the fifty other tenants who appear to be of more moderate status, or at least did not evidently employ dependent labourers. It may be that emphyteusis contracts regulated relations between this list of tenants and the monks: among the few surviving documents from Rambona's archive

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[127] Fiastra also retains other donations to Rambona of doubtful authenticity: *Fiastra* I doc. 4, p. 11 and *Fiastra* I doc.3, p. 10 (1081) and doc. 9 p. 26-7. *Fiastra*, I, doc. 37, p. 82 (1137) lease of part of Aiano by count Manfred. Conflict with Fiastra began before 1193: *Fiastra* II, doc. 108, p. 171 (1193).

[128] The inhabitants allegedly seized and for ten years farmed Fiastra lands: *Fiastra* III, doc. 201. p. 268 (1216), *Fiastra* III, doc. 202, p. 269-72 (1216). For context: Renzi, *Nascita di una signoria,* 223. Local historian's associate the Abbot Amicus with the son of a *milites* based on a lost manuscript: Silvia Campillia, "L'abbazia di Rambona Nell'alto Medio Evo", *Studi Maceratesi* 7 (Macerata, 1971),153-185.

[129] *laboraverunt et laborari fecerunt seu ratum habuerunt terras ad dictas monasterium*: *Fiastra* III, doc. 203, p. 276 (1216).

is an emphyteusis from 1194 for a single *mansum,* which demanded a substantial money rent some of which was for a mortgage of neighbouring land.[130] The list of tenants at Rambona is from the early thirteenth century but bears comparison with a similar list from 1102 from another local centre: *castrum Loro* (Loro Piceno). In a leasehold agreement with Abruzzo monastery S. Clemente a Causaria a group of nine head tenants including four brothers held between them 400 *modii* of land *per scriptum*, a subset of this group pay a *census* of 1 or 2 *soldi* and another distinctive group of sixteen pay 1 *d* for pasture rights (*ad bestinianum*).[131] These documents illustrate a clear hierarchy among the castle community, and in Montemilone and Loro Piceno there are few subsequent signs of a commune, village society may instead have been bound together by agricultural production, stock raising and shared links to the monastic landlord. In this respect they seem noticeably different to the dispersed parishes surrounding larger centres like Montolmo and Podio S. Giuliano, which were more populus and seem to look to diverse points of patronage. While Montemilone appears strongly linked to Rambona, the abbey itself had more diverse interests, which may have played a role in the expansion of the church. The abbey was also a prominent but not the dominant owner in the neighbouring castle of Montecchio and maintained two of the several churches nearby, this centre developed an earlier

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[130] Silvia Campeja, 'L'abbazia di Rambona nel basso Medio Evo', in *Atti del IX Convegno di studi storici maceratesi*, 1976, 355–92, Appendix, doc 4, p. 388 (1194). Rent is a *decima* and 40 Lucchese and 30 *soldi* for land held in pledge by a certain Carbonem Alberi. For *mansi* as hereditary tenure see D. Herlihy, 'The Carolingian Mansus', *The Economic History Review*, 13/1 (1960), 79–89, 88-89.

[131] Pratesi and Cherubini, *Iohannis Berardi Liber Instrumentorum Seu Chronicorum Monasterii Casauriensis Seu Chronicon Casauriense*, XIV, I–III, III, doc. 2079, 2975 (1102). For a description of this transaction in the chronicle of S. Clemente see volume I, 1111.

and more prominent commune and more complex, or at least better documented, built

environment, which we shall encounter in Chapter 3.

N. 1. Sezione longitudinale della Chiesa ricostruita, in parte ideale, su molti elementi esistenti. - N. 2. Schola Cantorum. - N. 3. Ricostruzione del presbiterio e costruzione della Cripta. Le parti punteggiate sono distrutte e tutto il murato che comprende le 4 finestre è trasformato. - N. 4. Cripta. - N. 5. Corridoio o grotta sepolcrale.
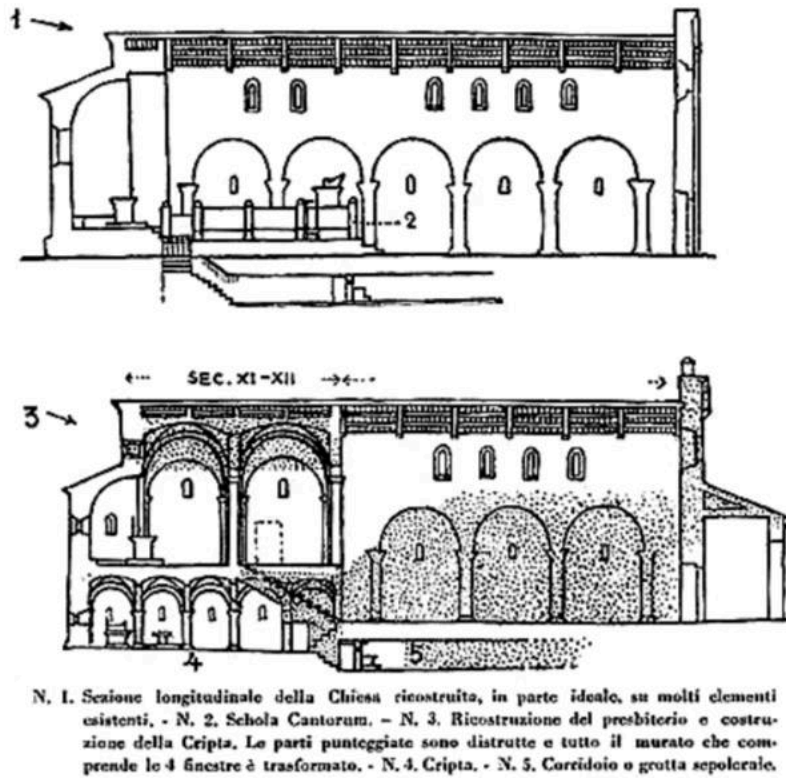
Figure 10: Cross section of Rambona showing expanded twelfth-century crypt (Image credit: F. Guidobaldi).

A final example from the settlement of Montelupone, shows us that a close relationship between

settlement and localised cult might be a basis for a rural commune, and a lack of documentation

may in fact indicate more horizontal social relations. The castle of Montelupone, is associated

with an adjacent low-land monastery devoted to local saint, Firmanus, contemporary to abbot

Amicus of Rambona.[132] The bishop of Fermo expected tribute from the abbey of S. Firmanus but had no documented interactions with inhabitants Montelupone which lay in a territory known as the *ministerium sanctus Firmanus*, documented by only two episcopal leases.[133] A *vita* of Firmanus illustrates a localised cult which drew pilgrims from as far as the mega monastery of Montecassino, celebrating the life of a holy abbot whose sanctity was embedded in the landscape through a legend which referenced the periodic flooding of the Potenza river.[134] A new cult emerged around this figure and the monastery was rededication to Firmanus at some point in the eleventh century. When a rural commune is documented it meets in the *domo sancti firmani* and is responsible for offerings on the saint's feast day.[135] Distance from the bishop moved to open hostility when in 1198, Montelupone sided with Osimo and Ancona against Fermo and the bishop.[136] We cannot say much else about the settlement until the beginning of notarial records in the later middle ages, but it may be that the framework of the monastery's *ministerium*, somewhat isolated the community from the bishop, where a localised monastic lordship served

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[132] MGH, *Libelli De Lite: Imperatorum Et Pontificum Seaculis, XI. Et XII, Petri Damiani Liber gratissimus*, 1, 60.

[133] LF III, doc. 343, p. 613-4. LF III. doc. 344, p. 616, 1165. chapel of *S. Maria in Monteluponis*: Taraborrelli, 'Documenti pontifici e vescovili dell'Archivio storico del Capitolo Metropolitano di Fermo', 5–122, doc. 5, p. 61-3 (1170)

[134] For the hagiographic tradition surrounding Firmanus of Montelupone : Licciardello, 'Scrittura e riscrittura della "Vita" di san Fermano di Montelupone (BHL 3000-3001)', 89–150, *BHL* 3000, 123. The text of Firmanus's life was embellished some years later by Theodoric of Fleury.

[135] LF II, doc. 155, p. 317 (1224). notary *Tabellerius de castro Montelupone* active in 1150: *Fiastra* I, doc. 58, p. 117. (1150). Emma Taurino, 'Il territorio di Montelupone nei secoli IX-XIII', *Studia Picena*, 42 (1975), 65.

[136] LRO, doc. 28, p. 40 (1198).

as a framework for identity and social action.[137] Montemilone and Montelupone exhibit somewhat different evidence of social organisation than is found in the better documented centres. I suggest that our two case studies of monastic building were aimed at patronage from moderate landholders in the more diverse, larger settlements.

We cannot make any direct links between a documented expansion of long-leases and funds for church building, Moreover, as is common, we have no explicit information about how building work at either S. Croce or S. Maria was funded. Nevertheless, I believe it is worthwhile bringing the building itself into dialogue with the surviving documents to suggest ways the church might have been funded. The stone churches of the twelfth century were built to incorporate more people, often during periods of substantial religious upheaval, they were self-evidently major investments in materials and labour and a significant point of engagement between monastic lordships and rural communities. Residents of different neighbouring castles were among the larger congregations that entered the expanded stone naves at S. Croce and S. Maria on high holidays and visited the smaller chapels adjacent to the ongoing monastic liturgy. Each case study represents a local response to lay piety that sought to enhance a lowland monastic centre, mediating relationships with the various castle communities that were expanding across the valley. These regional lowland centres enhanced the spiritual resources of the ecclesiastical lords and empowered a small-scale clientele spread across the major centres of habitation. In the case of S. Croce al Chienti, there are direct links with the abbey and the creation of a larger walled perimeter at Montolmo. The next chapter will focus on the small-scale migration which

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[137] Wickham, *Community*, 35-6.

determined patterns of settlement across the twelfth century considering how this mobility

interacted with practices of lordship and collective assemblies held in the bounded space of these

larger settlements.

3

Mobility, negotiation and construction

The earliest evidence for the settlement of Civitanova in Fermo shows the attraction of a new *civitas* for settlers under the yoke of small and large-scale lords who both reacted to the choices made by seigneurial subjects to move home. A pact drawn up in 1075 aimed to resolve a conflict between a group of castellans known as the *Aldonenses* and Bishop Peter of Fermo. As part of the pact, the brothers agree with the bishop not to damage or destroy the new settlement or attack people living within it. In return, the bishop acknowledged that certain people living in Civitanova owed customary services to the *Aldonenses* and accepted that others whom the brothers had dragged away would not be allowed to return.[1] The violent raid alluded to in this document illustrates brute force exercised by local strongmen and the pretext for this violence — seigneurial subjects had chosen to move into a new town and then refused to perform services for other lords. To be sure, this was a mutual supportive pact made between two sorts of the lord: it bound a great territorial church lord to a family of small-scale castellans.[2] Pacts of this kind were

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[1] LF I doc. 84, p. 179-81 (1075). For reference to *castrum Aldonenses* in a boundary clause see LF I, doc. 36, p 69 (1054).

[2] For a definition of territorial lordship : Chris Wickham, 'Property Ownership and Signorial Power in Twelfth Century Tuscany', in *Property and Power in the Early Middle Ages*, 1995, 221–44, 221-224. Classically : Cinzio Violante, 'La signoria 'territoriale' come quadro delle strutture organizzative del contado nella Lombardia del secolo XII', in *Histoire comparée de l'Administration* (Munich, 1980), 333–44. For *dominatus loci* in Umbria: Sandro Tiberini, '"Dominatus loci" e signoria fondiaria in territorio pergino tra XII e XIII secolo. A proposito di un documento del 1218 nel cartario di S. Maria di Valdiponte', *Bollettino per l'Umbria*, 90 (1993), 29–78, 29-78.

a component of an emerging territorial lordship and there are parallels throughout Italy.[3] Yet this document also shows the agency of rural people who sought, with limited success, to avoid the personalised subjection exercised by the *Aldonenses* by moving to live elsewhere. Civitanova is an early example of the *secondo incastellamento,* a castle with urban ambitions, perhaps formed from existing settlements, accompanied by a franchise charter from Bishop Waldericus.[4]. This agreement may be viewed, as it was by Alessio Fiore, as a reinforcement of local authority in the absence of central power. Yet it also shows lords reacting to peasant initiative, illustrating how franchise charters were connected to the mobility and agency of peasant settlers, whose choices to move were often controversial and threatening to smaller lords.[5] Mobility by seigneurial subjects influenced the practices of lords, large and small. The charter granted to Civitanova gave residents autonomy in running markets and courts, bringing new social significance to the shared space within the walls, the dialogue between such documents and the material process of building and settling shows the early stages of a process that would define the social geography of the Marche in the twelfth century.

This chapter explores how non-elite migration conditioned new space and so influenced the exercise of lordship and the practices of authority associated with the formation of castle

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[3] Fiore, 'Refiguring', 33–67, 46-8.

[4] The suggestion of combination of earlier settlements is found in a much later dispute from 1446: Castignani and Cicconi, 'Montecosaro e S. Maria di Chienti nei documenti dei secoli XIV - XV', 685–812, 728, note 51.

[5] As reinforcing local power: Fiore, 'Refiguring', 33–67, 47. For a view of franchise charters as peasant agency: Constance Bouchard, *Negotiation and Resistance*, 100-110.

commimes in the Marche. I start with the observation that peasants were the most important

source of income in feudal societies, and they were often clearly aware of this and used it to

improve their conditions.[6] At the core of my argument is the idea that a consideration of non-

elite mobility is essential to understanding the foundation of larger *castelli*, as agency and

coercion coexisted in the process of settlement change which shaped new frameworks for

assembly and religious practice. The trajectory of rural settlement in Italy is influenced by

multiple factors including: the relative strength of seigneurial power, the coherence or

fragmentation of landholding, birth-rates, inheritance strategies and agricultural production. All

of which reflect and shape long-histories of interaction between settlement, planning and

geography. Each of these factors is influenced and often realised by individual choices and

compulsions to go and live somewhere else.

The core part of this argument analyses the social dynamics behind two models of settlement

found within the framework of the *secondo incastellamento*.[7] The purpose of this is to examine

how patterns of mobility, in each case, interacted with the varying strategies of church and

secular lords. I pay particular attention to the second model of settlement, where several existing

settlements are encircled around the focal point of an intra-mural church or thoroughfare. I ask

why this type of settlement is more often the basis for an enduring political territory or *quasi-*

città which came to define the political landscape of the Marche in the thirteenth century.[8] I

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[6] Constance Bouchard, *Negotiation and Resistance*, 66-73 and 100-27.

[7] Farinelli and Giorgi, 'Fenomeni', 406–11.

[8] Waley, *The Papal State in the Thirteenth Century*, 81. For population estimates in thirteenth century see
Maria Ginatempo, 'La populazione dei centri minori', in *I centri minori italiani nel tardo medioevo.*

suggest that these open settlements were more attractive to various kinds of rural migrants and the concentration of populations in larger centres produced the demarcated space which enhanced collective assemblies. In centres such as Cingoli and Montecchio the presence of stone houses surrounding the main *platea* speak to the central role of this place in establishing local standing and performing authority. To illustrate how mobility shaped practices of authority in the Marche, I outline two broad responses from secular lords. Firstly, conflict which frequently resulted in settlement in the same or a rival centre in order to partake in an emerging political sphere and commune, with repercussions for seigneurial subjects. Secondly, I examine how lords altered the material and political environment of their own castles using franchise charters to attract and accommodate new settlers. This changed the quality of lordship, accommodating demands for urban-style self-government. In the final section, I consider the social implications of stone fortifications, which appear more frequently in the documents and material record of the twelfth century. Walled perimeters served not only a military function, they also embody contradictions inherent to the social dynamics of rural communes of the Marche. To make this point, I outline the regional evidence for funding and building walled perimeters. With this evidence I argue that walls served as a point of negotiation in the expansion of settlement and were often a collective effort expressing not only seigneurial authority but also collective identity. Stone walls and the non-elite mobility they sought to regulate played a significant role in the transformation of authority in the twelfth century. It will first be necessary to position the

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Cambiamento sociale, crescita economica, processi di ristrutturazione (secoli XIII- XVI). San Miniato 22-24 settembre 2018 eds. Federico Lattanzio, Gian Maria Varanini (San Miniato, 2018), 65-66.

Marche evidence for non-elite mobility in a wider central Italian context and the existing scholarship concerning settlement, distance and lordship.

Part 1: Mobility and the proximity of lordship in Central Italy

Migration has long been considered and influence on medieval lordship but one that is challenging to recognise. Pierre Toubert's foundational study of *incastellamento* in Lazio emphasised how 'short and disordered movements of people' from dispersed village settlements were reordered by new 'charters of population' which defined the character of authority in Lazio's walled villages.[9] Archaeological research continues to emphasise that settlement nucleation was frequently a long-term process involving varied and often generational movements to higher ground.[10] Seignorial authority and the settlement change known as *incastellamento* do not necessarily go together and in northern Italy were frequently distinct processes.[11] The strong dependencies between territorial lord and castle espoused by Toubert reflect, above all, the conditions in Lazio where there is, on the whole, a clear correlation between territorial lordship and *incastellamento* expressed in settlement charters which define new spatial boundaries based on delegated royal or papal power or informal local authority.[12]

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[9] Toubert, *Les structures*, 654-5, 1309-131,1274-13 and 1287-1292.

[10] For example: Valenti, 'Changing Rural Settlements', 123–39 and Riccardo Francovich, 'The Beginnings of Hilltop Villages in Early Medieval Tuscany', in *The Long Morning of Medieval Europe*, (Oxford, 2008), 55–82. For the Marche: Bernacchia, *Incastellamento e distretti*, 182, 242.

[11] Chris Wickham, 'La signoria rurale in Toscana', in *Strutture e trasformazioni della signoria rurale*, 1996, 343–409, 343-409 and Chris Wickham, 'The Origins of the Signoria in Central Lazio, 900-1100', in *Uomini, Paesaggi, Storie, Studi Giovanni Cherubini*, (Siena, 2011), 483-4.

[12] Wickham, 'The Origins of the Signoria in Central Lazio', 483-4.

Yet there are exceptions to this situation in Lazio too, where in certain cases *castelli* appear to be formed by groups of small-scale church landholders without the clear intervention of a lord, leaving open a role for *castelli* as a shared endeavour, perhaps in reaction to the threat of neighbours who sought to exert authorities and collect more surplus.[13] Each region and to some extent each settlement was particular. For example, the first evidence of *incastellamento* in the Marche shows parallels with Lazio but with a distinct and more gradual trajectory with a much looser link to grants of jurisdictional rights.[14] The second wave of *incastellamento*, which led to fewer and larger *castelli* which often became territorial centres is largely a product of the twelfth century. This has been associated with a consolidation of seigneurial centres, but also with the collective rituals and language of the commune either in negotiating relations with or defining autonomy in relationship to a territorial lord.[15] This later period of more plentiful documents illuminates the contours of shared space within walled settlements which played host to various kinds of assemblies recorded in charters and witness testimony. This convergence of delineated space and assembly coincided with a higher density of domestic buildings resulting from

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[13] See the examples of Cesano and Isole Farnese and Formello in South Etruria driven not by lordships but *consortia* of local owners: Chris Wickham, 'Historical and Topographical Notes on Early Mediaeval South Etruria: Part II', *Papers of the British School at Rome,* 47 (1979), 66–95, 81-83, J. B. Ward-Perkins, 'Etruscan Towns, Roman Roads and Medieval Villages: The Historical Geography of Southern Etruria', *The Geographical Journal*, 128/4 (1962), 3, 402 and Wickham, *Il problema,* passim.

[14] Bernacchia, *Incastellamento e distretti rurali*, 183-201.

[15] : Sandro Carocci, *Baroni di Roma. Dominazioni signorili e lignaggi aristocratici nel duecento e nel primo trecento* (Rome, 1993). In certain cases, such as Aspra in the Sabina, a castle commune gradually usurped control from a group of lords: Carocci, *Baroni di Roma,* 287 and note 48, 287, Alfredo Pellegrini, *Le carte di Casperia (già Aspra) 1099-1349*, Miscellanea della società Romana di storia patria (Rome, 1990), XXXIII, 19-20. For later sales: Doc. 13, 16, 21, 22, 27, 28, 30, 31.

regional migration into walled perimeters. Thus, migration shaped the parameters of assembly just as charters sought to define new territories and simplify complicated relations of dependence within, as migration influenced both the extent and direction of settlement and local political spheres.

The scale and motivations behind small-scale migration are both challenging to discern, it has nevertheless formed a part of existing historical narratives which mostly focused on the phenomenon and implications of rapid urban growth.[16] Pre-modern Europe is credited with comparatively high levels of peasant mobility, much of which may have been driven by economic hardship at the household level.[17] Before the 1300s the extent of city walls remains the best way to measure urban population size.[18] Accordingly, much of the scholarship of migration in Medieval Italy is focused on later periods.[19] In the 1970s, Johan Plesner sought to overturn the cliche of the beleaguered peasant fleeing to the freedom of the city, by emphasising the importance of elite migration in the economic and political development of medieval Florence.[20] This article was an important intervention, yet it remains that elite mobility is always better documented and cannot easily be compared with the far less visible patterns of movement by

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[16] For example: Charles Tilly, *Coercion, Capital, and European States, AD 990-1992* (Cambridge, Mass, 2015), 49-50.

[17] Michael E. Smith, 'Peasant Mobility, Local Migration and Premodern Urbanization', *World Archaeology*, 46/4 (2014), 516–33.

[18] For population estimates using city walls: Étienne Hubert, 'La construction de la ville. Sur l'urbanisation dans l'Italie médiévale', *Annales*, 59 (2004), 109–42.

[19] Rinaldo Comba et. al, *Strutture familiari, epidemie, migrazioni nell'Italia Medievale* (1984), 70-2.

[20] Johan Plesner, *L'emigrazione dalla campagna alla città libera di Firenze nel XIII secolo* (Florence, 1979), 31.

tenants or those without land claims. In contrast to Plesner, I turn to anthropologist James Scott who devised a useful way of thinking about non-elite mobility. Scott's fieldwork in peasant societies of twentieth-century Malaysia emphasised migration as an important 'weapon of the weak'. Flight was among 'everyday forms of peasant resistance', that allowed peasants to avoid or negotiate unfavourable terms of landholding as an alternative to other forms of collective action.[21] This interpretation of mobility as a tactic for navigating the demands of lordship is particularly relevant for the arguments of this chapter.

The river valleys that run across the central Marche do not encourage a singular route towards urban life. The most visible pattern of regional migration is towards numerous walled hill towns situated on higher ground above abandoned Roman settlements.[22] Regulating migration between different settlements features often in pacts from the late-twelfth century and became a particular

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[21] James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (Yale, 1985), 245, 34-5.

[22] Antongirolami, 'Materiali', 333–64, 349.

concern in a series of privileges negotiated between *castelli* communes and the papacy in the Marche during the 1200s.[23] Medieval town statutes from the Marche's *quasi-città* show particular concern with regulating the settlement of newcomers.[24] This makes the Marche a good place to consider how individual strategies of mobility shaped patterns of authority. It must be said that many forms of agriculture require a certain amount of stability, careful planning and an investment of time and resources in land, but equally, putting new or abandoned land under cultivation was still appealing in the twelfth century.[25] Those who left good land probably did not do so lightly and much of the migration may have been of short-distance and focused only on new places of residence with the aim of continued farming on existing plots. Nevertheless, this potential change of dwelling place had great potential to impact the dynamics of local power.

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[23] Papal privileges concerning the rights of towns to welcome new settlers: Pope Innocent IV recognised people who had lived in Sant'Elpidio for the last seven years and offered freedom for those who wished to settle in future. A later privilege clarified that all *homines liberos* had the right to live there if they wished: Hagemann, *Studi e documenti*, Sant'Elpidio, Appendix doc. 6, p. 84 (1248) and doc. 10-14, p. 90-4 (1252). For similar arrangements, Montolmo: 'Hagemann, *Studi e documenti*, Corridonia (Montolmo), Appendix, doc. 2-8, p. 20-27 (1251-4). Montesanto: Archivio storico Potenza Picena, *pergamene,* 1-3, (1252-55). For resettlement of population at Montegiorgio: 'Hagemann, *Studi e documenti*, Montegiorgio, doc. 65, p. 244 (1252). Cingoli: citizenship rights are granted to anyone in the surrounding *castelli* that wished to move to Cingoli ASC, *pergamene*, 22-24 (1252).

[24] Toubert, *Les structures*, 320-325. Miri Rubin notes the prevalence of statutes concerning migration in the province of Macerata: Miri Rubin, *Cities of Strangers: Making Lives in Medieval Europe*, (Cambridge, 2020), 42-43, Emilia Saracco Previdi, 'L'inserimento dei Forestieri nel complesso urbanistico delle città marchigiane e nel paesaggio medievale', in *Stranieri e forestieri nella Marca dei secc. XIV-XVI*, Studi Maceratesi, 31 (1996), 1–28.

[25] Georges Duby, *Rural Economy and Country Life in the Medieval West* (London, 1968),

The question of distance between lord and subject is an important variable in the practice and experience of lordship. A capacity to permeate and potentially threaten the everyday lives of seigneurial subjects is key to Sandro Carocci's idea of the 'pervasiveness' of lordship. For example, a great territorial lord such as a bishop, abbot or archbishop might maintain a strong sense of legitimacy backed up by connection to wider frameworks of authority exercised by emperors and popes, yet in practice might be rather distant from the everyday experience of subject peasants. As Chris Wickham notes, exerting seignorial rights was often effortful, both to establish and to maintain.[26] If a lord was often absent, power might be delegated to bailiffs or officials and depended on their loyalty, ambitions and relationships to both lord and community.[27] By contrast, a lord living in the same village or castle as a dependent tenant, might have quite vague or customary claims to services and obligations but present a more immediate and menacing presence exerting pressures on daily life, the same might be said of some peasant elites. Pervasive lords were more likely to inspire loyalty as well as fear, and while more distant authorities might have greater ideological justification for their authority, practically they were not as able to exercise local control. The material evidence of settlement is used here to illustrate levels of pervasiveness, with walls and a visible hierarchy of excavated settlements pointing to high levels of seigneurial control.[28]

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[26] Wickham, 'Property Ownership and Signorial Power in Twelfth Century Tuscany', 221–44, 241.

[27] Regulating the behaviour and loyalty of officials is of particular importance to Bisson in Bisson, *The Crisis*, 326-331.

[28] Sandro Carocci, 'The Pervasiveness of Lordship (Italy, 1050)*', *Past and Present*, 2021, 41-3.

It is worth stating here that territorial lordship itself may be seen as a conceptual framework that sought to overlap and homogenise questions of legal status and obligations. This is illuminated in the work of Francesco Panero who suggests that by the central Middle Ages, legal status was less the permanent quality of an individual and more often a status determined by the customs of a locality or inter-personal relationships often defined by oaths known, frequently, as *commendatio.* Panero suggests that in comparison to personalised legal status, such agreements could more easily be ignored or renounced.[29] Let us take some examples from the Marche. We first see reference to what are probably tenants defined by oaths of obligation in the 1030s and the term *commendatio homines* appear sporadically in documents up to 1215 and beyond.[30] Individuals known as *commendatio homines* are frequently transferred with grants of land and may suggest that certain people or their ancestors had made oaths of loyalty to an individual and these obligations were now exchanged as property, however this did not always coincide neatly

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[29] Francesco Panero, *Forme di dipendenza rurale nel Medioevo: servi, coltivatori liberi e vassalli contadini nei secoli IX-XIV*, (Bologna, 2018), XXXVIII, 49-48, Francesco Panero, 'Persistenze della servitù altomedievale e forme di nuovo "servaggio" nell'Italia centro-settentrionale (secoli XII-XIV)', *Mélanges de l'Ecole française de Rome. Moyen Âge*, 112 (2000), 761–73.

[30] Commendatio homines in *Liber Iurium* of Fermo: LF III, doc. 362, p. 655 (1092), LF II, doc. 217, p. 405 (1141). Count Offone and comital family record the rights they held over Villamagna near Fiastra including *commendationes homines* distinct from other holders of *mansi. Fiastra* I doc. 2, p. 8 (1036). and *Fiastra* I, doc. 208, p. 339 (1180). *Fiastra* III, doc. 21, p. 28 (1202) and *Fiastra* IV doc. 213, p. 347 (123) Emphyteusis lease to son of Offoni counts of Villamagna includes seven *homines commendationes* with services owed, only one appears in the many other boundary clauses that outline this donation. In an earlier donation made as part of an oblation with Forte of Villamagna's blessing lands of certain homines are transferred but with no reference to customary services: *Fiastra* III, doc. 171, p. 32 (1214).

with relations of tenure.[31] Accordingly, this terminology, when used in leases or sales sometimes encompassed different forms of landholding by a wider group whose personal loyalties were transferred as and distinct from other forms of property and obligations: *commendationes sive mansos homines… cum eorum mansis, alodiis et feudis et servitii*s.[32] The majority of references to *commendationes* in the episcopal cartulary of Fermo took care to reserve the free status of the tenant in question, suggesting these bonds might be confused with, but were here, distinct from personal status.[33] There is but a single twelfth-century reference to a notably harsh form of tenure known as *masnada* which elsewhere clearly bound tenants to land.[34] There is little doubt that a language of fidelity began to order many social relations in the central Middle Ages.[35] It may be that it gained its importance as precisely a response to a fluid landscape underlaid by numerous opportunities for movement and relocation. For example, in one of the few oaths of fidelity which survive from the Marche, made in 1137 by a resident of Podio S. Giuliano (Macerata) constraints on movement are made explicit with the inclusion of a stipulation not to abandon the

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[31] I follow here Susan Reynold's interpretation of the *commendatio* and other feudal contracts: Reynolds, *Fiefs*, 29-31.

[32] *Fiastra* I, doc. 207, p. 338 (1180).

[33] LF II, doc. 304, p. 549 (1156). *Homines commendatio* transferred *secundum eorum tamen libertatem*: LF II doc. 220, p. 409 (1141), LF II, doc. 290. p. 529 (1208). Also: *Fiastra* II, doc, 93, p. 145 (1191).

[34] LF I, doc. 79, p. 171 (1155). For a thirteenth-century reference: *Fiastra* III, doc. 149, p. 203 (1213). For *masnada homines* in Tuscany: Chris Wickham, 'Manentes e diritti signorili durante il XII secolo: il caso della Lucchesia', in *Società, istituzioni, spiritualità*, 1994, II, 1067–80, 376-37. Simone Maria Collavini, 'Il "servaggio" in Toscana nel XII e XIII secolo: alcuni sondaggi nella documentazione diplomatica', *Mélanges de l'Ecole française de Rome. Moyen Âge*, 112 (2000), 775–801, 775–801

[35] Fiore, *The Seigneurial Transformation*, 154-78

land or the lordship of the bishop.[36] It is ultimately difficult to confirm precisely the dynamics of movement in the consolidation of lordship in the late-eleventh and early twelfth century, but as the documentary record increases in the second half of the 1100s, there are signs that peasants making choices to move was an important concern of territorial lords and might play a role in undermining smaller personalised lordships.

An increase in references to abandoned farmsteads suggests that strategies of mobility were impacting the economic calculations of lords and seigneurial subjects. The term *mansi exmasati* appears to refer to a vacant *mansum* or more specifically where holders of the *mansum* were not performing dues expected. The earliest instance I know of is in a lease of 1177 for land in the castle of Millizano near Montecchio which refers to abandoned *mansi exmasati* held by absent tenants that are to be leased again. From this point onwards the term appears more often in the central Marche and appears to refer to farmsteads left vacant or where seigneurial services were no longer performed.[37] To illuminate a possible context behind references to *mansi exmasati*, it is worth here referring to a dispute from a somewhat later court case from elsewhere in central Italy

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[36] *LF* II, doc. 280, p. 512 (1137). A penalty of 100 *soldi* suggest that this agreement could relate to a loan or financial commitment not otherwise recorded. See Tomei, 'Genesi', 129–415, 11.

[37] Agreements for vacant *mansi: in commmedatione hoiminum et in mansus exmasiatum: Fiastra* II, doc. 121, p 189-191. For further references : Virginio Villani, 'Il mansus nella terminologia e nell'organizzazione agraria medievale delle Marche', in *Studi Renzo Paci*, (2016), 25–83, 81-15 and 49. For context on the term and example in neighbouring Montolmo see Jean-Claude Maire Vigueur, 'Montolmo Nel XIII Secolo: Dinamica di una espansione territoriale', in *Montolmo e Centri Vicini. Ricerche e Contributi*, 1991, 85–100, 90-91. For further reference to homines *masiatum et exmasiatum* see Santini, *Saggio de memorie della città di Tolentino*, appendix, doc. 16, p. 278 (1210), doc. 25, p. 30 (1220).

heard in 1250 between a group of fief holders and the abbot of San Pietro in Villamagna in Lazio. Witnesses state here that fief holders had a right to emigrate and take with them their mobile goods including wooden houses. In this case, many had moved to the nearby city of Anagni, and most returned to perform their services. Others, it appears, avoided them altogether or paid instead an equivalent in coinage, while others claimed their descendants were allowed to hold the land without performing services. In this context, certain subjects now living in a small city sought to avoid the more onerous claims made by a regional lordship. In contrast, other tenants, not able to move, for whatever reason, were subject to relatively hard corvée labour obligations.[38] This case is a reminder that not everyone was able to negotiate their position by moving, but also that frequently people did, and this potentially gave them a better position to negotiate over the payment of seigneurial dues and complicated the management of seigneurial estates.[39] There were of course many other reasons why people might move between neighbouring villages and towns in ways that complicated personalised relations between subjects and lords.

Men and women frequently moved between settlements joining existing families, or forming new ones, and at least in theory, canon law wished them to do so according to their own free

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[38] Sandro Carocci, 'Ricerche e fonti sui poteri signorili nel Lazio meridionale nella prima metà del XIII secolo: Villamagna e Civitella', *Il sud del Patrimonium sancti Petri al confine con il Regnum nei primi trent'anni del Duecento. Due realtà al confronto, Atti delle giornate di studio, Ferentino 28-30 ottobre 1994, Roma 1997,* 121-3. For sample of documents see Appendix 1, doc 1, p. 134-8 (1250). See also Sandro Carocci, "A peasant village in a world of Castles', Fentress, Goodson and Maiuro, *Villa Magna. An Imperial Estate and Its Legacies*, XXIII, 403.

[39] Constance Bouchard, *Negotiation and Resistance: Peasant Agency in High Medieval France* (2022), 100-128.

will. Territorial lords had long taken care to regulate the marriage of their subjects and had more scope to do so if a tenant was deemed, by local understanding to be unfree.[40] However, as Constance Bouchard argued with evidence from Burgundy, this did not necessarily extend to influencing the choice of partner, lower status individuals having considerably more choice in this matter than aristocrats.[41] The impetus against such restrictions was made stronger by canon law stipulating the importance of consent as a requirement for Christian marriage, an idea supported in rulings by Pope Hadrian IV in 1155 and Alexander III in 1180.[42] Papal proclamations might have a direct bearing on local disputes and could be interpreted quite literally as we saw in the witness testimony discussed in Chapter 1.[43] Indeed, that earlier case concerning burial was itself related to conflicting patronage relationships resulting from the choices made by a married woman to be buried in S. Croce al Chienti with her husband, a recent migrant, instead of at another church where her father had been a parishioner.[44] This sort of small-scale resettlement impinged upon relations between castle communities and ecclesiastical lords. This we see in a pact made in 1191 between the *homines* of Sant'Elpidio and the bishop concerning people from the settlement of Monte Urano who had moved to Sant'Elpidio. The castle of Monte Urano was held by the cathedral canons and they wanted settlers to return to live there, yet they made an exception for several named men from Monte Urano and others who now had wives living in Sant'Elpidio and had brothers or fathers who could perform these services if

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[40] Bouchard, *Negotiation and Resistance*, 70.

[41] Martha Howell, Marriage in Medieval Latin Christendom, in, Carol Lansing and Edward English, *A Companion to the Medieval World* (Wiley, 2012), 131.

[42] Bouchard, *Negotiation and Resistance*, 66-73.

[43] Above, page 67.

[44] *Fiastra* III, doc. 24, p. 32-3 (1203),

the canons still wished.[45] This suggested that at least some of the settlement from Monte Urano to Sant'Elpidio was voluntary and that the canons had been led to compromise on the specifics of the obligations they expected. This sort of mobility between settlements could create problems in maintaining who did what in terms of services to a lord.

Franchise charters became one way to accommodate ambiguity related to seigneurial obligations and encourage new settlers. Franchise charters negotiated and defined loyalties of an entire settlement, those issued in the later twelfth century often initiated a *comunantia:* a collective body and territory. This frequently coincided with the conversion of various seigneurial services into a flat money rent.[46] These agreements often show a concern to regulate migration. A good example is the charter granted to Montefiore and Aspramonte on the border between Ascoli and Fermo. This document saw the lords of the two existing *castelli* reach agreement with nine *syndici* representing the rest of the community. Here, among many very specific arrangements, it states that residents were required to live in a newly expanded settlement or among its *communantia* and if they moved away, their *mansus* will be returned to their lord if they have one, otherwise to the commune. This rather onerous obligation is tempered by an acceptance of practical local mobility: it states that if someone remained in good friendship with the *communantia,* had married outsiders (*forenses*), or had legitimate heirs still in residence, then they may live elsewhere without forfeiting land.[47] This agreement encouraged people to remain

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[45] LF II, doc. 258, p. 476-7 (1191) Two named tenants are exempt from these movements and can retain their houses in Monte Urano.

[46] For example, at Marano: ASF, Fermo, no. 1667 H, doc. 2 (1194) for amounts paid once claimed by Bishop: LF II, doc. 272, p. 499 (1200-1239).

[47] ASF *pergamene*, no 1817. Transcription: Tomei, *'Genesi',* doc. 15, p 252-4 (1223).

living there while a wider wall was built and not to become outsiders. Lords needed the labour and revenue provided by peasants and this gave farmers a certain amount of bargaining power, franchise charters are in part a reflection of this.

The document concerning Montefiore and Aspramonte is suggestive of parallel arrangements made in neighbouring centres; the text states that it replicated the *breve ripatransonis,* and so probably echoes a now lost foundation charter for Ripatransone, a neighbouring centre, formed by the inhabitants of several pre-existing *castelli* before the 1190s*.* There is evidence from the same decade that franchise charters did successfully encourage new migrants. At Marano in southern Fermo, following a franchise charter issued by a local aristocrat in 1194, a later documented issued by the bishop stipulated that episcopal lordship should extend to all the *forenses*, with no lord, that were now living in Marano.[48] We shall return to look at Marano in detail as it shows very clearly how lordship was reconfigured around the construction of new space for assemblies and dwellings for migrants. It must first be emphasised that franchise charters were but one point of accord that sought to alter a long-term process of settlement change and eneed to be understood in the broader settlement context.

Part 2: Landscape, cult and the models of the secondo incastellamento

In this section, I aim to place the regional dynamics of migration in the Marche into a wider Italian context with the use of two case studies which broadly fit with two models of settlement associated with the framework of the *secondo incastellamento.* This framework categorises the

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[48] *LF I, doc. 248, p. 167-8 and Tomei, 'Genesi', 129–415, doc. 10, p. 242 (1200).*

expansion of fewer larger fortified settlements from the twelfth century, suggesting a material

structure which contrasts the expansion of hierarchical seigneurial centres with a more open

layout formed from the combination of more than one existing settlement.[49] Larger settlements

associated with the *secondo incastellamento* frequently coincide with advantageous positions in

relation to networks of transit and accords with patterns of Roman or early Medieval

settlement.[50] The influence of exchange will be addressed in Chapter 5, but for now I draw upon

the archaeological work by Viviana Antongirolami and Sonia Virgili whose studies of long-term

settlement networks in the Potenza and Chienti valleys inform the following analysis.[51] I have

chosen two case studies, of relatively well-documented centres that allow for some sense of how

medieval settlement developed. These allow for a comparison of how the agreements and

conflicts reflected in the documents relate to the changing topography of settlement. In each

case, I highlight local dynamics which suggest how claims to seigneurial and collective authority

were influenced by strategies of mobility and the collective effort of construction.

San Severino: Cult, community and fortifications.

San Severino in eastern Camerino provides a good example of the first model of the *secondo*

incastellamento. This type of settlement is characterised by a walled residential perimeter or

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[49] Antongirolami, 'Materiali', 333–64, 354-5.

[50] For the economic dimensions of the first *incastellamento*, : Wickham, *il problema* and Francesca
Rapone, 'Il mercato nel regno d'Italia (viii – metà dell' xi secolo): archeologia e storia' PhD thesis,
Universita' Ca' Foscari (Venice, 2011), 149-155. For later developments: Gabriele Taddei, 'Comuni
rurali e centri minori dell'Italia centrale tra xii e xiv sec.', *Mélanges de l'École française de Rome -
Moyen Âge*, 123-2, 319–34, 327-331.

[51] Virgili, *Insediamenti civili* and Antongirolami, 'Materiali', 333–64.

burgus that develops beneath an elevated elite centre, usually a seigneurial residence alongside a church.[52] In the Marche, this is frequently a monastic church and cloister and in the case of S. Severino in Camerino and S. Vittoria in Matenano in southern Fermo associated with a cult centre of local significance. The relationship between churches and elite dwellings is not uniform or straightforward. As such these examples allow an exploration of how ecclesiastical change interacted with patterns of mobility and seigneurial authority. The first model is characterised by expansion around a pre-existing nucleated site and San Severino along with San Vittoria in Matenano are archetypal of an early phase of *incastellamento* first documented in the tenth century.[53] San Severino is situated in the diocese of Camerino on the eastern side of an Apennine pass linked with the partially abandoned Roman town of *Septempeda.* Medieval settlement at San Severino is viewed through the lens of a local cult centre which links the lowland town and a nucleated settlement. In 1061, Ugo, bishop of Camerino expressed his wish to build a new church dedicated to the Virgin and local saint Severinus on Monte Nero, the site of a tenth-century episcopal castle at this strategic juncture. The bishop made this charter with the agreement of a group of canons (*consacerdotes*) devoted to Severino and some 'faithful and venerable' laity. A transfer of tithes and parochial revenues *(parochia* et *decima*) presumably went to the community for the construction and upkeep of the church and may have formed part of negotiations with the local laity.

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[52] This follows the first model outlined by Farinelli and Giorgi: Giorgi and Farinelli, '"Castellum reficere"', 157–263, 57-263.

[53] Bernacchia, *Incastellamento e distretti rurali*, 135-7. Bernacchia emphasises links with early medieval settlement.

The cult of Severinus had a notable role in the expansion of the settlement as an expression of episcopal authority that reordered the sacred landscape of the remains of the roman settlements. The documentary evidence here is fragmentary and for the settlements' early history, we rely upon a hagiographic narrative which provides an impressionistic and highly mediated vision of life in early medieval *Septempeda,* which nevertheless helps us to consider historical matter as constructed from numerous lost patterns of practice as physical space, objective time and material resources are integrated through performance.[54] According to an early medieval hagiographic tradition, Severinus was a bishop and monk associated with a monastic cell in the walled Roman town of *Septempeda* situated 2km from Monte Nero on north bank of the Potenza. Once itself the seat of a diocese, there is limited evidence for settlement beyond Late Antiquity.[55] Severinus had particular regional appeal, his life is widely copied after he was interpolated into an existing narrative in the ninth century as a supporting brother to the popular hermit, Vittorino, linking the narrative to the remnants of urban life at *Septempeda*.[56] The dedication of a new stone church to the saint in 1061 suggests a translation of at least part of Severinus's body from a

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[54] Axel Christophersen, 'Performing Towns. Steps Towards an Understanding of Medieval Urban Communities as Social Practice', *Archaeological Dialogues*, 22/2 (2015), 109–32.

[55] BHL 7659, Virgili, *Insediamenti civili*, 31-2,

[56] Guy Philippart, 'Un hypothétique recueil italien de "Vitae patrum" du VI siècle: à propos du dossier hagiographique de Victorin, ermite mystique de Septempeda, pseudo-évêque d'Amiternum', *Sanctorum*, 7 (2010), 13–63, 63. Philipart argues convincingly that the lives are based on the *passio* written in sixth century *Settempeda*. The extended legend is found in another ninth-century codex collected by the Bollandists in Belgium and in two eleventh-century Italian manuscripts: *Napoli, Biblioteca Nazionale 'Vittorio Emanuele III' VIII.B.2.*A ninth century Lorsch manuscripts does not contain the extended life of Severino ending with Vittorino's appointment as Bishop: Biblioteca Apostolica Vaticana, Pal. lat. 846 *Vitae et passiones sanctorum*.

smaller lowland church by the Potenza River.[57] The new stone church was a significant

statement: excavations in the extant church of S. Severino revealed a phase of building

associated with the 1061 grant that may be a prototype for several regional churches built

according to a 'Greek cruciform' plan that became characteristic of the central Marche.[58] The

building project linked the bishop to a local landscape of sanctity and roadside pilgrimage site,

manipulating a landscape of late-antique *romanitas*. There are parallels here with Cristina La

Rocca's observations in Piedmont concerning the use of ancient toponyms for political

purposes.[59] Episcopal patronage of the cult of Severino produced a sanctity grounded in place:

the early medieval life of Severinus presented the saint as a resident of the Roman town,

providing topographical links to the liturgical celebrations associated with the cult which, as was

typical, involved procession to symbolic points in the landscape and payment of rents and

offerings, either to the canons or the bishop.[60] This reconfiguration of the local cult linked the

lowland settlement to the seigneurial centre on Monte Nero through the ritual celebration of a

highly localised cult. The grant of 1061 sought to monopolise the sacred at San Severino,

prohibiting the construction of new churches and removing emphasis from existing lowland cult

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[57] Ottavio Turchi, *Patricia Camertis de ecclesiae Camerinensis pontificibus libri* (Camerino, 1762), Appendix doc. 6, p. 22-23, (1061).

[58] This dating makes this church a prototype for a series of regional churches built to a similar plan notably S. Vittore al Chiuse to the north near Genga and S. Claudio al Chienti: Federico Guidobaldi, 'Notizie preliminari sulle nuove scoperte archeologiche nel Duomo Vecchio di San Severino Marche', *Rivista dell'Istituto Nazionale d'Archeologia e Storia dell'Arte*, 34 (2011), 165–80, 176-78.

[59] La Rocca, 'Using the Roman Past', 62-68. For southern Italian parallels: Oldfield, *Sanctity and Pilgrimage in Medieval Southern Italy, 1000-1200*, 65-75.

[60] BHL 7659, paragraph 11. Franco Cardini, 'Problemi di agiografia e di cultura folklorica marchigiana', *Atti e memorie (Marche)*, 86 (1981), 1145–66,1156-7, Töpfer, 'The Cult of Relics', 41–57, 51-4.

centres some of which may also have been encircled in an extended palisade, as the limits of the *castrum* (distinct from its *curtis)* were extend to the river Potenza and the public road.

In the following century, San Severino developed following the first model of the *secondo incastellamento,* with a lowland *burgus* surrounding an elevated seigneurial central place. Monte Nero became a focus of diverging ecclesiastical and secular power. Secular authority in the settlement had been delegated to the margrave, Werner, who in 1119 took in *emphyteusis* from the bishop all the rights associated with the castle and *curtis* of San Severino, except tithes, burial rights and other ecclesiastical dues.[61] The settlement's role as a centre of ducal authority is suggested by a phase of twelfth-century construction on what was to be identified as a communal *palatium* and tower by 1263.[62] With a reiteration of the provision of new churches, The bishops of Camerino remained closely linked to the family of the Attoni counts and maintained imperial allegiances. In contrast, the canons of S. Severino looked to Rome for legitimacy in the twelfth century acquiring further rights to local churches in papal confirmations made in 1178 and 1197. The first of these privileges renewed tithe rights and the monopoly on the church building and

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[61] Ottavio Turchi, *Patricia Camertis De ecclesiae Camerinensis pontificibus libri* (Camerino, 1762), Appendix, doc. 9, p. 25 (1119). Virgili, *Insediamenti civili*, 139-42.

[62] Giberti, 'Le Pergamene Sanseverino Marche', doc. 11, p. 54 (1286), pergamene ACS, cas I, n. 5. Virgili, *Insediamenti civili*, 142. Franciscans and Poor Clares arrived in 1224 and S. Maria del mercato was home to Dominican friars later in the century. Turchi, *Patricia Camertis*, Appendix, doc. 31, p. 60 (1224). Raoul Paciaroni, La torre del castello di Sanseverino e le sue funzioni di avvistamento e di segnalazione, (Sanseverino, 2014), 6.

An arbitration in 1217 was held in the *palatio magno di S. Severino*: Turchi, Patricia Camertis, *Appendix*, doc. 28, p. 55 (1217). For later use as a palazzo comunale: G. Grimaldi, *Le pergamene di Matelica. Regesto*, vol. I (1162 - 1275), (Ancona, 1915) doc. 182, p. 173-175. (1263).

providing for the expansion of the eleventh-century church.[63] The commune by contrast became

staunchly imperialist aligning with Ghibelline Camerino, though it is poorly documented before

1250.[64]

There are signs of tension: a dispute resolution from 1213 notes that the canons must be

forewarned if the bishop planned to come and address the local *boni homines*.[65] Evidence of a

commune appears in 1177 following the death of Margrave Werner II when a *consul* and *iudex*

witness an imperial loan from the canons secured by the pledge of a field and woods from fiscal

land by the *castrum*.[66] It may be that the commune developed slowly around the territorial

framework of parish boundaries offered to the canons in co-operation with the 'venerable laity'

in 1061. Local judges and officials may also have derived prestige from their association with the

itinerant court of the Margrave.

Alongside the diverging authorities present on Monte Nero, there is more evidence of domestic

settlement in the lowland valley area surrounding the road and river in the area which became

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[63] Turchi, *Patricia Camertis*, Appendix, doc. 15, p. 31-2 (1178); doc. 22 p.42 (1197); doc 26, p. 50
(1199). For coincidence with the third phase: Guidobaldi, 'Notizie preliminari sulle nuove scoperte
archeologiche nel Duomo Vecchio di San Severino Marche', 165–80, 175. For questions concerning the
inclusion of S. Lorenzo in Doliolo see Virgili, *Insediamenti civili*, 91. For the bishops of Camerino:
Jasper, 'Mapping a Monastic Network', 115-119.

[64] Turchi, *Patricia Camertis*, Appendix, doc. 24, p. 47 (1198). The archives of San Severino retain a
serious of twelfth century documents, but these concern neighbouring Cingoli and Montecchio. For
thirteenth century conflicts and leagues: Waley, *The Papal State in the Thirteenth Century*, 227.

[65] Turchi, *Patricia Camertis*, Appendix, doc. 28, p. 54-55 (1213).

[66] Turchi, *Patricia Camertis*, Appendix, doc. 15, p.24. (1177). For the death of Werner II: J.F.
Leonhard, *Ancona nel Basso Medio Evo*, (Bologna 1992), 78.

known as the *borgo fontenuova*. A series of smaller churches and monasteries held land here including S. Lorenzo in Doliolo whose church was also rebuilt in the eleventh century and S. Mariani once a dependent of Farfa.[67] It was here that mendicants chose to found their church by the low-land market piazza, which by 1300 at the latest was encircled in stone walls.[68] Thus the lowland settlement was characterised by diverse landholding and a focus on the resources of road and river, with several hospitals catering for travellers. A market space and *platea comunale* here became the political focus of the centre.[69] Thus as Monte Nero underwent a process of material and institutional differentiation with domestic building, commerce and political performance increasingly concentrated in the lowland *burgus*.

Thus, the seigneurial character of the first model of settlement evolved in tandem with the choices made by new settlers. At Offida in southern Fermo, a seigneurial *rocca* and monastic church are surrounded by an extended walled perimeter, probably through the negotiation of a franchise charter. Gregory of Catino credits Abbot Berard III of Farfa (1100-1119) with founding a *civitas* around a pre-existing castle and priory, where Berard had served as prior before he

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[67] In 1299 the commune bought up mills from several local monastic churches including S. Mariani: Giberti, 'Le Pergamene Sanseverino Marche', doc. 31-36, p. 192-243 (1299). For context and dating of S. Lorenzo in Doliolo and S. Mariani see Virgili, *Insediamenti civili*, 89-91, 141-2. Documents relating to this church and to Rambona were stolen in the early-modern period. Farfa also maintained a fortified settlement near San Severino: *castrum roventium* acquired by Abbot Berard III: CF II, p. 271 and RF V, doc. 1209, (1111). Raoul Paciaroni, 'La corte farfense di S. Abbondio: precisazioni storico-topografiche', *Studia Picena*, 86 (2021), 7–77, 48-50,18-20.

[68] Virgili, *Insediamenti civili*, 141-2.

[69] Virgili, *Insediamenti civili*, 141-2.

became abbot.[70] Farfa gained the castle church in a particularly large donation by rural aristocrat Longino d'Azzo in the eleventh century. This maintained a role as a funerary chapel for for the donors as shown by two lead funerary inscriptions found here. The first inscription dated to 1042 commemorates the burial of Waiburga, daughter of Longino, alongside her mother Retruda. Wairburga's inscription suggests she had taken a monastic vow and in 1060 Azo son of Longino is listed as prelate of Farfa's priory here, which suggests a shift by both son and daughter to monastic observance.[71] From what we can tell this family ceased to exercise an authority independent of Farfa. The growth of the *civitas* rather suggests the co-operation of a wider group of local inhabitants.

The expanded *civitas* at Offida was made in negotiation with residents from several local settlements. Topographical research by Maria Miritello based on the late-medieval cadastral survey at Offida suggests a substantial remodelling of the local settlement landscape in the expansion of the walled perimeter and territory of Offida which involved the abandonment of four neighbouring settlements donated to Farfa in the mid-eleventh century bringing several smaller churches into a walled perimeter beneath a distinct and elevated priory situated around

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[70] *Berardus III abbas…castrum Ophide ampliavit et inibi civitatem condidit* CF II, p. 260, p. 139. Gregory notes that these had been completed and confirmed in Henry V's privilege: *RF* V, doc. 1318, p. 302-6 (1118). For a biography of Berard III see Stroll, *The Medieval Abbey of Farfa*, 72-4. This document also recalls the fortification of Montegiorgio.

[71] For transcriptions: Mario Vannicola, Valeria Tozzi, Giancarlo Premici, *S. Maria della Rocca,* (Grottamare, 2000), 135-6. Longino's descendants leave much smaller territories in a will: CSV, doc.13, p. 14, (1141).

the extant church of *S. Maria della Rocca*.[72] This resettlement may have involved extensive levelling and construction inside the *civitatem*, a term with connotations of urban government. It may be that a franchise charter was issued to Offida around the time of this work, or else later in the twelfth or early thirteenth century, as the '*franchite vel libertatis*' of Offida is cited as the model for a franchise issued to another of Farfa's *castelli*, Montefalcone in 1214.[73] In any case, Offida, though little documented before 1200, starts to show signs of the autonomy associated with similar *castelli*: its commune was besieged by the city of Ascoli. This we know because the abbot of Farfa compensated Offida in a dispute arising from his own support for Ascoli by transferring to the community shared rights to the gates, walls and some salt pits in 1204.[74] Thus both San Severino and Offida, though they might be characterised as 'seigneurial central places', begin to operate with a degree of autonomy in line with a process of ecclesiastical redefinition.[75] At San Severino, this was mediated by a particular local cult; at Offida with a gradual shift from a proprietary church to a localised monastic priory beneath a walled *burgo*. Both settlements expand around an elevated seigneurial centre characterised by co-operation between secular and ecclesiastical lordship. In each case, communes which develop here are poorly documented and become visible later, around the turn of the 1200s. This may be chance, or it may be a

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[72] Mara Miritello, 'L'evoluzione della struttura del territorio di Offida dalla donazione di Longino d'Azzone al secolo XIX', in *Offida: dal monachesimo all'età comunale. Il convegno del 'Centro di Studi Farfensi'. Offida-Palazzo Comunale 6-7-8 settembre 1991* (Verona, 1993), 105–27, 109-110.

[73] SCSV, doc. 10, p. 14-16 (1214). It is probable that many documents were retained in local priories but did not make it into the copies found in the Farfa cartulary. If a franchise charter existed, it may have been kept at the priory in Offida. S. Vittoria in Matenano is one of the only Farfa priories to retain documents which survive from 1071.

[74] SCSV, doc. 9, p. 13 (1204).

[75] For central places: Fiore, *Seigneurial transformation*, 67-74.

consequence of stronger seigneurial power. A settlement's role as centre of activity for lords probably generated demand and encouraged settlement, but in each case here, the agency of new settlers also shaped the topography. We are also reminded of the limits of such models in encompassing varied local settlement patterns. For example, at Offida, the commitment to a *civitas* and probable demolition of surrounding castles shows clear similarities with the second model of settlement based on enclosing an open space for settlement and assembly.

Convergence of settlement at Montecchio: a rural commune and the reconfiguration of secular lordship.

This second model of settlement, dubbed '*synecismo'*, by Farinelli and Giorgi is more common than the first in the central Marche. This pattern embodies the particular importance of small-scale migration without clear seigneurial direction and suggests how the built environment played a role in conditioning the assemblies of the castle commune. This second model is characterised by the expansion of one or more pre-existing fortified settlements by the creation of a wider living area enclosed in walls.[76] Settlements which fit this model frequently show signs of being expanded by enclosing or demolishing surrounding centres. Examples of this pattern elsewhere in Italy famously led to the foundation of cities at Alessandria in Piedmont and L'Aquila in Abruzzo often accompanied by a narrative of collective resistance to a great lord.[77]

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[76] For the second model of the '*secondo incastellamento'*: Giorgi and Farinelli, '"Castellum reficere"', 157–263, 57-263.

[77] Renato Bordone, 'II caso di Alessandria in area Piemontese', in *Sperimentazioni di governo nell'Italia centrosettentrionale nel processo storico*, (Alessandria, 2011), 35–50, Sandro Carocci, 'Reframing Norman Italy', in *Italy and Early Medieval Europe: Papers for Chris Wickham* (Oxford, 2018), 171–81, 2-3 of 13.

Planned towns directed by city communes or great lords also frequently fit this model, though it is worth recalling David Nicholas's distinction between defensive foundations and 'new towns' where an organic development of settlements was legitimised and reorientated with a charter.[78] Franchise charters frequently served to order, incentivise and regulate the process of settlement but were just one stage in a heterogeneous process of settlement. Conceptions of territory could be constructed through shared practices and local cultural memory, and as such certain more autonomous centres such as Sant'Elpidio and Cingoli later renegotiate expansion with a great lord.[79] The castle and commune of Montecchio (now Treia) serves here as an example of a larger castle which fits the second model, and one that seems to have developed autonomously without a surviving charter negotiating terms with great lords or between local elites.[80]

At Montecchio, following the second model of settlement, residential buildings are focused around an open square or long thoroughfare connected to a significant intra-mural church.[81] Evidence of landholding at Montecchio shows considerable fragmentation and suggestions of seigneurial jurisdiction are vague and inconclusive. Montecchio is relatively well documented, the castle maintained its own archive, which begins in 1161 with a transfer of land to a group of *consules*.[82] Documents concerning Montecchio are also kept at San Severino and neighbouring

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[78] Nicholas, *The Growth of the Medieval City*, 96-7.

[79] Rinaldo Comba, 'Il territorio come spazio vissuto. Ricerche geografiche e storiche nella genesi di un tema di storia sociale', *Societá e storia*, 11, (1981), 1–27.

[80] It may be that such a document was drawn up, though it is not retained in the communal archives.

[81] Farinelli and Giorgi, 'Fenomeni', 406-11, 408.

[82] ADT, doc. 1, p. 55 (1161). Giberti, 'Le Pergamene San Severino Marche', doc. 6, 27-29 (1157). This document naming two *consules* comes from a thirteenth century exemplar, the fact that it is made with

Cingoli, which is the closest and most clearly comparable settlement.[83] Overall, the largest number of documents concerning Montecchio are found in the Fiastra archives; Montecchio was close to Fiastra's grange at S. Maria in Selva and the Cistercians kept many local land transactions and donations. All this gives us a partial, but useful picture of landholding and domestic architecture in the settlement and, crucially, of assemblies enacted in and outside the dwellings (*domus* or *acterratum)* of residents. [84]

Montecchio expanded in the interstices of several rural churches and fragmented monastic landholding, in line with similar larger *castelli.* There is also evidence here of a wider shift away from lay church patronage. Next to Montecchio lay the fortified *castrum* of Onglavina that included a church dedicated to S. Michael, in 1180 a ninth share of the *ius patronatus* in this church was given to Fiastra by an oblate suggesting a fragmented group of lay patrons. In the thirteenth century this church was claimed as a dependent of Rambona, suggesting a shift away from lay ownership[85] Rambona also claimed a church dedicated to S. Savino, not far from the town.[86] The town hosted another intramural church dedicated to Saint Martin and in the valley lay a church dedicated to Saints Romuald and Agatha held by the Camaldolesian order, very close to an early medieval *plebs* dedicated to John the Baptist situated on the outskirts of the

Grimaldo's sons, suggests it might be incorrectly dated. For further *consules*: Bernardi, 'Il monastero di S. Caterina di Cingoli e le sue pergamene', 68–106.

[83] For a recent study of settlement at Cingoli: Bartolacci, *Di uomini*, 79-113.

[84] *Fiastra* I, doc. 207, p. 336 (1180). *Fiastra* III, doc. 120, p. 163 (1211), doc. 146, p. 199 (1213), doc. 175, p. 236 (1214), *Fiastra* IV, doc. 150, p. 241 (1227), doc. 193, p. 313 (1229), doc. 202, p. 324-5 (1230), doc. 207, p. 335 (1230). *Fiastra* V doc. 48, p. 91 (1233).

[85] *Fiastra* I, doc. 207 pg. 336-338, (1180). For topographic notes: *Fiastra* I, p. 29.

[86] Campeja, 'L'abbazia di Rambona', 366. See also ADT, doc. 41, p. 83 (1266).

ruined Roman town. The early medieval *plebs* is not included in Camerino's diocesan records, and it may be that the *privilegium* derived from an earlier canonical church with privileges like those granted to S. Severino.[87] This church was surpassed as a central baptismal church by the intra-mural *plebs* of S. Maria at some point before the early thirteenth century. This evidence suggests a compact and complicated landscape of local churches, furthered by a shift in conceptions of lay patronage a larger walled settlement and a rural commune emerged in the mid-twelfth century.

By 1176 there are suggestions that Montecchio now incorporated three existing settlements named: *Sax*, *Ylice* and *Inferior*, though we have little else to document this process of - *synecismo*.[88] At some point between 1180 and 1230 the settlement was extended further to incorporate the tower of Onglavina and the adjacent monastery of S. Michael.[89].It may be that the commune developed around territorial boundaries associated with the *privilegium* of Treia and later *curia* of Montecchio, isolating the community from direct episcopal control.[90] Certainly the diverse monastic landholding and suggestion of large elite *consortia* giving up land and

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[87] Virgili, *Insediamenti civili*, 33.

[88] Virgili, *Insediamenti civili*, 82.

[89] Diego Gnesi and others, 'Ricerche Sugli insediamenti medievali nell'entroterra Marchigiano', *Archeologia Medievale*, 34 (2007), 113–40, 114. See also Francesco Carboni and Frank Vermeulen, 'Deciphering Transformations of Rural Settlement and Land-Use Patterns in Central Adriatic Italy Between the 6th and the 12th Centuries AD', in *Settlement Change Across Medieval Europe. Old Paradigms and New Vistas*, 2019, 43–53. The toponym *Ylicis* came to identify one of the gates *Fiastra* V, doc. 96 p. 155 (1223), *Fiastra* V doc. 48, p. 91, (1233).

[90] *Fiastra* III, doc. 62, p. 86 (1207), doc. 66, p. 99 (1207). For Onglavina: *Fiastra* V doc. 48, p. 91, (1233), ADT, doc,2, p. 54, (1220).

patronage rights hint at how new assemblies and frameworks might emerge as the expanded settlement took shape.

The Commune at Montecchio appears to have been made up of moderate landowners and operated with a broad social base. Castle communes in the Marche formed under different conditions, in some cases this process has been categorised as a reinvention of seigneurial authority by minor lords unable to wield an independent jurisdiction, in other cases it involves moves towards collective autonomy by smaller landowners or lease-holding peasants.[91]At Montecchio we can see evidence of both dynamics though overall fits better with this latter type. A group of *consules* appear regularly in the twelfth century documents retained in the communal archive, they are rarely the same person and usually referenced by their first name. One *consul*, who appears more than once, may be the same Bentivoglius Rainucci, an imperial notary who resolves an informal dispute outside a house in Montecchio in 1213. With two sons of Abraham possibly another *consul*.[92] Several small transactions and disputes indicating fragmented holdings and emphyteusis land transferred as property.[93] Our most comprehensive snapshot comes from a general *consilium* held in 1232 which named approximately eighty heads of households many of whom are identifiable as medium landowners or specialists.[94] Though many

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[91] For contrasting conditions: Maire Vigueur, 'Montolmo Nel XIII Secolo', 85–100, Maire Vigueur, *Comuni e signorie in Umbria, Marche e Lazio*, Storia degli Stati italiani dal medioevo all'unità (Turin, 1987). Also: Wickham, *Community*, 214-5.

[92] ADT, doc 1-8, p. 55-59 (1161-1203), Arbitrations: *Fiastra* III, doc. 146, p. 198 (1213).

[93] Another notary Grimaldus might also be *consul*: *Fiastra* III, doc. 175, p. 238 (1214). For example: *Fiastra* III, doc. 146, p. 198 (1213), *Fiastra* V, doc. 117, p. 212 (1236).

[94]*Fiastra* V, doc. 33, p. 65-7 (1232) For example, *Simeonis rainaldo Simeonis* near the top of this list is an identifiable figure at Montecchio and a moderate landholder, leaving an intramural house, two vineyards

among the commune were farmers and artisans, we may assume some listed here were part of the *consortia* who once or still held shares in the surrounding castles of Onglavina and Ylice and their churches, although transactions with Fiastra suggest generally small and highly fragmented holdings.[95] Warfare increasingly played a role in communal cohesion, in 1226 a *consilio* assembly of 100 pledged to form a *militia communis* and give two months service to the emperor.[96] Overwhelmingly the documents outline fragmented claims and the consolidation of a quasi-urban centre, characterised by regular assemblies focused around intramural open spaces.[97] The commune coalescing around the assemblies held at Montecchio became a threat to the jurisdiction of neighbouring lords, who despite periods of close integration with the settlement found it increasingly difficult to maintain an independent lordship.

Part 3: Adapting to mobility and quasi-urban space: the strategies of secular lords

Relations between Montecchio and a small-scale lord named Grimaldo Aureliano illustrate the role of mobility in the crisis faced by secular lordship in the second half of the twelfth century. As Montecchio gained solidity as a commune in the 1190s, surrounding secular lordship became more fragmented, personalised and harder to maintain. Grimaldo di Aureliano was a minor

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and two fields to his son and daughter: *Fiastra* IV, doc. 96, p. 155 (1223). Further examples: *Fiastra* IV, doc. 199, P. 321-2, (1229). *Fiastra* IV doc. 150 p. 241 (1227) doc. 47, p. 89 (1233). *Fiastra* II, doc 124, p. 198.

[95] Fiastra V, doc. 23, p. 47 (1232), doc. 18, p. 39 (1232), Fiastra V, doc. 10, p. 17 (1231), doc. 153, p. 280 (1237). The *guerri*, may have held part of *Yilce*: Fiastra III, , doc. 18, p. 28 , doc. 20, p. 32 (1218), they do not seem to be active in the commune.

[96] ADT, doc. 13, p. 52 (1226).

[97] : SCC, doc. 51, p. 97 (1208) and *Fiastra* III, doc. 146, p. 199 (1213), Fiastra V, doc. 11, p. 19 (1231).

regional aristocrat who held rights in various *castelli* in the Potenza valley, chiefly the fortress of Monteacuto situated on a rocky outcrop above the smaller centre *villa* S. *Laurentii*, along with various stretches of land and shares in *castelli* that included land adjacent to Montecchio by the church of S. Michele at Onglavina (Figure 11).[98] Grimaldo maintained ongoing links with Montecchio, in 1161 he was among a group of six landowners who ceded *villa S. Laurentii* to the *consules* of Montecchio, inhabitants of this village (variously *villa*, *castrum, castellatu*) had come to live near Montecchio by 1176 and Grimaldo also became closer to the settlement, in 1180 he acted together with the *populus o*f Montecchio to receive a donation of another smaller castle (later testimony claims he was *podestà* at this time).[99] Grimaldo and his wife Eva also had links with Fiastra, the couple and a nephew sold the Cistercians a significant amount of land.[100] These transactions suggest a need for ready cash and a later donation to the Hospitallers hinting that this might relate to an interest in crusade.[101]

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[98] Possibly relatives of a count, Manfred. For Grimaldo's land bordering Onglavina: *Fiastra* I, doc 207, pg. 336-338 (1180). For Monteacuto and S. Lorenzo see notes on *Fiastra* I, p. 88.

[99] ADT, doc. 1, p. 55-7 (1161), doc. 2 (1180),
Virgili, *Insediamenti civili*, 82. For later testimony claiming Grimaldo was *podestà* in late twelfth century ADT, doc. 16, p. 65 (1236).

[100] *Fiastra* I, doc. 41, p. 88 (1140), *Fiastra* II, doc. 95, p. 147 (1191) they later sold the other half of the plot with no sign that a mill had been built: *Fiastra* II, doc. 101, p. 157 (1192).

[101] Donation to a church run by the hospitallers by Grimaldo and Eva: *Fiastra* I, doc. 158, p. 265 (1174).

Figure 11: Remains of Monteacuto (photo credit, iluoghidelsilenzio.it).

At some point between 1180 and 1192 relations between Grimaldo and Montecchio soured. A document in the communal archives of Treia (Montecchio) records a complaint made by the castle's *consules* at the court of Margrave Gottibold concerning a series of raids by Grimaldo and his followers against villages and smaller *castelli* now claimed by the commune of Montecchio. It was alleged that Grimaldo and a hundred *milites* rampaged across the territory burning mills, stealing cattle, tearing down walls and taking grain, barley, beans and flax from the fields, before

tying up several groups of people from *villa S. Laurentii* and leading them away.[102] In 1200,

Grimaldo redacted a document in Montecchio giving half his land in the *curia* of Montecchio to

Fiastra, so may have reconciled with the commune, or sought protection from Fiastra, then at

some point between 1177 and 1201 the Aureliani agreed to submit to neighbouring Cingoli,

handing over Monteacuto to the commune. Then, in a subsequent document, Grimaldo and his

nephews submitted to the *consules* of Cingoli, again ceding their *castelli* and promising to

become citizens, obey the statutes, provide military aid and remain enemies of Montecchio.[103]

This came at the expense of their lordship, in a further grant, Grimaldo's son gives over all their

father's land and mills including: *homines communantias et homines castellanos* to the

jurisdiction of Cingoli who presumably then became inhabitants of the town.[104] There is a clear

division between these two groups of *homines* which might be geographic or status-based. The

term *castellani* is often ambiguous, meaning simply a resident of a *castello* or those with certain

rights. My reading of the regional evidence is that it simply indicates a resident, and I will use it

thus.[105] What matters here for the wider argument is that this grant implies that both tenants and

the lords would both now be subject to the courts and statutes of Cingoli.

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[102] Some captives are named others are referred to as either *mulieres* or *castellani,* ADT, doc. 4, p. 56-7 (1192).

[103] Giberti, 'Le Pergamene Sanseverino Marche', doc. 2, 10-14 (1177-1201). These documents are not dated, but a rough date range us possible based on the name of the notary who is attested elsewhere between 1177 and 1201. See Bartolacci, 'Nascita ed evoluzione',101.

[104] Giberti, 'Le Pergamene Sanseverino Marche', doc. 3,4 and 5, 15-24. (1177-1201)

[105] Niermeyer, *Medieae Latinitatis Lexicon Minus*, (Leiden, 2002), 201 defines *castellanus* as inhabitant of a castle. For *castellani* as both general inhabitants and elites in Liguria: Mario Nobili, 'Per lo studio

In many respects this process is not at all unusual; the submission of a small-scale lord to a city commune is a very common occurrence across Italy, especially from 1150 onwards.[106] What is distinctive about larger rural centres, is that the space itself and its territory is often formed through the process of these negotiations with pre-existing lordships. The control exercised by the Aureliani was close and personalised: one small sale to Fiastra mentioned that the donor had gained permission from Grimaldo, they may have some jurisdictional power, but probably quite informally and it is probable that the people dragged away by Aureliano were his former subjects now owing obligations to Montecchio's *consules*.[107] Despite his ability to menace rivals with a following of armed men, Grimaldo's claims to authority seem rather shaky. According to a framework developed by Chris Wickham in Tuscany, Grimaldo di Aureliano exercised a 'weak' signoria, that is one threatened by other great landowners and a dynamic peasant society.[108] Castle lordships with a jurisdiction based on a local and very physical dominance persisted in the Marche well into the thirteenth century, especially in more mountainous rural areas. Yet the formation of larger castle communes such as Montecchio and Cingoli posed threats to local lordships connected to the resettlement of seigneurial subjects. Similar patterns are visible at Matelica in western Camerino, where a count, Atto, agreed in 1162 with the *consules* and *boni*

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della «società feudale» lunigianese: «milites», «castellani» e vassalli nei secoli XI-XIII', *Archivio Storico Italiano*, 165/3 (613) (2007), 431.

[106] Maria Elena Cortese, 'Una convivenza difficile: castelli e città nell'Italia centro-settentrionale (secc. X-XIII)', in *L'incastellamento. Storia e archeologia* (Spoleto, 2018), 93-5. For Tuscany : Maria Elena Cortese, 'Poteri locali e processi di ricomposizione politico-territoriale in Toscana (1100-1200 ca)', in *Poteri centrali e autonomie nella Toscana medievale e moderna* (Florence, 2012), 59–82.

[107] *Fiastra* I, doc. 160, p. 268 (1174).

[108] Wickham, 'La signoria rurale in Toscana', 343–409, 348–53.

homines of the castle to allow a group of subject *homines* to live in Matelica, while recognising that two distinct groups would remain in surrounding settlements. The migrants passed into the authority (*potestatem*) of the *consules* who in turn are expected to owe certain obligations to the city of Camerino (*bonum usum*).[109] There are signs here of co-operation between commune and count, yet later witness testimony show that this process was not at all straightforward and resulted in protracted dispute about the loyalties and obligations of the count's *homines* and certain *alienos* who had moved to Matelica against the count's wishes.[110] Castle communes posed threats and presented opportunities to aristocrats and local strongmen. There are clear signs of solidarities between aristocrats and *consules,* yet we can also detect that disputes arising from new *castelli* were often connected to movements by seigneurial subjects who presumably sought to achieve better conditions.

It is important to note that the castle communes of the Marche often recognised pre-existing social hierarchies or obligations, and were themselves collective lordships of a sort, raising taxes and co-operating with local aristocrats who as at Matelica and Montecchio might occupy a

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[109] PM, doc 1, p 1 (1162). The classic reference for Matelica is Gino Luzzatto, 'Le finanze di un castello nel secolo XIII', *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, 11 (1913), 45–128, 46-49. For the foundation of the centre after 1150 based on later witness testimony see p. 47, note 4. For a more recent treatment : Fiore, *Signori e sudditi*, 189.

[110] PM, doc. 14, doc. 9, p. 6 (1198). In 1169 Atto's son Franco is listed among a group of 11 *consules*: PM. doc 2, 3, 4, p 2-4 (1162) and doc. 14, p. 10-13 (1210) and doc. 9, p. 6 (1198) and doc. 8, p. 5 (1196). Atto aided Christian of Mainz in an attack on Matelica in 1170s and joined the army of Camerino and took plunder from the town. in another siege condemned by Pope Innocent III: PM, doc. 14, 11-12 (1210) For extended records of new arrivals : PM doc. 29-72, p 34-86 (1216-1241), doc. 23, p. 25-28 (1217), Luzzatto, *Dai servi della gleba agli albori del capitalismo*, 265-7. Docs: 10, doc. 71, p. 85 (1241) and doc. 76, p. 88 (1246).

leadership role. They nevertheless represent more articulated and collectively orientated framework for social action. Like their urban counterparts, castle communes in the Marche frequently exhibit a two-tiered social structure, differentiating between *maiores* et *minores* with some signs of a privileged status for *milites*.[111] No individual *milites* can be identified at either Montecchio or Cingoli, but, quite possibly, the smaller *castelli* which submitted to these larger centres in the twelfth century did so after local conflicts with armed citizens. The *castelli* of the Marche fit with wider patterns identifiable across Europe, which saw a widespread consolidation of village hierarchies in the twelfth century, or at least the delineation of these hierarchies as a result of the abundant documents, for villages had long existed as patchworks of competing obligations, jurisdictions and legal status.[112] Therefore we should perhaps consider these documentary markers of status, such as *maiores* et *minores* as fluid groupings, based on shifting access to land and patronage rather than indelible markers of status based on clear relationships of dependence. The commune was not inherently egalitarian and privileged those most confident to negotiate with great lords, yet it was often closely concerned with management of collective assets by asserting an authority based in consensus and unanimity constructed through open assembly[113] Though presented in documents as an ordered consensus, evidence from judicial

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[111] Gino Luzzatto, 'Le sottomissioni dei feudatari e le classi sociali, in alcuni comuni marchigiani (sec. XII e XIII)', *Le Marche*, 6 (1906), 114–45. Maire Vigueur, 'Centri di nuova fondazione', 9. Maire Vigueur, *Comuni e signorie in Umbria, Marche e Lazio*, 367-73. For *maiores et minores* at Montegiorgio : Hagemann, *Studi e documenti*, Montegiorgio, doc. 1, p. 193 (1199). For parallels at Osimo: Fiore, *Signori e sudditi*, 98.

[112] Reynolds, *Kingdoms and Communities*, 143.

[113] For example: Dominique Barthélemy, *Les deux Ages de la Seigneurie Banale. Pouvoir et société dans la terre des Sires de Coucy (milieu XIe - milieu XIIIe Siècle)* (Paris, 1984), XII, 270-4 and the case of

records indicate a culture of competition and participation in the validation of local norms through collective assembly. This assembly focused authority necessitated an audience, to which leaders were, to some extent, accountable. Expanding settlements and encouraging rural migrants produced an audience that might provide this collective legitimacy. In such a public sphere, local standing may have been based on less tangible qualities than landed wealth, or coercive force. Nevertheless, having the means and resources to participate and influence the space used for assembly was an important facet influencing individual and collective authority.

Accordingly, a willingness to recognise obligations owed to lords was influenced by the size and resources of a given centre, the importance of its open space as a political sphere, as well as by the social makeup of the community in question. While we may doubt that rural communes questioned the legitimacy of lordship entirely, we can see distinctive and sometimes hostile attitudes to small-scale lordship. This is reflected in the different conditions offered in documents of submission by smaller castle lords to larger communes. In certain cases, rights of seigneurial 'protection' are maintained, but most commonly *homines* migrating to a castle become subject to the commune over the lord. For example, Gualterio Abbraciamonte lord of Urbisaglia agrees in a pact with the commune of Tolentino that he will not call himself lord or expect services from those of his *homines* that have moved to Tolentino while retaining services from others that remain in Urbisaglia.[114] The same Gualterio had in 1194 made a similar pact with the commune

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certain communal institutions in Lazio as demonstrated by Carocci, *Baroni di Roma,* 255-61. For communes and consensus: Reynolds, *Kingdoms and Communities*, 100-154.

[114] *Ego gualterius promitto vobis de illis quis sunt nunc in Tolentino non vocare de ratione di dominium seniore e de servitiis and usuabilius*: Santini, *Saggio de memorie della città di Tolentino*, doc. 41, p. 311, (1213).

of S. Ginesio, conceding eight named families as *castellani* and agreeing that he too should be a *castellanus*, that he would build a house and behave like two other named *nobiles*, by obeying the commune and not making war without the consent of the *consules*.[115] Similarly at Penna S. Giovanni in Fermo, certain *nobiles* agree to demolish their towers and renounce homage and service *honesta vel inhonesta* owed by any in the castle while retaining half of their vassals in another place.[116] A lord moving into a castle with his dependents often led to a levelling of status as both became subject to the norms and jurisdiction exercised by a communal court.

Seigneurial obligations were not necessarily abolished, but releasing migrants from outside seigneurial obligations could become the prerogative of communal courts, a move that sometimes had clear political implications. This may well have contributed to the attraction of larger centres. A revealing case from 1195 saw the *consules* and *iudices* of Macerata rule in favour of a certain Actutio Balerio in a dispute with Bishop Presbitero who claims that Actutio owed him services because he was a man (*homo*) of a certain Tebaldus who himself owed fealty to the church of Fermo. After hearing the arguments, the *consules* ruled that the bishop had

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[115] Colucci, *Delle Antichità Picene*, 1796, vol. 19, Appendix, doc. 12 p. XIV. (1194). Resolution of a later dispute with commune over destruction of a smaller castle: *Delle Antichità Picene*, vol. 19, Appendix, doc. 19, p. XXIII (1228). For conflicts with Fiastra: Renzi, *Nascita di una signoria,* 76-86.

[116] Colucci, *Delle Antichità Picene*, vol. 15 (1796), 'Codice diplomatiche Pennese', doc. 1, p. 3-5 (1249) see also Reynolds, *Kingdoms and Communities*, 143. For evidence of a broader social mix of *maiore*s: *Tomei, 'Genesi', 129–415, 35. and doc. 15, p. 253 (1223).* For *nobiles* distinct from the commune at Penna S. Giovanni see *Reynolds, Kingdoms and Communities, 143 and* Fiore, *Signori e sudditi*, 404. See also from Matelica, two groups of *homines* are made *castellani* of Matelica and absolved from their obligations of *salaris*, *bannis* and *folias*: 10, doc. 18, p. 20-1 (1213). Further examples: Submission to Fabriano in which *homines* become *castellani* of Fabriano: Zonghi, *Le carte di Fabriano*, doc. 30, p.33 (1199).

insufficient proof of these relationships and that Actutio therefore did not owe service to the bishop.[117] This document illustrates the growing strength of Macerata's territorial jurisdiction and the problems inherent in verifying the largely oral or customary nature of past seigneurial obligations. The point of this example is to show that communal courts increasingly relied on documents alongside collective memory to determine obligations, this provided a means for negotiating the reduction of seigneurial obligations.

It is in this context that we should view a rise in documents outlining individual manumissions or release from seigneurial dues, such documents illustrate both the persistence of seigneurial obligations and the ability of courts to regulate and potentially limit such exactions. Here we return to Montecchio, where a charter of 1200 frees two men of Montecchio from obligations (*dominium, hominium, commendationem, fidelitatim*) to a certain Albrico di Atto including a stipulation that none of his relatives, nor those of Grimaldo di Aureliano should dispute the claim.[118] Grimaldo was clearly still a threat, but documents such as these presumably served a clear purpose in disputes heard in court assemblies.

Documents recording individual manumission from seigneurial obligations slowly increase across the twelfth century.[119] This forms part of a longer-term reification of seigneurial

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[117] For this document, which does not appear to survive in the original see Foglietti, Documenti, *Appendice,* p. 96 (1195).

[118] *Fiastra* II, doc. 177, p. 270 (1200).

[119] Francesco Panero, 'Manumissioni di 'servi' e affrancazioni di 'rustici' nell'italia settentrionale (secoli X-XIII)', in *La signoria rurale in Italia nel medioevo. Atti (1998)*, 2006, 385–404, 392 and Luzzatto, *Dai servi della glebe*, 77. Fewer twelfth-century examples are found in Umbria: Tiberini, *Le signorie rurali,* 276-77.

obligations across Europe, in which personal obligations became transferable as property.[120] This type of document shows a desire to prove exemption, perhaps in a judicial assembly, and the means to negotiate exemption from obligations. Several such documents are found in the Fiastra archives, and some may be related to pious gifts to the Cistercians. For example, in 1180 Grimaldo Aureliano gave up for a cash payment his seigneurial rights over some land already donated by a family of former subjects.[121] Yet many agreements of this type offer no clear connection to a donation and record only an exchange of land or money in return for release by named individuals from seigneurial obligations known as *servitium*, *homagium* or *servites debitales*.[122] The increase in such documents indicates a wish to prove, perhaps in a rural court, the existence or absence of personal obligations to a lord. In contrast, an insightful, but isolated, pact recognises the seigneurial obligations of a runaway dependent: Alberto Abbatis, who agreed to return to live in Colmurano and accept the lordship of a *dominus Offo* if confiscated money and land was returned.[123] This is a reminder that physical force was a powerful incentive. The presence as witnesses of civic elites from Tolentino recalls that elite solidarities ran through the fabric of rural communes in ways that did not necessarily benefit seigneurial subjects. This is however an isolated incident agreed upon in an informal pact, things may have worked

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[120] West, *Reframing the Feudal Revolution*, 173-90.

[121] *Fiastra* II, doc. 2, p. 5 (1181), *Fiastra* I, doc. 191, p. 311 (1178).

[122] For example: *Fiastra* I, doc. 54, p. 111 (1147), doc. 56, p. 113 (1149), doc. 65, p. 130 (1152), doc. 84, p. 160 (1157). *Fiastra* II doc. 120 p. 188. SCC doc. 35, p. 76 (1201), doc. 40, p. 82 (1203).

[123] *Fiastra* III, doc. 102, p. 141-2 (1210), two witnesses are sons of Prontaguerra. a local judge and ancestor of the Da Varano family, fourteenth-century lord of Camerino. At Tolentino: Hagemann*, Studi e documenti,,* Montegiorgio, doc. 20, p. 204.

differently in a more formal court, which as we have seen, might limit customary obligations as judicial practices began to privilege documents as proof of obligations.[124]

Franchise charters and urban ambitions at Marano

Franchise charters are another way in which lords accommodated a mobile peasantry, adapting practices of an existing lordship to accommodate demands of settlers and regulate seigneurial dues. Documents concerning Marano in southern Fermo make clear concessions to new migrants and gives explicit provisions for the expansion of walls and creation of a wider area of habitation altering existing seigneurial dwellings and fortifications. The earliest surviving document was drawn up for the *domina*, Maria in 1194 and was not included in the late medieval episcopal cartulary. Maria, a descendent of the Taselgardi counts, with her four daughters; Alferada, Tasselgardesca, Altadia and Risabella and son-in-law Rainaldus agreed on a series of privileges granted to all the inhabitants (*homines*) of Marano, a coastal castle, above the contemporary town of Cupra Marittima.[125] Maria and her daughters promise not to capture or restrain the inhabitants, they concede judicial rights, including 'high justice', and agree to level their existing fortifications.[126] In return, the inhabitants commit to building a wall, which according to custom, shall belong to the lords, who also maintain some woods and pastures excepting parts held

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[124] Luigi Provero, *L'Italia dei poteri locali: secoli X-XII* (Rome, 1998), 57.

[125] Maria is the recent widow of Manerio di Donamonte. In contrast the pact at Villamagna included a stipulation that a wall be built within 7 years though privileges are here negotiated only with allodial residents (*aloderis hominibus*). See Chapter 1, pg. 74.

[126] *set nos dicimus et insuper promittimus carbonariam geronis planare cum alio castello* ASF *pergamene*, no. 1667. Transcription: Tomei, 'Genesi', 129–415, appendix doc. 7, p. 236 (1194).

privately. In return each inhabitant is given a new building plot (*platea*) within the wall, the size of which was determined by the amount of service they used to perform and all former services and obligations (*debitum, servitium, adiutorium, maltollictum*) are converted to an annual payment (*ammiscere*) of four shillings. These repudiated services included: fieldwork with scythes and oxen; a piglet from the litter of each sow, on some occasions; gathering wood for the lord's oven and furnace, which should be the only one in town. Further obligations had included court fines and payment of market taxes: *porto, plateatico* et *siliquatico*.[127] A final note states that hunting and fishing remained unrestricted. The pact also contained a clause stating that if Maria reneged on this agreement, the inhabitants were free to choose another lord.[128] It is notable that the shift to monetary dues coincides here with a wall that remains the property of the lords while ordering a larger space for settlement that reproduced aspects of the existing castle hierarchy with the demarcated property while also removing existing hierarchies of service.

The built environment at Marano also exhibits a commitment to an urban model of authority. Recent archaeological survey and excavation work led by Margherita Ferri support the expansion of the *girone* into a broader area of habitation. It is probable that an existing fortified area, later known as the *contrada della rocca* was expanded to the east, creating a central roadway centred on the church of *S. Maria in castello.* Moreover, a castle named *subportubu*s, first documented in the eleventh century, situated on a neighbouring hill disappears from the documentary record at

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[127] We learn about the nature of these services from a document of 1200 when dues are renegotiated: Tomei, 'Genesi', 129–415, appendix doc. 10, p. 242 (1200).

[128] *Ego, domina Maria, cum filiabus meis et Rainaldus Falleronis nostrique successoribus iureiurando promittimus, si omnia que supra diximus omni tempore adtendere noluerimus sitis liberi et adsoluti et eligatis dominum quem vultis*: Tomei, 'Genesi', 129–415, appendix doc. 10, p. 242 (1200).

this time, inhabitants of *subportubus* are mentioned in the 1194 charter and may well have moved into the new walled perimeter at Marano.[129] While the local baptismal church was situated at the foot of the elevated castle site at the level of the beach, the proprietary church of *S. Maria in castello* became central to the settlement as it was enclosed in the new walled perimeter, situated along a main thoroughfare that may have linked the dwellings of the *signoria* with the urban area within a now expanded perimeter.[130] The excavations confirm the connection between the material process of the *secondo incastellamento* and the reordering of the seigneurial regime. The changes to the built environment at Marano were also bound up with a regional and dynastic politics.

Taken together, the collected documents from Marano show a protracted negotiation between the local aristocracy, inhabitants and a great ecclesiastical lord. Within the same month, Bishop Presbitero issued a charter confirming the privileges and freedoms issued by Maria and that no one else might buy or acquire this lordship aside from Maria's daughters. Yet later that year, in August, Bishop Presbitero issued another franchise echoing the now familiar formula attributed to Bishop Waldericus, reframing Maria's franchise according to established patterns of episcopal franchise charters. This may well have enhanced the authenticity and legitimacy of this agreement and its resilience to external or internal threats, it might also have undermined the

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[129] Margherita Ferri and Alessandro Alessio Rucco, 'Da Cupra a Marano. Insediamenti e abitati, traslazioni e transizioni', in *Congresso Nazionale di Archeologia Medievale 8*, 2018, II, 130–34, 133-4. For eleventh century leases: LF I doc. 46, p. 99-101 (1030) LF 1, doc. 55, p. 113-5 and LF III, doc. 395, p. 719-720

[130] Margherita Ferri, 'Marano (Cupra Marittima - AP): lo sviluppo del borgo medievale.', in *Atti del convegno internazionale di archeologia medievale nelle Marche* (Bologna, 2019), 2021, 59–69, 60-63.

earlier document. In any case, from the point of view of the inhabitants, this was a notable restriction in local autonomy compared to the earlier April charter. Maria was a widow, and the franchises may have formed part of strategies to reconfigure her local authority and perhaps to maintain the integrity of her lands by providing cash dowries for her daughters who all married into neighbouring aristocratic families.[131]

It may be the insecurity of Maria's position contributed to the more detailed view of negotiations over rights and mobility at Marano. Maria faced particular challenges in maintaining her lordship as a single woman and within four years a group of residents sought to alter the earlier agreement. In 1200, seven men claiming to represent the *homines universos* of Marano visited the bishop's court at Fermo and agreed to perform for the new Bishop Adenolfus all the services that they used to do for Maria's husband, Manerio di Donamonti. In return they are given privileges to judge low justice and take half the court fees. We cannot be sure why this group sought a reintroduction of abolished services; it may be a result of an external conflict or a power play by an internal faction perhaps seeking to undermine Maria's authority through renewing episcopal patronage. This pact did not go down well with the Taselgardi, initiating a long dispute and warfare between Maria's daughters, their husbands and Bishop Adenolfus. This conflict came to an end in 1211 with a dispute resolution, arbitrated by an archpriest of Fermo, in which Alferada, Tasselgardesca, Altadia and Risabella and their husbands gave up their claims to Marano for a large cash sum, with the elderly Maria's consent.[132] The franchise charters issued

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[131] For context see Giammario Borri, 'Un frammento per la storia di Marano (Cupra Marittima)', *Studia Picena*, 75 (2010), 51-3.

[132] *LF* I, doc. 68, p. 143-147 (1211).

here were not the basis for an autonomous commune or an enduring territorial lordship, yet show

very clearly how the reordering of space required negotiation between castle inhabitants and

secular aristocrats concerned to attract new settlers, simplify seigneurial obligations and

encourage market activity around a small maritime settlement.[133]

The documents from Marano form part of a wider group of documents from the late twelfth

century concerning instructions for building or expanding fortifications in stone, many of these

also concern questions related to local migration and resettlement within walled perimeters.[134] In

part, these agreements reflect the volatile political situation in the region between 1194-1198

when Emperor Henry VI used the Marche as a staging post to try to conquer Sicily, and

occasionally this is made explicit.[135] Yet these pacts also exhibit a concern to accommodate more

sporadic mobility on behalf of peasants and smaller landholders, illustrating that migration was

an ongoing process closely engaged with plans for walls and extended perimeters.

The models associated with the *secondo incastellamento* serve as an effective way to categorise

settlement change, yet by its nature eclipses highly particular local and individual circumstances.

Settlement change is shaped by the agency and personal strategies of individuals reacting to

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[133] Witness testimony and domanial accounts reveal a focus on land clearance for new vineyards and close connections to Mediterranean trade: *LF* I, doc. 272 p. 499 (1200-1239). A Theobold of Antioch is the head tenant.

[134] 'Hagemann, *Studi e documenti*, Montegiorgio, doc. 1, 192-3 (1199). Monterubbiano: ASF, *Pergamene,* no. 1929 (1205), Montesanto (1190), Ripatransone: (1198), Sant'Elpidio (1191).

[135] At Montegiorgio the *consules* and inhabitants agreed that migrants from five nearby settlements who had moved to Montegiorgio in the time of Markward would return to their former homes: Hagemann, *Studi e documenti*, Montegiorgio, doc. 1, 192-3 (1199).

routes, pathways and limitations shaped by natural and human geography expressed in local patterns of landowning and personal domination, it is through the interplay of these dynamics that forms of space are constructed and interact with one another. In each case small-scale migration had political consequences, influencing the assembly focused authority exercised in larger castles and as at Marano influencing decisions to renegotiate lordship along urban models with a franchise charter. In this final section, I turn to consider how new walls were built and paid for and how this process influenced the exercise of lordship and expressions of local collective identity in the twelfth century Marche.

Circumscribing communities: walls, mobility and identity

This section looks at the regional evidence for the construction of walls and considers the social and political implications of this process. The process of building walls to expand or enclose a settlement clearly influenced the collective identities of those who lived within and around them. Architectural historian Gordana Fontana-Giusti has emphasised the role of defensive walls in conditioning and controlling power relationships as the practice of walling creates an implicit distinction between 'them' and 'us'.[136] As Lewis Mumford once suggested, walls themselves might enhance the fear of the outside, creating a collective identity that was defined by an 'enemy' without, an idea that seems relevant to the intra-urban conflict which erupted in the Marche around 1200.[137] The construction of a wall placed a settlement into dialogue a

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[136] Gordana Fontana-Giusti, 'Walling and the City: The Effects of Walls and Walling Within the City Space', *Journal of Architecture*, 16/3 (2011), 309–45, 310-313.

[137] Lewis Mumford, *The City in History: Its Origins, Its Transformations, and Its Prospects* ,(San Diego, 1961), 500-553. Fiore, *Signori e sudditi,* 64

vocabulary of urban power that had existed since walls were drawn up around Roman cities in the late empire and expanded in the eleventh and twelfth centuries under demographic and military pressures.[138] Walls also shaped the habits and restricted movement of those living around them, for example, in late Medieval statues from the Marche, we find instructions to lock castle gates at night after the last sounding of the parish bell.[139] Responsibility for walls is a classic component of seigneurial obligations in Italy, yet the documentary evidence we have for the Marche indicates they might be both a reflection of seigneurial authority and of collective identity, forming part of the negotiations that led to the expansion of larger *castelli*.

Walls might be built by coercive means as part of the obligations of lordship. The castle of *Gallule* (Gagliole) between Macerata and San Severino shows how an aristocratic fortress was expanded in the late twelfth century. A pact from 1188 sought to build walls around the *burgo* an area of habitation surrounding the castle. A countess, Gita and her son Ugizio gave a third of the *castrum* and *burgo* to the abbot of S. Vittore in Chiuse to build stone towers, walls and gates. This work is to be done using the obligations and services from the *castrum* and *burgo* which are usually made in the fields.[140] Expenses are to be shared between the three parties which could be a reference to lost revenues or payment for specialist builders. Jurisdiction over the castle church is given of S. Vittore, where Gita and Ugizio promise to be buried and give burial offerings and in return retain a quarter of burial rights and tithes from the settlement, construction materials

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[138] Étienne Hubert, 'La construction de la ville', 109–39, 112.

[139] Dante Cecchi, 'Aspetti di vita cittadina attraverso gli statuti dei comuni della Valle del Fiastra', in *Valle del Fiastra tra antichità e Medioevo,* Studi Maceratesi, 23 (Macerata, 1990), 476.

[140] SVC, doc. 112 p. 54-55. (1185). Transcription: Colucci, *Delle Antichità Picene*, 1796, II, appendix, doc. 32 p. 18 (1185).

may have been provided by a grant of a wood.[141] This agreement secured Gita's position and rights in the church while imposing extra burdens and few benefits for inhabitants besides the double-edged protection offered by stone walls. Gagliole remains a small, fortified village situated on a steep hill overlooking the Apennine pass leading from San Severino. Its extant walls, built in the thirteenth century by the Da Varano lords of Camerino may follow the twelfth-century perimeter and suggest that it remained a small settlement with the entire settlement focused on the summit.[142] It may be significant that Gallule did not expand further or gain any regional prominence, exhibiting different dynamics to larger rural centres. While this is not the only regional evidence of seigneurial labour services being used to construct walls, far more frequently in the Marche, the construction of new walls around existing settlements seems to indicate more cooperative ways of building.[143]

In some cases, for example at Villamagna and Marano, freedom from services and judicial autonomy are offered in exchange for building new walls, and there are parallels across central Italy for negotiation of privileges in return for construction work.[144] It is not always clear in such

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[141] Burial offerings are reduced to a quarter if they move elsewhere: SVC, doc. 112 p. 54-55. (1185), transcription: Colucci, *Delle Antichità Picene*, II, appendix, doc. 32, p. 18 (1185). 1 For the monastery's quarry near Fabriano: SVC, doc. 130, p. 62-3 (1211).

[142] Virgili, *Insediamenti civili,*135-6.

[143] Obligations to build a *castrum novum* at Morrovalle: LF I doc, 142 (1164), LF II doc. 391 (1209), p. 713- 715.

[144] For example, at Morleschio in Umbria: *Le più antiche carte dell'abbazia di S. Maria Val di Ponte*, *Regesta chartarum Italiae* ed. Vittorio de Donato, (Rome, 1962), II, doc. 129 pp. 45-47 (1182). See also Colle Pergola, in Umbria a new town with privileges offered for walls constructed in 50 days: Sandro Tiberini, 'I "borghi nuovi" di iniziativa comunale nei territori di Perugia e di Gubbio (sec . XIII)', in *Borghi nuovi e borghi franchi*, 2002, 189–246. Appendix II, 36-7. Sandro Tiberini, *Le signorie rurali*

documents who is doing the building, the survival of these details might provide valuable insight into village hierarchies. There are suggestions, as at Gallule, that building stone walls involved work by the inhabitants alongside payments for wage labour and specialist builders.[145] Indeed the demand for specialist masons for stone buildings may help explain this increased evidence for negotiations over building in the late twelfth century. Indeed, specialist masons appear with some regularity as witnesses in charters of this period.[146] In these circumstances building walls stays within the framework of seigneurial obligations, though one which served as a framework for negotiation and a collective endeavour that might further local social cohesion and potential autonomy.

Instruction to build walls might still be viewed as an obligation towards a territorial lord but it might also be a result of local initiative and a catalyst for strengthening collective activity. This is made explicit in the franchise charter issued to Montesanto in Fermo in 1128 which contains a clause saying that the construction of the *civitas* was agreed and carried out after deliberation with faithful laity and clerics and that, pointedly, it was not done on the bishop's order.[147] It may

nell'Umbria settentrionale. Perugia e Gubbio, secc. 11-13,(Rome, 1999),185. These differ somewhat from earlier fortification charters which offered fewer concessions in exchange for construction. for example, at Roccantica in Lazio: Paul Fridolin Kehr, *Italia Pontificia 2. Latium* (Berlin, 1907), 72-73.

[145] This is the implication in the documents from Casale S. Claudio also, see below p. 198.

[146] For example, from the Fiastra archives, Alberto *Muratore* is twice a witness: *Fiastra* I. doc. 101, p. 183 (1163) and doc. 132, p. 227 (1168) Also: *Fiastra* I, doc. 103, p. 15 (1163).

[147] *consilio atque suasu nostrorum fidelium clericorum ac laicorum previdens atque prospitiens nostre Ecclesie valde congruum atque utile esse Montis Sancti civitatem hedificare, conscilio a predictorum fidelium precipue instruire necnon fieri iussi,* LF I, doc 108, p. 231 (1128). Lucio Tomei, 'Genesi', 174, note. 26.

be that the construction of a walled *civitas* involved complicated negotiations between minor lords, clergy, peasants and the figurehead of the bishop. In other cases, franchise charters might be used to legitimise walls which had already been built. The charter issued to Montolmo and Macerata included promises by the inhabitants to guard and maintain the walls and to rebuild them if they were destroyed. We do not know who commissioned the expanded perimeter at Macerata but it may have been the residents, either in cooperation or conflict with neighbouring lords the Attoni.[148] Thus across Fermo, we can glimpse the assemblies and solidarities of the *commune* emerging through the process of building and managing walls. This supports Susan Reynolds's observation that the general assembly known as the *commune consilio* derived from *comunia* or *comunantia* derived from shared responsibilities for common property including walls, streets and church buildings.[149] Of course, such village level solidarities are visible in settlements across twelfth-century Europe, on account of documentary, economic and political change, walls were by no means not a prerequisite for such identities.[150] Yet in the Marche communes are only documented in association with walled settlements whose expanding territories came to define the region's politics.

The political significance of larger walled *castelli* was undoubtedly connected to the increasing strategic importance of the Marche to both emperor and papacy. A fracturing of the Marche's imperial allegiances began in earnest in the 1140s and escalated with the arrival of imperial

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[148] LF I, doc. 158, p. 136, (1115) and doc. 177, p. 142, (1116).

[149] Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300* (1997), 170.

[150] Robert Fossier, *Enfance de l'Europe: X.-XII. siècles ; aspects économiques et sociaux*, (Paris, 1982), 288-601. Duby, *Rural Economy,* 15. For rural communes formed across dispersed settlement : Chris Wickham, *Community,* 54-81.

armies led by Christian of Mainz in the 1160s. Many surviving pacts concerning walls and migration in Fermo date to a volatile period between 1194-1198 and a destructive military campaign led by Markward of Anweiller, who besieged and sacked new towns at Villamagna and Ripatransone.[151] Following the death of Henry VI, the new pope, Celestine III encouraged the formation of a league of pro-papal towns which by 1198 set the stage for further conflict between smaller towns and larger diocesan centres.[152] Some military concerns are probable in pacts which exchange privileges for building fortifications, yet while walls might configure a local identity grounded in fear, they also brought people together in a way that could support the legitimacy of the rural commune as a territorial power.[153]

A provision for new walls might also be bound up with the accommodation of new settlers into larger centres as part of conflicts between communes and rival lordships. This appears to be the case in a convention made at Sant'Elpidio in 1191 concerning 100 people who had recently settled in Sant'Elpidio who agree to swear allegiance to the bishop like those at Civitanova had already done and pay their dues to the bishop on the feast of the Assumption. This agreement was primarily concerned with the loyalty and obligations of new settlers and was discussed earlier in the chapter. I revisit here as it also contained a stipulation to demolish the existing castle gate and to extend the walled perimeter (*girone*): the castle inhabitants were to provide ten

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[151] Fiore, *Signori e sudditi*, 62.

[152] Brenda Bolton, 'Celestine III and the Defence of the Patrimony', in *Pope Celestine III, 1191-1198. Diplomat and Pastor*, 2008, 317–54, 343-346. Fiore, *Signori e sudditi*, 60-63. Pirani in Hagemann, *Studi e documenti*, 7 and 53-6.

[153] For example, at Montrerubbiano lords of three *oppida* agree to demolish a wall they had built in times of war ASF, pergamene, no. 1929 (1205), See also Montottone and Montegiorgio.

thousand bricks for this purpose and ten pounds from the payment that would otherwise give to the canons.[154] Some of these inhabitants had come from a *castello* called *Girole*, recently sacked by Civitanova. In the same month the Bishop, claiming episcopal lordship over the settlement, ordered the Civitanovese to rebuild the walls and houses of *Girole* at their own expense, though it appears that this request was not fulfilled (there is no further evidence for the settlement).[155] These pacts sought to simplify and reassert seigneurial obligations over castle communes that were becoming more populous at the expense of smaller settlements. These agreements sought to expand and simplify obligations to the bishop and regulate the expansion of fortified walls. They may in fact suggest that stronger fortifications were being made without episcopal consent. Indeed, despite having agreed to send some residents back to live in Monte Urano. Sant'Elpidio destroyed the centre in 1198, leading Pope Innocent III's first legates to the Marche to issue a charter ordering Sant'Elpidio to obey the bishop and pay compensation for damages. A larger regional peace treaty followed in 1202 which included a compromise: a quarter of the inhabitants of Monte Urano should settle in Sant'Elpidio, the rest in Fermo.[156] These agreements over destroying and expanding walls, illustrate a culture of localised warfare and resettlement, the

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[154] LF II, doc. 258, p. 476-7 (1191).

[155] LF II, doc. 259, p. 477-8 (1191). For the location of *Castrum Girole/Girone*: Galiè, *Insediamenti*, 34. note, 41.

[156] ASF, *pergamene*, no. 1934, transcription: *Regesta Firmana*, doc. 30, p. 317, (1198), Hagemann, *Studi e documenti*, Sant'Elpidio, p. 55. For the Peace of Polverigi in 1202: LRO, doc. 41, p. 57 (1202). We learn from this document that Sant'Elpidio destroyed both Monte Urano and neighbouring Castri: Giammario Borri, 'Il trattato di Polverigi: analisi e vicenda storiografica', in *La Marca di Ancona fra XII e XIII secolo. Le dinamiche del potere*, (Ancona, 2005), 39–70.

response from great lords sought to regulate this process which ultimately seems to have favoured the increasing autonomy of larger centres.

The expansion of castle territories in the early 1200s ensured walls were a particularly important marker of collective identity. Rebuilding walls was the aim of a pact made by thirty-two named *homines* from the village of *Casale S. Claudio*, who sought the bishop's aid to rebuild their walls, demolished by the inhabitants of neighbouring Macerata. Following an attack on the settlement, the former residents, now living in Macerata, pledged to recognise the lordship of the bishop and to rebuild the walls before the end of the year to store the coming harvest. The residents pledge individual sums of money and loyalty for help in building stone walls at least ten feet tall.[157] Macerata ultimately prevented the new castle from being built, despite papal protest, but this serves as a reminder that people did maintain village loyalties and that joining a larger centre was not necessarily desired, especially following a humiliating raid.[158]

In some cases, instructions for building new walls exhibit a particular concern to expand the area of habitation and encourage new settlers. This frequently brought new focus to a central area of shared space for markets and assemblies. A franchise charter issued to Aspramonte and Montefiore in 1226 contains explicit instructions on how a settlement will be combined. It states that the walls of the existing *castelli* are to be destroyed on one side and a new wall ten feet wide

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[157] A series of pledges follow the document, this might be a contribution to building materials or simply payment for the bishop's protection. LF II. doc. 235, p. 435-7 (1215) , LF II, doc. 236, p. 438-9 (1215).
[158] *Fiastra* IV, doc. 81, p. 135 (1222). Several votive statutes may have been carried away from S. Claudio and placed in Macerata's church of S. Giuliano see Gabriele Barucca, *Le Cattedrali. Macerata, Tolentino, Recanati, Cingoli, Treia* (Macerata, 2010), 126.

is to be built from the rocks enclosing the *platea* outside the church of S. Calixtus saving the existing houses that are to be reinforced by the wall. The document implies a ceremonial aspect to this process: the leaders of the commune (*consiliorum*) took part themselves, initiating the demolition by striking the walls three times, before inviting the rest of the community to take part in the demolition of the walls *(ligonizare et deponere)*. A commission was set up to decide any boundary disputes and the lords promise to come and live here and extend the *comunantia* to the inhabitants of six neighbouring settlements who are also encouraged to move with the provision of building spots. This agreement claimed to replicate that made at Ripatransone and may also have been influenced by the charter issued by Maria at Marano, who was a relative. This was not a repudiation of an existing lordship but it was a notable transformation. The lords give up their jurisdiction and converted most services expected into a money rent in return for the return of a third of the resident's land, a commune was established to run the settlement over which one of them or their family would serve as *podestà* following election by the general council.[159] Here we can detect an abstraction and monetisation of this local lordship which is explicitly connected to the increasing social focus of the *platea* where the market assembly is also to be held. Expanding and surrounding this space with walls was closely associated with this change. Yet this document presents the urban ambitions of the *secondo incastellamento* as a

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[159] ASF, *pergamen*e, no. 1817, Hubert. For transcription see Tomei, 'Genesi', 129–415, Appendix, doc. 15, p 253-6 (1223). A similar process is observable in Amandola where inhabitants of five existing *castelli* are granted privileges in return for settling around an expanded *castrum vetulus:* CDA*, doc. 33, p. 27-29. (1249).

process of ordered consensus. In other cases, the expansion of the walls could be a more piecemeal and fluid process.

At Cingoli a settlement known as the *castrum vetus* is gradually linked with a *castrum novum* at some point in the thirteenth century. This process has been studied by Francesca Bartolacci, who emphasises a piecemeal process of settlement which led to the combination of the two centres.[160] The castle commune took an active role in this process, as is shown in a document of 1232 when the bishop of Osimo visited the *plebs* and ceded to the commune in emphyteusis the existing houses and twelve new building plots (*spalatia*) situated along a *via communalis*.[161] A gradual process of enclosure enhanced the significance of this main thoroughfare, later known as the *strata maiora,* it led to the *platea communis* and marketplace at the peak of the *castrum vetus*. The social significance of this space grew: it became the site of new churches and the houses of local elites.[162] The enclosure of the settlement in expanded walls was probably completed between 1232-1262 and this expansion was not associated with the rise of the commune, first documented in the 1150s.[163] Cingoli's commune was active and autonomous, formed around several monastic and episcopal estates with a notable distinction from the authority of the bishop

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[160] Francesca Bartolacci, *Di uomini e di pietre,* 82-3 and Francesca Bartolacci, 'Cingoli nel XIV secolo: una proposta di ricostruzione topografica tra informatica e storia', *Studi Maceratesi*, 47 (2011). The nearby monastery of *S. Salvatore colle bianco* was also furnished with building spots in 1187: ASC *pergamene* n. 2.

[161] *ASC pergamene* n. 11 and 12*.* In the following years 1235, 1236, 1239 documents at Cingoli record rent payments of 20 s. to the bishop via a priest for what are likely the same *spalatia: ASC pergamene* n. 13, 16 and 17. Francesca Bartolacci, 'Cingoli nel XIV secolo', 193-208.

[162] Bartolacci, *Di uomini e di pietre*, 90-91.

[163] Bartolacci, *Di uomini e di pietre*, 84-5.

and city commune at Osimo.[164] It appears that the construction of the walls reflects the diffuse

and consensual authority expressed by the commune. In the late thirteenth century,

representatives of the commune called an assembly to reassert 'public' i.e communal rights to

the castle walls and its surroundings, by walking the perimeter and recording all the residents

"who held next to the public land". This document reasserts the walls as collective property and

suggests a piecemeal process of change. This late document indicates a wall generally considered

common property but conjoined with strips owned by named individuals and encroached upon

by the houses of many residents. A sense of the wall as a point of long-term continuity is also

suggested by reference to the ancient *murum saracenum,* possibly remains of a Roman

settlement.[165]

This piecemeal and often contradictory sense of ownership associated with town walls can be

found in much earlier evidence elsewhere in the central Marche. A particularly illustrative

example comes from Macerata around 1170 in a pact drawn up for a woman named Carlaxiola

and her son Venanzio, this reaffirms her dowry property which included part of a wall and a

space inside the castle perimeter shared in *comune* with two other men. It states that this portion

had been given to her in replacement for some services (*bono servitio)* the same men had once

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[164] See Francesca Bartolacci, 'Nascita ed evoluzione di un castrum. Cingoli tra XII e XIII secolo', in *Storia di Bonfilio. Un monaco-vescovo alla prima crociata*, (Spoleto, 2017), 87–110, 96 and 109. The nearby monastery of S. Salvatore colle Bianco was also furnished with building spots in 1187: ASC, *pergamene* n. 2. For reference to the bishop's *domus* see ASC *pergamene* n. 13. (1227).

[165] Luigi Colini Baldeschi, *Il riordinamento dell'antico archivio di Cingoli e la sua importanza storica* (Cingoli, 1909), doc. 7, p. 5-54 (1292). For *murum saracenum*: Bartolacci, *Di uomini*, 84-5.

owed to her.[166] Carlaxiola's document reveals a complicated interplay between collective

ownership, formed through shared construction of buildings alongside a transfer of customary

obligations reified and commuted into property rights. This is a most revealing document which

suggests how the material structure of the walls and the process of negotiating and documenting

these arrangements came to encapsulate the tension between privatised interests and collective

endeavour and between monetary transactions and personal obligations which characterised this

small-scale civic culture.

Finally, I turn to one more consequence of expanding walls, their role in shaping and reordering

the routes and pathways of both quotidian and processional movement. As is well known, the

ordered movement of procession and civic ritual came to occupy an important role in

establishing and maintaining civic government in the twelfth century. as those aspiring to civic

leadership engaged in a dialogue with the desires and devotion of the inhabitants and subjects of

each new town.[167] Patron saints' cults in larger cities gained a new political centrality in the late

twelfth century becoming associated with the commune in both tension and co-operation with

the diocesan church.[168] By the thirteenth century a similar process is visible in certain new towns

as outlined in detail in the text of their late medieval statutes. At S. Vittoria in Matenano we can

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[166] *Infra castrum donamus tibi mediaetatem de uno muro cum omni sis pertinentis cum platea sicut*
constitutem est ab hominibus a communo quod murum iacet inter hos fines…a capite carbonaria, a pede
viam, ab uno latere murum p… iohannis ab alio latere murum ugonis Actonis morelli et hec omnia
donamus in dote: Fiastra II, 154, p. 243 (1170-1197). Venanzio continues to be identified with a
matronym and makes two sales of rural land: *Fiastra* III, doc. 119, p. 162 (1211) and 153, p. 208 (1213).
For a similar arrangement: *Fiastra* III, doc. 113, p. 154-5 (1211).

[167] Thompson, *Cities of God,* 150-153. Wickham, *Medieval Rome ,*342-5, 383.

[168] Webb, *Patrons and Defenders,*1-33.

see an early precedent for this, A list of provisions for the patron's feast dated to 1199 shows it was an occasion for payment of variegated household renders and contributions to the liturgical performance illustrating the distinctions, privileges and obligations of those living in the castle and its surroundings.[169] Late-medieval town statutes record the evolution of this process, celebration of the martyr's birth and *translatio* was led by the two civic leaders, the *podestà* and prior (both of which are elected by the commune) and a *pallium* of silk or wax votive, followed in order by the merchants, builders, artisans/makers, carpenters, cloth makers, builders, millers, taverners, workers and shepherd as a diversity of interests coalesce beneath an idealised processional order.[170] The role of walls in this process is observable at Cingoli where the establishment of local martyr Esuperanzio as civic patron, was closely followed by the construction of a new church dedicated to the saint by the gates of the *castrum novum* in the early thirteenth century, coinciding with the composition of the saint's life which reimagined the Roman past at Cingoli while placing the saint's death and burial within this specific urban context, indicating his place of burial beside the *porta montana* gates.[171] This open reference to

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[169] Colucci, *Delle Antichità Picene*, Volume 19, doc. 17, p 52-53 (1199).

[170] Manuscript statutes of S. Vittoria from 1446: BL Egerton MS 2198, the text is written on vellum with signs of an erased earlier version. This list is reproduced in printed statutes from 1618: Santa Vittoria in Matenano, *Volumen Statutorum, ac municipalium legum Universitatis, et hominum Ecclesiasticae Terrae Sanctae Victoriae,* (Macerata, 1618), 3. For election of prior and podestà: 1. For complexity that lay beneath the symbolic order of procession: Miri Rubin, 'Small Groups: Identity and Solidarity in the Late Middle Ages', in *Enterprise and Individuals in Fifteenth-Century England*, (Gloucester, 1991), 132–50, passim.

[171] The text of this *vita* identifies Esuperanzio as a local figure. A prototype for the *vita* has been recognised in the life of Esuperanzio of Spoleto, itself an adaptation of a much older text — The fifth century *passio* of two milanese martyrs: Nazario and Celso. This much earlier text is modified to give a particular local context recounting an imagining of early christianity at Cingoli. The *vita* is preserved in at

the contemporary wall was an invention of tradition, reinforcing the patrons' relationship with the walls as a second small church was dedicated Esuperanzio on this spot by the main thoroughfare.[172] During this period, the priory of Esuperanzio became a focus of collective identity, as the commune asserted its independence from the city and bishop of Osimo. Indeed, when the gates were repaired following war with Emperor Frederick II, an image of the saint and protector was painted onto the castle walls.[173] Thus walls shaped the routes of procession which in turn sacralised the walls as the embodiment of the commune and the patron's distinctly local power.

It is clear from this survey of regional documents that building walls were frequently a matter of negotiation, they were barriers and expressions of power, but their construction and maintenance often saw inhabitants take a more visible role in maintaining the physical boundaries of a

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Macerata in 4 folios in gothic script. Macerata ASM, Ms. 708 *S. Exuperantii legenda del Sec. XIII*. The second text in 12 folios in pure gothic script *de vita et morte sancti Esuperantii*. For critical evaluation of the manuscripts: Serafino Prete, 'La Vita S. Exuperantii. Annotazioni storico-critiche', in *Cingoli dalle origini al secolo XVI. Contributi e ricerche*, (Macerata, 1986), 177–86. For the legend of S. Nazario and Celso see *BHL* 6039-6050.

[172] Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition*, (Cambridge, 2012).

[173] Luigi Colini Baldeschi, *Statuti del Comune di Cingoli*. Secoli XIV, XV, XVI, (Cingoli, 1904), 2. There were certainly earlier versions of these statutes dating to the twelfth century and the 14th century manuscript was compiled on parchment scraped of an earlier version. See Francesca Bartolacci, 'Ut in summa quiete persistant: Redazioni statutarie e produzione normativa a Cingoli tra XIV e XV secolo', in *La confection des statuts dans les sociétés méditerranéennes de l'Occident (xiie-xve siècle) : Statuts, écritures et pratiques sociales - I*, ed. by Didier Lett, Histoire ancienne et médiévale (Paris, 2019), 41–57, note. 12. This practice of painting patrons on walls was common to many larger Italian towns: Webb, *Patrons and Defenders*, 124.

settlement. Several factors may explain this increase in negotiation over walls, one may be an increasing use of stone which required greater expense and associated planning. It is hard to ignore the defensive dimension of such stone walls, but in their construction, we also see a process of collective management that sought to regulate access to spaces within. Larger walled perimeters were frequently derived from local initiative or involved concerted efforts and negotiations to reorganise local authority on urban models. The expansion of walls is thus connected to the broader argument in this chapter surrounding the significance of mobility in transforming lordship in the twelfth century. Franchise charters encouraged walls and settlement within them and negotiation around walls is most visible in settlements which converged around a shared open space. It is worth here remembering that in an agricultural society the presence and labour of peasants was the most important resource, essential to elite survival and prosperity, thus attracting or retaining settlers played a pivotal role in plans for construction by both lords and wider communities. Individual agency played a role in this process, peasants moved, sometimes no doubt, through desperation and coercion, though also by incentive and for better land and conditions. I have tried to show here how this agency influenced the construction of larger centres in the twelfth century. In the fewer larger *castelli*, particularly in those following the second model, we can detect an increasing focus on shared open space surrounded by dwellings and churches as a location of governing assemblies. The spread of rural communes was related not only to urban models but to the utility of intramural space for commercial exchange and dispute resolution. Legal change, charisma and architectural intervention all played a role in the judicial assemblies which helped to shape the *platea* and to which I shall now turn.

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Space for publicity: building, judicial assembly and institutional formation

When Peter Damian wrote to Waldericus, bishop of Fermo in 1062, he answered a question posed by Waldericus as to whether bishops should take up arms against those who seized and invaded church property. Damian responded in the negative after sharing an anecdote about an abbot who sent a parade of unarmed monks into battle to beguile a secular prince. He concludes that disputes over church land should be left to secular courts or the rulings of church councils, to be resolved by tribunals of judges or bishops rather than the sin of battle.[174] In this letter, Damian outlines his views on the distinctive spheres of *sacerdotium* and *imperium,* with acts of physical violence reserved for the latter.[175] Damian's writing reflects a time in the 1060s when Pope Leo IX and Emperor Henry III worked together on friendly terms, it presents a vision of dual and distinctive authorities that sits at odds with the reality of some Italian bishops, such as

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[174] MGH, *Briefe der. Deutschen Kaiserzei Die Briefe des Petrus Damiani, 4,2, no. 87, p. 514.* Damian*, Letters*, Edited by Owen J. Blum, III, Volume 3, no. 87, p. 308. For judgement regarding land usurped from the bishop in 1047 : *RegFirm*, doc. 5, p. 303 (1047). Fiore states that this letter makes no mention of public tribunals, though *tribunalis iudicum* might be considered as such. Fiore, *The Seigneurial Transformation*, 6.

[175] For further outline of Damian's position : *Damian, Letters, Edited by Owen J. Blum, III,* Volume 3, no. 144 (1065).

Waldericus who ruled the territory of the diocese as both archpriest and territorial lord.[176] This combination of authorities made bishops particularly powerful figures. Concurrently, this letter suggests a bishop questioning the legitimacy of their own dual authority. It is a reminder that, even in an era of functioning royal power, concerns about the nature of episcopal authority were high on the mind of prelates in the Marche.

This letter's concerns about the secular authority of bishops provides a nuance to the documents in the episcopal cartulary which record the transactions of this bishop in the late-eleventh century. Waldericus both consolidated and experimented with new forms of territorial authority which were connected to efforts to build and renovate churches across the diocese. Waldericus combined his spiritual jurisdiction with the secular authority of the count and claimed rights to hold his own courts[177] We hear about these court rights only as they were given away, delegated in part, to the inhabitants of a new town on a hill by the mouth of the Chienti river, whose name, Civitanova, reveals its urban ambitions. In later agreements which claimed to follow the grant at Civitanova, we learn that the bishop protected the rights of the inhabitants over a bounded territory and promised that neither he nor his officials would hold courts (*placitum)* within the walls of Civitanova while reserving the right to judge certain 'high crimes' in his court. These charters can be seen as but one stage in a process of negotiation between territorial lords and

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[176] For bishops and the long-term ambiguity between spiritual and lay authority : Sarah Hamilton, 'Inquiring into Adultery and Other Wicked Deeds: Episcopal Justice in Tenth- and Early Eleventh-Century Italy', *Viator*, 41/2 (2010), 21–43, 21-43.

[177] Comital authority of the bishop seems to have strengthened during the episcopate of Bishop Uberto who was son of a Count Theobald. *RegFirm*, doc. 2, p. 208 (1010), Cardulli, 'Architettura sacra nella Marka', 14-16.

local communities that was, in part, a response to the questions posed to Damian as to how secular and sacred authority could safely coexist. The franchises were by no means a repudiation of episcopal authority, but they do indicate the beginnings of a long transformation. These agreements probably recognised the customs and collective identities of existing rural communities, they also represented a formalisation of local courts and a new territorial jurisdiction linked directly to the open space within a walled perimeter, constructed by inhabitants from several smaller settlements.[178]

This chapter argues that the consolidation of larger walled settlements contributed to the legitimisation of informal dispute resolution in the central Marche during the first half of the twelfth century. I examine the role of performance and ritual in the episcopal *placita* held in the diocese of Fermo during the first half of the twelfth century and as these courts were taken over by castle communes, I suggest ways in which this process related to the walls and space of each settlement. From 1150 the built environment within larger rural centres becomes increasingly documented, illustrating how building and property rights condensed and fuelled further disputing realised in an emerging assembly focused public sphere based around a demarcated open space. The language of the commune was one of unanimity and collective assent. It was a

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[178] This charter is lost but is regularly cited as the blueprint for subsequent franchise charters. Tomei sought to reconstruct the text of the Civitanova prototype by analysis of the extant charters: Tomei, 'Genesi', 129–415. A late medieval court case indicates that Civitanova was formed from several neighbouring settlements: Castignani and Cicconi, 'Montecosaro e S. Maria di Chienti nei documenti dei secoli XIV - XV', 685–812,728. ACMC, fasc. n.1, *Iura diversa inter Comunitates Montis Causarii et Civitatis Novae* - 1446, f. 49.

form of authority fuelled by assemblies, which in the Marche were shaped by the dynamics of space.

As rural communes gained local autonomy in the later twelfth century, sometimes through a process of conflict with territorial lordships, we can detect how ritual affirmed the authority of communal assemblies. As Chris Wickham has outlined using evidence from Pisa, a focus on ritual was integral to the appeal and utility of Roman law - the increasing complexity of legal proceedings and the intricacy of action served to enhance the finality of the outcome through a drama of ritual comparable with that of the liturgy.[179] Space mattered to how these rituals were perceived and judicial assemblies engaged in complex interaction with both shared 'public' space and private dwellings, as both communes and ecclesiastical lords sought to define a distinctive form of authority. In the third section, I address how the gradual adoption of ritual derived from Roman law enhanced the personal and spatial influence of judicial experts. This will frame the final section where I consider closely the relationship between medieval concepts of publicity and the social power exercised through buildings which sought to frame and host courts and, by doing so, acquire influence over the assembly focused institution of the commune. All this serves to emphasise the central argument that legal change and institutional formation are intrinsically connected to the use and construction of buildings and may be fruitfully analysed with close attention to the material space which they shape and inhabit.

This chapter is concerned with judicial assemblies held outside the framework of royal or 'public' courts and so I will not address the few surviving *placita* records from the Marche. A

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[179] Wickham, *Courts and Conflict*, 164-6.

description of the last *placitum* assembly recorded in the region will suffice to frame the role of the *placitum* in the exercise of central authority in Italy and the significance of place in this process. Fewer records of *placitum* assemblies are part of an established historical narrative concerning the collapse of public power derived from Carolingian royal precedents.[180] The place chosen for the *placitum* also reveals the changing qualities of central authority; Francois Bougard observed a shift in the location of *placitum* assemblies, noting fewer held in cities and more in rural locations, this he saw as illustrative of a transitory authority exercised by kings and emperors with a predominantly military focus.[181] The *placitum* assemblies from the Marche certainly follow this trend.[182] The last *placitum* was recorded in 1094 and was presided over by a count, named Bernard, acting as *missus* of Margrave Werner of the *Guarnieri* [183] Evidence of this Margrave's presence is spread rather thinly, with only two surviving *placitum* issued during his reign, both before 1100 at which point *placitum* records dramatically decline.[184] The

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[180] Hagen Keller, 'I placiti nella storiografia degli ultimi cento anni', in *Fonti medioevali e problematica storiografica*, (Rome, 1976), I, 41–68, 41-68, Chris Wickham, 'Justice in the Kingdom of Italy in the Eleventh Century', in *La giustizia nell'alto Medioevo, secoli IX-XI*, (Spoleto, 1997), 179–255, 179-185. For the process of the *placitum* : François Bougard, *La justice dans le royaume d'Italie de la fin du VIIIe siècle au début du XIe siècle*, (Rome, 1995), CCXCI, 119-137.

[181] Bougard, *La justice*, 277-288. David Foote, *Lordship, Reform, and the Development of Civil Society in Medieval Italy: The Bishopric of Orvieto, 1100-1250*, (Notre Dame, 2004), 27.

[182] The last royal *placitum* occurs in 1046 held by Emperor Henry III: Manaresi, *i placiti,* III, doc. 377. p. 161 (1046). For Pope Victor II as Margrave: Maneresi *i placiti* III, doc. 403, p. 234-6 and doc. 404, p. 237-8. For context : Robinson, *Henry IV of Germany 1056-1106*, 25. Duke Godfrey of Lorraine hosts another *placitum* in Ascoli: Savini, *Il cartulario della chiesa Teramana*, doc. 19, p. 42-43 (1064).

[183] Manaresi, *I placiti*, III, doc. 44, p. 425 (1094).

[184] For the political context surrounding this agreement : Ettore Baldetti, 'Interazioni precomunali fra ecclesia ed imperium nel "Codice di San Gaudenzio"', *Atti e Memorie (Marche)*, 108 (2013), 95–138, 98-102. The other surviving placitum under Wener is here: RF V, doc. 1213 and 1214, p. 204-6 (1099-1119)

authority of the margrave was extensive, but transitory, subject to papal censure and at times in open conflict with ecclesiastical lords such as the bishop of Fermo.[185]

Held outside the city, in Bernard's *villa*, this final *placitum* nevertheless provides a sense of the new forms of legal practice gestating in larger urban centres. The count heard the case with consultation from a group of *causidicis*, a *iudex* from Senigallia and two legal experts (*legis doctii);* the first, Rusticus, was a figure identified with the law school at Bologna and another otherwise unknown *legis doctus* named Stephen, a *cives* of Ancona. These two figures, appearing among a larger group of regional elites, hint at a world of urban legal practice, influenced by practice in Ravenna and Bologna.[186] This case was kept as it went in favour of the monastery of Fonte Avellana and judgement was issued *in absentia* after one of the parties had not turned up in court. This was a common outcome in later *placitum*, and though the assembly still seemed to function as a meeting point for the affirmation of regional elites, in this document we get a sense that the legal expertise from the city was a considerable aid to the presiding comital authority.[187]

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[185] Fiore, *Signori e sudditi*, 49-42. Fiore, *The Seigneurial Transformation*, 21-22. See also CFA doc. 2, 205, 224, p. 64. War with Bishop in 1130: LF I doc. 80, p. 172-173.

[186] For Rusticus and links to Bologna and to the March of Tuscany : Corrado Ricci, *I primordi dello Studio di Bologna: Ercole Gonzaga allo Studio bolognese, Origini dello Studio revennate, Dante allo Studio di Ravenna, ecc* (1888), 19-21. The workings of urban justice are largely undocumented in the twelfth-century Marche. Evidence of Roman law is found in the late twelfth century and in the thirteenth century there are much stronger links with Bologna.

[187] For contumacy as a sign of weakness see Jean-Pierre Delumeau, 'L'exercice de la justice dans le Comté d'Arezzo (IXe-début XIIIe siècle)', *Mélanges de l'école française de Rome*, 90/2 (1978), 563–605, 593-4

Mention or reference consensual comital court from 1019: *RF* III doc. 458, p. 170 (1019). For discussion: Fiore, *Signori e sudditi*, 79-81

Following the decline of the *placitum*, Italian judicial records become scarce until the mid-twelfth century. When systematic records of court proceedings start to reappear if not ecclesiastical disputes then they are frequently produced by urban or castle-based judges and notaries. This shift in legal practice is already well-studied and an established part of the historiography of Italian communes.[188] In the new towns of the Marche we can see this shift occurring as new physical boundaries were built and public space demarcarted, illustrating how this process of change interacted with an emerging built environment and helped shape a local public sphere.

The *placitum* was a widely attended social event that gains its efficacy from the temporary social arena which it set in motion.[189] The Margrave continued to hold courts, though without the survival of formal *placitum* documents which serve historians as an indication of central power. It is probable that the shift in documentary practice did accord with changes on the ground and a greater reliance on local affirmations of authority.[190] Nuancing this process, Chris Wickham has emphasised that the coexistence of formal, ritualised hearings which interacted with a parallel processes of informal mediatory assemblies, both with the similar aim of producing peace or accord, an essential component of medieval justice.[191] During the eleventh century, bishops

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[188] Wickham, *Courts and Conflict*, Massimo Vallerani, *Medieval Public Justice*, (Washington, DC, 2012), passim.

[189] For exmple *concursus populorum clamantium et lege acciperent.* From placitum held by Imperial misss: RF III, doc. 423, p. (998) 12, 191-200.

[190] Fiore well illustrates this process and its performance: Fiore, 'Refiguring', 38-41.

[191] Wickham, *Courts and Conflict*, 7-8. Chris Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton, 2015), 60-65.

gradually took over aspects of public power in the central Marche and held their own *placitum*,
this was gradually and partially delegated to or taken over by rural and city communes as
bishop's reinterpreted their spiritual authority.[192] I aim to show how the gradual legitimisation of
informal judicial practice was conditioned by the space in which it was held and so developed in
dialogue with the open spaces found in larger *castelli* such as Civitanova.

The limits of the episcopal placitum: walls, oaths and the formalisation of disputing in Fermo,
1070-1160

Rituals played a pivotal role in reinforcing the legitimacy of territorial lords, a practice that
gained new relevance in the political instability that followed the Investiture crisis. Recent work
by Alessio Fiore outlines the sphere of negotiation surrounding a collective oath known as the
sacramentum. This oath was performed in periodic assemblies when a lord and their retinue
reached a negotiated agreement of custom, confirmed by a small group of jurors acting as
representatives of that community.[193] There is no doubt that place, space and audience played a
role in these negotiations. Did the oaths take place in the cathedral, the episcopal palace or did

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[192] For episcopal authority in Ascoli: Cameli, *La chiesa scritta* and Giuliano Pinto, 'Ascoli e il suo
territorio', in *Istituzioni e statuti comunali nella Marca d'Ancona. Dalle origini alla maturità (secoli XI-
XIV)*, ed. by Virginio Villani (Ancona, 2007), 2.2, 301–40. Grant of *placitum* rights to Bishop of Ascoli
inside and outside the city in 1113 QAP Tom.II, doc. 123, p. 632. Ughelli I*talia Sacra* I, coll, 451-453. In
Osimo Pirani, 'Osimo nei secoli XI-XII', 57–86, passim. and Elisabetta Archetti Giampaolini,
Aristocrazia e chiese nella Marca del centro-nord tra IX e XI secolo, (Rome, 1987). For bishop of
Camerino and Attoni counts: Jasper, 'Mapping a Monastic Network', 115-119. For comital rights of
Fermo bishops: Cardulli, 'Architettura sacra nella Marka', 14.

[193] Fiore, *The Seigneurial Transformation*, 199-207

the lord and their retinue travel and stay in a subject community performing the oath in front of local people? These are important variables, which are not always easy to discern. Fiore suggests that the ritual framework of this ceremony was inherited directly from the *placitum* ceremony characteristic of public justice, and was in turn connected to the oral negotiation and affirmation of custom expressed in franchise charters.[194] Fiore suggests that jurors who made the *sacramentum* came from the middle-upper strata of local society, generally wealthier peasant landowners (not usually the *milites)* emphasising the role of local knowledge that was essential to this process.[195] As such, there are probably strong links between the ritual of the *placitum,* the practice of dispute resolution and the negotiations and ceremony culminating in the *sacramentum* oath. The franchise charters issued to Civitanova, Macerata, Montesanto and Montolmo between 1070-1137 each promised that no *placitum* would be held by the bishop or his successors within the walls of the settlement, concerning anyone living or staying there. Instead, those considered to be guilty of 'high crimes' (theft, homicide, or incestuous adultery) judged by a group known as the *consulatu de consulibus* were to be sent to the bishop or his agents.[196] This document signals that the bishop had either agreed or planned to delegate these assemblies to a group chosen as leaders of the community and the text paid careful attention to what was permitted within the bounded space of the settlement walls. There are two points to bear in mind when considering the significance of this decision.

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[194] Fiore, *The Seigneurial Transformation*, 204 and 215-220.

[195] Fiore, *The Seigneurial Transformation*, 210. Renegotiation of collective identities: 213-14. Wickham, *Community*, 243-53.

[196] LF II, doc. 206, p. 385 (1128).

Firstly, the bishop's *placitum* was not restricted to the cathedral city and was frequently held in settlements across the diocese. This was an event which relied in part for its efficacy on local participants and spectators. This is suggested in a list of seigneurial obligations from inhabitants of *Podio S. Giuliano* which illustrates the occasion of the episcopal court: certain households are expected to provide beds and hospitality for *boni homines* attending the court, (some are expected to host and feed and provide beds to guests, others merely provide beds) but not for the court, suggesting other retainers or attendants.[197] Hospitality of this sort was frequently considered as an expression of hierarchy or an act of subjection that the host might contest or resent.[198] It may be that this hosting was something that existed between a burden and a privilege, and so these arrangements may hint at the internal hierarchy of the settlement and links of friendship and status that determined who stayed where.[199] However, not all elite residents hosted the court - Grimaldo di Atto, the lord of neighbouring Macerata, gave two pork shoulders and no other services. These provisions for the court illustrate the role of the judicial assembly as a ritual statement of the bishop's secular authority which coincided with the provision of meals, which although may have been convivial but were also markers of service. The franchise charter seems to have curtailed these expectations for provisioning the bishop's court, at least within the

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[197] LF I, doc. 31, p. 56 (undated).

[198] For the ritual component of meals in Tuscany: Wickham, *Courts and Conflict*, 281.

[199] For community organisation and provision of hosting and *amcitias*, see Fiore, *Signori e sudditi*, 249-50 and Provero, *Le parole dei sudditi*, XVII.

walls.[200] This document was compiled at an uncertain date, probably before 1116.[201] The

negotiation of a franchise charter may have altered these obligations of hospitality as it changed

the court: the bishop probably continued to visit as part of a liturgical itinerary and certainly

continued to expect symbolic payments at Fermo on high holidays, yet he no longer participated

in the judicial rituals of the *placitum* inside the walls.[202] The nature of episcopal authority was

shifting, ceasing to be involved in the performance of the *placitum* and the quotidian rural

disputes that presumably occupied much of the court's time.

Secondly, there were other ways of resolving disputes outside the episcopal courts, informal

disputing was certainly a regular part of rural life with its own rituals and customary procedures.

The sparse evidence for informal disputing in Italy between 1050 and 1180 suggests a fluid and

evolving practice that had particular significance for the development of urban communal

courts.[203] The fragmentary and incidental documentary evidence from the Marche certainly fits

this wider picture. Much of the evidence for informal disputing comes from documents which

appear to have a different purpose, for as Wendy Davies observed in Iberia, charters could form

part of ritualised assemblies that publicised agreements as part of ongoing negotiations over

rights to goods and land.[204] A single charter often formed part of a process of assembly attended

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[200] For comparable episcopal courts, useful evidence is found in Arezzo : Delumeau, 'L'exercice de la justice dans le Comté d'Arezzo', 578-590.

[201] I would place this document earlier than the date of 1138 offered by Delio Pacini because of the provision against *placitum* in 1116.

[202] List of *amicita* expected from *castelli*: LF I, doc. 30, p. 53 (circa 1178).

[203] Wickham, 'Justice in the Kingdom of Italy', 179–255, 208-12. Wickham, *Sleepwalking*, 89 and 28. Wickham, *Courts and Conflict*, 178-181.

[204] Wendy Davies, *Windows on Justice in Northern Iberia: 800-1000* (London, 2016), 130-40, 204-231.

by numerous actors beyond those recorded as witnesses. Lay documents found in the Fiastra archive suggest varied and evolving local traditions, in which loose and varied groups of *boni homines* assembled to judge disputes and witness links between family groups, such as when six *boni homines* confirmed the transfer of a field producing five *staria* on behalf of Giso Vecchio as a dowry for his sweetest and most beloved daughter, Pogese.[205] A long memory was probably a valuable asset to the business of these assemblies, as suggested in 1160 when an informal dispute between S. Croce and a neighbour is resolved by the arbitration of *boni antiqui homines,* suggesting decision-making and land rights mediated by local collective memory.[206] Women also played an important role in remembering and regulating rights to land, for example in a sale made by three members of a *consortia* to Fiastra in 1188, Prudentia, mother of the donor, and the wives of two brothers provide a guarantee against dispute of the sale, it may be that their dowries were part of the sale, but this document also speaks to Prudentia's social standing within the kin group.[207] These documents hint at a shifting body of local knowledge, represented by different people, who might be called upon to judge, witness and remember divisions of land.

I wish to draw attention to the space in which these documents were produced and how they were then reused. The evidence is sparse but suggests how a single document might be produced

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[205] *Fiastra* I, doc. 120, p. 210 (1167), doc. 177, p. 289 (1177), doc. 150, p. 253 (1172), doc. 105, p. 187 (1163), A *finis* docs specifying judgement by *boni homines*: doc. 123, p. 214 (1167). Sales witnessed by *boni homines*: *Fiastra* I, doc. 118, 119, p. 207-9 (1166). Dispute concerning seigneurial obligations: *Fiastra* I, doc. 54, p. 112 (1147), doc. 65, p. 130 (1152), doc. 84, p. 160 (1157), doc. 121, p. 212 (1167), a later dispute regarding *platea* at Montegranaro: *Fiastra* II, doc. 136, p. 217 (1196).

[206] *Fiastra* I, doc. 92, p. 169-71 (1160).

[207] *Fiastra* II, doc. 77 and 78, p. 115-8 (1188).

and reused in multiple assemblies. Fiastra's single parchments sometimes retain notes inscribed on the back of charters which record the reuse of documents in subsequent assemblies. For example, on the reverse of a *pro anima* gift to Fiastra, writing in another slightly later hand, recorded a group assembled next to the church of St. Peter in Culmurano, in the presence of several others including three sisters and the donor's mother.[208] This reminds us that many more actors might be involved in negotiating and witnessing a transaction than those recorded in witness lists and that these agreements were brought out and reused as part of a protracted process of assembly, negotiation and demarcation of space. The many events that might surround a document are also suggested in an unusually descriptive clause in a land deal made in 1054 near Civitanova which describes how four judges, an archpriest, a priest, a deacon and three *boni homines* all walked the boundaries and among themselves estimated the extent of the land in question.[209] Priests were elsewhere consulted to resolve local disputes.[210] It is probable that many disputes were directed to urban centres and the courts of regional authorities, but this must have posed logistical problems in the Marche where cities were few and far between, and so many disputes were probably resolved locally.[211] The document from Fiastra give a fragmentary view

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[208] *Fiastra* I, doc. 88 p. 165-6. (1157).

[209] LF III, doc. 365, p. 662 (1042).

[210] Role of priests in disputing: *Fiastra* III, doc. 24, p. 34 (1204).

[211] Seigneurial justice with appeal to imperial court: *Fiastra* I, doc. 8, 23-6. (1077) Dispute regarding disturbances in Villamagna drawn up by city notary in Osimo: *Fiastra* I, doc. 2, p. 8 (1036). See page 23-4 on dating and authenticity. Further informal dispute: Colucci, *Delle Antichità Picene*, volume IV, Appendix, doc, 5, p. 10. (1144), *Fiastra* I, doc. 159, p. 267 (1174).

into the assemblies which continued alongside seigneurial or urban justice and which gradually began to focus on areas within *castelli*.

Considering these two points, the franchise charters issued in Fermo represent a curtailing of certain ritual components of the bishop's lordship and a tacit legitimation of local *consules*, who, it is implied, were involved in informal dispute resolution outside the ceremony of the episcopal *placitum*. It is hard to determine how procedures of informal disputing interacted with the repudiated procedures of episcopal justice, rituals may have been replicated or symbolically rejected. In any case, this transition and transformation of informal practices was closely linked to the bounded space outlined in the charters. Indeed, when a second charter was issued in 1128 to recognise the joining of *Podio S. Giuliano* with neighbouring *Macerata noviter*, the prohibition on episcopal *placitum* is reiterated to include the perimeter walls of both settlements, newly joined together, and a statement is added that no offence should be submitted to the judgement of the bishop or his officials except the same 'high crimes'.[212]

The construction of the lowland church of S. Claudio al Chienti (Figure 12) might also have had some bearing on the bishop's *placitum*. Built in the eleventh century, probably by Bishop Waldericus, this church contained a vaulted second-floor audience chamber following a model of a Germanic episcopal *palatium*, with an adjacent episcopal *domus* in evidence by the thirteenth century.[213] It is possible that episcopal courts were held here instead. In any case, franchise

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[212] LF I, doc. 177, p. 142 (1128). Tomei dates this agreement to 1128 rather than 1138 based on the indiction: Tomei, 'Genesi', 129–415, 238.

[213] Cardulli, 'Architettura sacra nella Marka', 81-90 and Hildegard Sahler, *San Claudio al Chienti e le chiese romaniche a croce greca iscritta nelle Marche*, (Ascoli Piceno, 2006), 61.

charters delegating court rights continued to be issued to surrounding centres which were interventions in an existing process of assemblies and ceremonial oaths.[214] These charters imply that some residents saw the performance of the bishop's *placitum* as undesirable and that judicial rights were bound up with negotiations over the expansion of the walls.

Figure 12: S. Claudio al Chienti, Casale, S. Claudio, Province of Macerata. The two towers were added after 1232 (Image credit: www.iluoghidelsilenzio.it).

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[214] For the role of collective oaths in rural and city communes: Wickham, *Community*, 102.

As settlements expanded so too did the judicial autonomy of local elites, who increasingly felt empowered to act for the entire community. It may be that the jurors who previously led the collective oaths of loyalty to the bishop overlap with the group of consules delegated with disputing rights in Fermo castelli. This is made explicit in a later charter issued at Montalbaddo in Osimo where the consules are asked to take an oath to obey a list of statutes in honour of the lord (here the archbishop of Ravenna).[215] The role of the *consul* is often conflated with the more generic grouping of *boni homines*. For example, the franchise charter issued to Montesanto in 1128 notes that the *consilium consulum* was made up of twelve carefully chosen *boni homines*.[216] The term *boni homines* is widely used in different times and places throughout Latin Europe, though more persistently in the South. As Wendy Davies argues 'choosing to describe the actors in judicial or any other process as 'good men' was to endow their activity with a sense of legitimacy and to do so deliberately'.[217] To an extent the term's efficacy was derived from the fact that it was fluid and somewhat vague, its use represents a choice made by notaries to emphasise the legitimacy of those present, this does not necessarily extend to membership of a

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[215] Andrea Menchetti, *Storia di un comune rurale della Marca anconetana (Montalboddo oggi Ostra): la vita castellana e l'organizzazione rurale in Montalboddo su gli statuti del 1366, del 1454 e del 1493*, (Iesi, 1922), doc. 7, p. 121-4 (1194).

[216] *consilio consulum qui pro tempore fuerint vel .XII. bonorum hominum capiam vel capere fatiam studiose* LF I, doc. 167, p, 139 (1128). In the later charter issued in Marano, rights to placitum are reserver for *seniorum et bonorum hominum* Tomei, 'Genesi', 129–415 appendix, doc. 7, p. 236 (1194). Members of one of the families representing Montesanto as consuls in the pact of 1187 also appear among *boni homines* assigned to resolve informal disputes concerning land nearby *Fiastra* I, doc. 177, p. 290 (1177).

[217] Wendy Davies, 'Boni Homines in Northern Iberia: A Particularity That Raises Some General Questions', in *Italy and Early Medieval Europe: Papers for Chris Wickham*, 2018, 60–72, 69.

coherent group, class or office.[218] How the *consules* were chosen is not specified, later the right of a community to freely chose its *consules* was a recurring point of conflict and negotiation, though here it suffices to say that local consent would have made the job less difficult.[219] It is probable that figures identified as *milites* would also be considered *boni homines,* but the two groups are not always synonymous. The consensus produced by irregular oaths may have been fragile and it may be that an essential part of the role of *consul* was the ability to mediate between local militarised elites and the wider community of free and dependent peasants. This is shown in the somewhat later documents from Montalbaddo. A further document drawn up in the same year as the statutes and oath urges all *homines*, who had not made an oath of loyalty or paid services to the archbishop for the last five years to do so, making exceptions from some services to a group of *speciale dominos* who are nevertheless asked to swear to obey the *consules* and statutes.[220] At Montalbaddo, the *consules* may have been close to the Archbishop and local representatives of a territorial lordship, which was certainly powerful but also distant, and perhaps not inclined to pass judgement on cases involving runaway pigs and trampled vines which the statutes took care to regulate. A consequence of the delegation of the *placitum* to castle-based assemblies was the formation of independent frameworks of authority, which began to intervene in relationships between the bishop and his officials.

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[218] This runs contrary to Fiore's suggestion: Fiore, *Signori e sudditi*, 286-9.

[219] Right to elect *consules* granted to inhabitants at Ripatransone: Giammario Borri, *Fermo città egemone. Il dominio vescovile su Ripatransone nel duecento*, (Spoleto, 2012), doc 3, p.7 (1205) and doc. 4, p. 8 (1206). Conflict over election of *consule*s in Lucca and elsewhere : Wickham, *Community*, 96.

[220] Menchetti, *Storia di un comune,* doc. 8, p. 125 (1195).

The castle commune at Macerata increasingly took on a mediatory role between the bishop and his followers. In 1159 a document was drawn up to record the resolution of a dispute between Bishop Baligano (Liberto's successor and former archdeacon) and the children of an episcopal sheriff (*vicedominus*). Uncharacteristically for the *Liber Iurium*, it records a decision that did not go in the bishop's favour.[221] The deceased *vicedominus*, Guarmusa, is unusually well-documented in the cartulary with a local powerbase augmented by episcopal leases upriver from Macerata near the *plebs* of S. Claudio al Chienti.[222] Garmusa was just the sort of episcopal *missus* whose authority was curtailed by the franchise charters made by Baligano's predecessors. The aristocratic bishop Baligano enriched powerful clients who it seems were not afraid to assert their own personalised authority in a fraught political context.[223] Baligano agreed to cede most of Guarmusa's former property to his children, except a vineyard, field and rent from tenants to the value of 8 lbs This case hardly points to a regulated or accountable office, though it does suggest

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[221] *LF* II, doc. 277, p. 507 (1159).

[222] Lease on behalf of Bishop Baligano: LF II, doc. 346, p. 619. (1165). For Guarmusa's as *vicecomitis*: LF I, doc. 280, p 512-513 (1137*).* See also Ravenna parchment which includes a grant by Bishop Baligano of a church in Ravenna to another church of S. Claudio where Guarmusa *vicecomitis* is witness: *Catalani, De ecclesia Firmana,* doc. 27, p. 340 (1154). Land granted to Guarmusa*:* LF II, doc. 292, p. 533-4 (1140), doc. 280, p. 513 (1137), doc. 296, p. 537 (1143), doc. 293, p. 534 (1140), doc. 294. p. 535 (1148). Fiore, *Signori e sudditi*, 369-71. For an original parchment involving Bishop Liberto and witnessed by Guarmusa see *Fiastra* I, doc. 36, p. 81 (1137).

[223] Baligano as son of count Giberto: LF I, doc. 80, p. 172 (1130). Ten years later his three brothers ended a dispute with Bishop Liberto over the castle of Cerqueto, perhaps in the knowledge their brother would succeed as bishop. *LF* I, doc. 34, p. 63 (1143). Further Count Giberto's brother Gentile Adulterino (!) gave his four natural sons to bishop Liberto as vassals and servants: LF II, doc. 217, p. 404 (1141). Before his appointment as bishop Archdeacon Baligano gave all his land near San Giuliano and San Iusto to Bishop Liberto which his brothers had given to him in 1145: *LF* I, doc. 83, p. 178 (1145).

that Baligano sought to limit the inheritance of the patrimony granted to a single official.[224] It

illustrates how local notables might regulate the authority of such powerful clients: the document

of 1159 sought an amicable end to this dispute with the aid of legal advice and negotiation.[225]

The witness list to the resolution included prominent residents of Macerata, some of whom

elsewhere resolve informal disputes.[226] It is doubtful that either party would submit to the court

now established at *Podio S. Giuliano*/Macerata, nevertheless, this document outlines the

mediatory role exercised by castle elites in a period of conflict. Baliganus faced increasing

pressure from the imperial party - in 1165 Frederick Barbarossa gave port and *placitum* rights to

the cathedral canons, undermining the bishop's claims. [227] So, when Baligano leased further land

to new clients in the same year, the documents took care to maintain the liberties of tenants from

Macerata.[228] This dispute and its context hint at how castle-based judicial elites had begun to

exercise a mediatory role between great territorial lords and their officials, perhaps related to a

role in chartered castle courts. We may ask then how the space and buildings of these *castelli*

interacted with local judicial assemblies?

The evidence for the built environment within the Marche's rural centres suggests a gradual

concentration of habitation inside a walled perimeter and the first signs of demarcated open

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[225] LF II, doc. 277, p. 507 (1159).

[226] Members of the *amici* who witness this doc are listed as tenants in LF I. doc. 31, p. 57 (undated, pre-1116). *Iacobus Petri Amici* resolves informal dispute near Macerata: *Fiastra* I, doc. 177, p. 289 (1177). A *Iohannes Amici* acted as consul at Montegranaro circa 1164. It is not clear if all these figures are related.

[227] MGH, DD FI, doc. 440, p. 337-8 (1165). This may indicate papal loyalty.

[228] LF I, doc. 343 and 344, p. 614-6 (1165).

space which might host judicial and market assemblies.[229] There are certain limitations, much disputing remained oral and few informal dispute resolutions from the Marche mention the place of redaction before 1180.[230] When the term *platea* appears in the property documents in the early twelfth century it appears to represent a building plot, shop or courtyard next to a dwelling, showing a division of land within *castelli* and demarcation of plots by landlords and tenants.[231] It is not until 1154 in a long lease for land around Civitanova, that we see the term *in platea* used to designate a central, open space within a *castello*, in this case, next to the intra-mural church of S. Paolo.[232] We know from later assemblies at Civitanova that oak trees remained standing in this space and may have played a role in augmenting the rituals held *in platea.* This follows a wider pattern, an informal dispute held in the castle of S. Ginesio in 1147 took place next to the elm trees beside the transept of the intra-mural *plebs,* adjacent to the space which became the castle's central piazza.[233] Notaries chose to record the trees as the place of assembly and this was something that happened throughout Italy in the twelfth and thirteenth century, in rural

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[229] Roberto Bernacchia, 'Sulla struttura materiale del Castrum marchigiano nei secoli X - XIV', *Castella Marchiae*, 6/7 (2004), 150–65, 14-5.

[230] In contrast castle court cases in the Sabina usually do name a place of redaction, frequently a space outside a church: RF V, doc. 1211, p. 202 (1096), RF III, doc. 508, pg. 219, doc. 494, p. 202 (1014). For informal disputing in the Sabina: Wickham, 'Justice in the Kingdom of Italy, 179–255, 204. For fluidity and experimentation in the *breve* form : Michele Ansani, 'Appunti sui brevia di XI e XII secolo', *Scrineum Rivista*, 4/4 (2006), 107-152-152, 114-6.

[231] At Montesanto: *terra, vinea et molendina, casa et platea et homini predicutm datium: Fiastra* I, doc. 49, p. 105 (1143). At Colmurano: *Fiastra* I, doc. 75. Further refs to *platea*: RF IV, doc. 981 p. 360, LL I doc. 842, p. 393.

[232] *uno stario de terra in platea:* LF III, doc. 380, p. 693, (1154).

[233] Colucci, *Delle Antichità Picene*, volume IV, Appendix, doc, 5, p. 10. (1144). For subsequent assemblies held on a slope beneath the elms : *Fiastra* IV, doc. 35, (1219).

settlements but also urban centres, in both cases usually associated with a church building or the adjacent *platea*.[234] Oaks and elm trees are frequently mentioned as the place where the commune assembled to make collective oaths.[235] There may be a residual association here with wooden structures known as *laubia:* wooden frames surrounded by trees and vines, which served to frame and to shade early medieval *placitum* assemblies.[236] Thus, trees left standing in shared space may have been used to enhance as well as shade local judicial assemblies that were beginning to formalise their legitimacy. The place chosen for judicial assemblies might also be a reflection of changing loyalties and growing local autonomy, the franchise charter at *Podio S. Giuliano/*Macerata was verified outside the *plebs* of S. Giuliano in front of a large crowd, but this space was not to become *platea communis* which developed 300m to the west, around the

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[234] Giandomenico Serra, 'Tracce del culto dell'olmo e del Tiglio nella toponomastica e negli usi civili dell'Italian medioevale', in *Lineamenti di una storia linguistica dell'Italia medioevale* (Naples, 1953), 239–56, 246-259. There are probably many more than those listed here. According to local antiquarians, Montolmo took its name from an elm growing by the central church: Bartolazzi, *Memorie di Montolmo,* 21-22.

[235] Serra, 'Tracce del culto dell'olmo', 246: Oaths and sentences: *iuravent fidelitatiem… sub ulmo ante solarium grassorum omnes quidem iuravent per voluntatem illorum credentia* and p. 247 and *lata est hec sententia in Mirabello coram ecclesiam Beati Vincencii sub ulmo coram testibus infrascriptis.* Thirteenth century oaths of *nuovi castellani* sworn in the *platea* beside the market elms or *Ulmus Mercatalis* in Ostra Vetera: Ettore Baldetti, *Santa Maria di Sitria: fonti scritte di un'abbazia romualdina sull'Appennino umbro-marchigiano (1013 - 1390),* (Urbino, 2019), doc. 25, p. 47 (1257). The Piazza dell'Olmo is also a toponym in Fermo: Tomei, 'Genesi', 129–415, 112.

[236] Francois Bougard identifies them in forty-seven early medieval *placitum:* Bougard, *La justice*, 213-218. Residual associations between 'public' authority and justice are found in references to *laubia publica,* 216.

smaller parish church of S. Peter, in what is now the central *piazza della libertà* (Figure 13).[237]

This gradual divergence of the civic *platea* embodied the tensions between local jurisdiction and
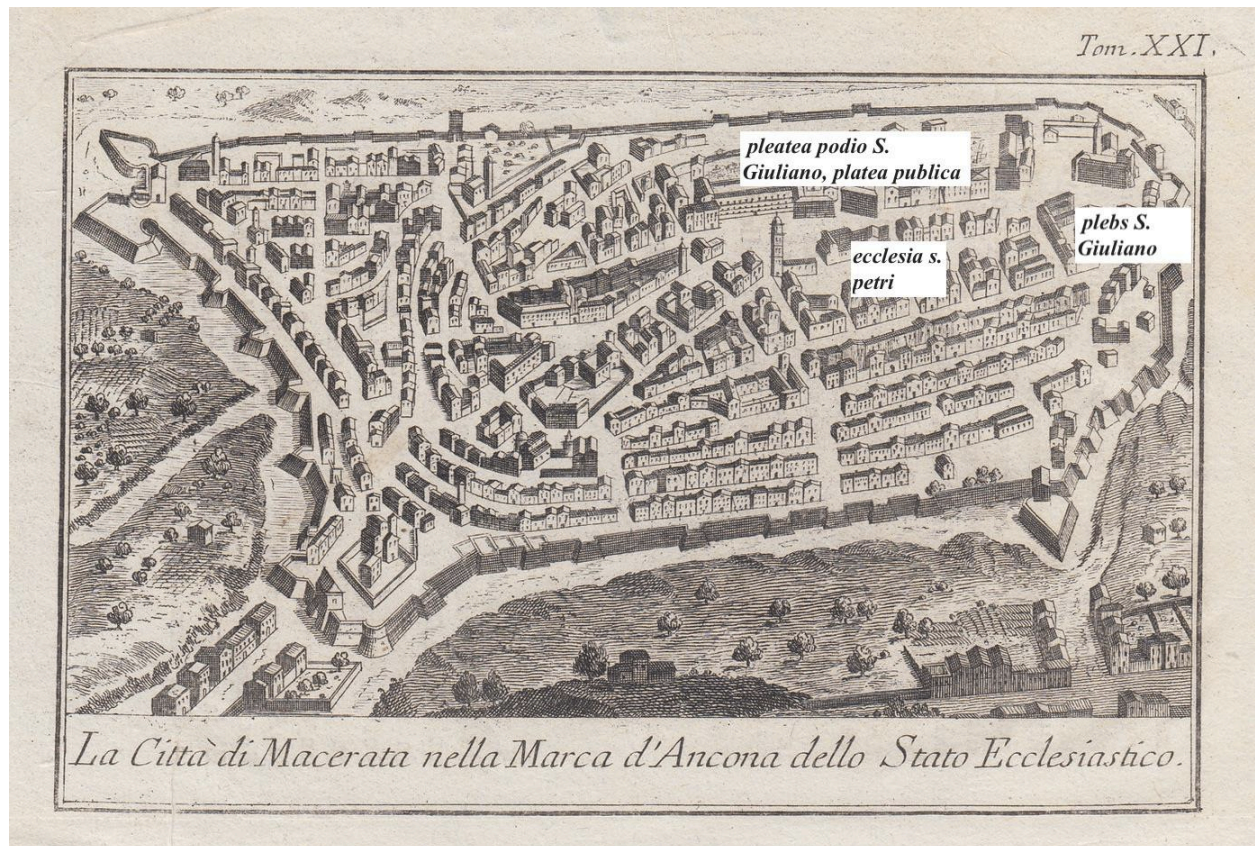
episcopal lordship.

Figure 13: Early modern map of Macerata indicating the location of platea beside S. Petri and

plebs S. Giuliano (Image credit: Giuseppe Filosi engraver, Catologo generale dei beni culturali,

1100059776).

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[237] *Platea podio Sancti Iuliani iuxta ecclesia sancti Petri:* Fiastra III, doc. 167, p. 226 (1214). *platea*
publica antea ecclesiam sancti Petri: Statuto del comune di Macerata del secolo XIII, (Macerata, 1885),
statute XIII (1265).

With the limited evidence available for disputing in the early twelfth century this section outlined the emerging connections between informal judicial assemblies and the built environment of expanded walled settlements. The Fermo franchise charters show negotiations with a territorial lord that provided new legitimacy for figures associated with disputing. The next section turns to the decades following 1180 when the space of the *platea* was defined as a source of both conflict and legitimacy.

Rebellion, transformation and the emergence of the rural commune as an institution: 1180-1206

In the final decades of the twelfth century, a dialectic of conflict and reconciliation shaped both the institutions of the rural commune and the practices of ecclesiastical lordship in the central Marche. A factor in this change was Emperor Frederick Barbarossa's accord with North Italian towns at the Peace of Constance in 1183.[238] These decades suggest agency and coherence for regional communes that for the first time are documented by practices, aims and judicial authority distinct from relations to a territorial lord. Rural communes might serve to regulate and to further legitimise the authority of territorial lords and their officials and might in fact curtail local decision-making.[239] By 1180s however, there is evidence of autonomy and rural communes

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[238] Reynolds, *Kingdoms and Communities*, 122-153. 59-61.

[239] Provero, *Le parole dei sudditi*, 76. See: Wickham, *Community*, , 98-104, and for historiography, 185-241. For the commune as interface and tool for accountability in territorial lordship: Bisson, *The Crisis*, 361.

in Fermo are increasingly documented through conflicts with episcopal lordship.[240] It is during this period that we also begin to retain documents showing the working of local judicial practice which although diverse and idiosyncratic, emphasise ritual. This period of definition was born out of conflict, but it also suggests changing practices of episcopal authority which left more space for secular experimentation. Many of these *castelli* produced competitive public spheres, those who flourished in these spaces were often determined by legal practice and an ability to construct dwellings that could influence this space. Let us turn then to the events through which these clearly defined institutions came about.

In the central Marche, a process of institutional definition is illuminated by a period of crisis. In 1176 the city of Fermo was sacked and the cathedral was torched by an imperial army led by Christian, archbishop of Mainz on account of Bishop Baligano's allegiance to the exiled pope, Alexander III.[241] The damage was substantial, and the event had significant consequences for the administration of the diocese. To add insult to injury, in the following year Christian of Mainz and Frederick I offered compensatory privileges for the rebuilding of Fermo to the city commune, ignoring the rights of the bishop.[242] A sense of dissolution pervades a papal letter in the following year imploring the prelates of the Marche to ask their parishioners to return the

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[240] For Tuscan parallels: Dameron, *Episcopal Power*, 93-140.

[241] For compensation offered to citizens of Fermo following destruction of the city by Christian of Mainz: MGH, DDF I. vol 2, doc. 724, 260-2 (1177). This is the only twelfth-century episode in a late medieval chronicle: Mincis, *Cronache della città di Fermo*, (Florence, 1870), 3.

[242] LF II, doc. 416, p. 731 (1177) and doc. 417, p. 733 (1177) and doc. 418, p. 73 (1178). However, the city commune of Fermo and the bishop were close, and bishop Adenolfus served as first *podestà* in 1199: *Tomei, 'Genesi', 129–415, 278.*

books and ornaments of Fermo's churches, especially those of the cathedral which had been dispersed across the Marche when the city was attacked by night.[243] Baligano's successor, Bishop Pietro III (1179-1183), sought reconciliation with the emperor and was followed shortly by Bishop Presbitero (1184-1204). Presbitero set about fund-raising, with papal aid, to rebuild the cathedral church of Fermo, renewing episcopal claims to the diocese while supporting Pope Celestine III's plans to bring the Marche back into the papal patrimony.[244] Unlike his predecessor, Presbitero made accommodations with both imperial and papal authority and was forced to reckon with a growing legitimacy for the language and assemblies of the communes.

The new bishop Presbitero exemplified changing practices of authority exercised by ecclesiastical lords.[245] He supported new forms of religious patronage providing our earliest evidence of an expanding charitable network. In 1184 in front of a large crowd he donated woods and a mill to a lay hospital built by the Potenza River and later gave another hospital to the care of the monks of S. Croce, to provide for the poor.[246] It is worth stating here that the primary aim of the bishop's authority was to support the work of the diocesan church. As Laura Baietto expounds, the discourse of *libertas ecclesia* promoted by Innocent III was concerned with regulating the behaviour of all Christian society and increasingly used spiritual penalties

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[243] Catalani, *De ecclesia Firmana,* doc. 32, p. 342 (1177) and Paul Fridolin Kehr, *Italia Pontificia 2. Latium* (Berlin, 1907), IV, p. 137-8.

[244] Kehr, *Italia Pontificia 2*, p. 138, transcripts of papal letters: Catalani, *De ecclesia Firmana,* doc. 36, p. 345 (1196) and doc. 37, p. 345 (1197). Tomei, 'Genesi', 129–415, 40-43. For Celestine III's role in setting the groundwork for Innocent III's pontificate: Bolton, 'Celestine III and the Defence of the Patrimony', 317–54, 343-5.

[245] As outlined by Miller: *The Bishop's Palace,*163-9.

[246] LF II, doc. 325, p. 579 (1184), LF II. doc. 326, p. 581 (1199)

such as excommunication to protect the privileges of the church. However, this gestating

ideological framework operated distinctly and in dialogue with emerging secular jurisdictions,

with distinctive aims linked to the promotion and order of a universal catholic orthodoxy.[247]

Presbitero was formed in this mould; documents issued in his pontificate show a renewed

emphasis on the bishop's personal piety and he also dedicated churches to the popular cults of

Thomas Beckett and Mary Magdalene.[248]

In secular matters, Presbitero followed his predecessors in issuing a franchise charter to Marano

in 1194, the last to mention Bishop Waldericus's Civitanova precedent. However, more attention

is given to the ideological and architectural resources of the church than the authority to judge

secular disputes. At Montesanto (Potenza Picena), a long-running dispute ended in 1199 with the

agreement to build a *palatium* for Presbitero within eight years. The judicial autonomy of the

settlement was recognised if new migrants from two smaller centres agreed to become

parochiani of the central *plebs* of S. Lorenzo.[249] This pact exemplifies a developing framework

of episcopal lordship focused above all on influencing and organising the faithful under a

coherent network of parishes and tithe payments.[250]

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[247] Laura Baietto, *Il Papa e le città: papato e comuni in Italia centro-settentrionale durante la prima metà del Secolo XIII.*, Istituzioni e Società (Spoleto, 2007), IX, 8-39 and 438-441. This approach seems more compelling than the vison of an emerging theocracy alluded to in the context of Fermo by Tomei, 'Genesi', 129–415, 40 and Borri, *Fermo città egemone*, XXIV-V.

[248] Tomei, 'Genesi', 129–415, 42.

[249] LF I, doc. 11, p. 9-13 (1199).

[250] Eldevik, *Episcopal Power,* 86.

That is not to say that Bishop Presbitero was unconcerned with maintaining judicial authority. A series of pacts issue in the 1180s recall a struggle over jurisdiction and building in Fermo's larger rural centres. An agreement made in 1187 with the *populus* of Montesanto renounced their contradiction of the bishop's rights (nothing more specific) and agreed to abide by the earlier franchise from 1128. It seems a decision was made collectively outside the intra-mural church of S. Maria and then relayed by the *consule*s to the episcopal host assembled with the abbot outside S. Croce al Chienti. The document suggests a tense peace treaty in the aftermath of conflict. Trouble continued at Montolmo, this centre had made the first moves towards expanding their designated territory with the acquisition of Cerqueto, a gift of bishop Baligano's family castle to the *populus* of Montolmo with judicial rights over residents handed to the commune, in line with the 1116 franchise charter.[251] In June of 1191 Presbitero with the assistance of a bailiff, agrees to quit any claims or judgement against the *populus* for injury to the bishop incurred by the death of a certain Abraham in return for a 200 lb fine.[252] In the same month two further pacts are made with the inhabitants of Sant'Elpidio and Civitanova concerning new walls and the accommodation of new migrants from neighbouring centres including a promise not to aid the inhabitants of Montesanto.[253] Perhaps not one to let a good crisis go to waste, in January of the following year Presbitero sent his archdeacon, Gentile, to the court of emperor Henry V in Herzberg to complain of the 'grave injustice' afflicting him and to receive imperial recognition

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[251] Archivio comunale di Corridonia, *Pergamene*, n. 1 (1152). The text of this parchment closely conforms to the earlier franchise charters recorded in the *Liber Iurium* of Fermo.

[252] LF II doc. 182, p. 346. (1191). Montolmo maintained hostility to the bishop until 1202: LRO, doc. 41, p. 58 (1202).

[253] LF II, doc. 258 and 259, p. 476-479 (1191). A similar pact is made between Fabriano and the bishop of Camerino: LRF, doc. 220, p. 362 (1192).

of his rights to revenue from courts, markets and ports inside and outside the city and condemnation of those who had injured the bishop.[254] In the next two years Presbitero gave away Montolmo's possession of Cerqueto to a newly appointed margrave, named Gottibold.[255] This accommodation with imperial power saw a redefinition of Presbitero's claims to judicial rights in the diocese which he had sought to demarcate in 1185 in a pact with the abbot of S. Apollinare in Classe.[256]

Despite these persistent claims to episcopal justice, it is during this period between 1180-1200 that we can identify individuals running judicial assemblies and holding offices in the region's larger walled settlements where authority was increasingly expressed in the language of the commune. Elsewhere in Italy, similar conflicts between bishops and rural communes resorted to often contested oaths of loyalty and conflict over rents and market rights heard in the more established courts of city communes.[257] Evidence for courts held by Fermo's city commune is non-existent and in the late twelfth century it appears closely aligned with the bishop, thus in Fermo was the independence of rural jurisdiction and the profits from their courts and markets that became a central point of conflict.[258] This context, therefore, highlights the essential nature

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[254] LF II, doc. 113, p.243-5 (1192).

[255] LF II, doc. 183, p. 347 (1194).

[256] LF I, doc. 215, p. 155 (1185).

[257] Dameron, *Episcopal Power*, 93-140.

[258] For the city commune at Fermo : Tomei, 'Genesi', 129–415, 275-9. Francesco Pirani, *Fermo*, Il Medioevo nelle città italiane (Spoleto, 2010), II, 208.

of these assemblies to the emerging authority of the rural commune, and so raises the importance of the space in which they occurred.

It is important to note here that those holding offices in Fermo's rural communes were not necessarily episcopal vassals or a coherent group with shared loyalties to a single lord. Mounted elites and episcopal vassals retained important local roles, but the documents from Fiastra and Cingoli augment the evidence in the *Liber Iurium* to emphasise the presence of medium landholders who might also hold office in local institutions.[259] Certainly, the use of the terminology of the commune encompassed a variety of different social circumstances and patterns of settlement, making generalisations difficult.[260] Some of the best-documented centres: Cingoli, Montecchio, Macerata, Montesanto and Civitanova all corresponding to the second model of settlement (identified in Chapter 3) and in each centre there were moderate landholders and more developed communal institutions. However, other well-documented centres such as Fabriano and Tolentino in Camerino reiterate the pervasive presence of seigneurial obligations and labour services which were present in varying measures across the region where a town commune emerged in the interstices of competing territorial lordships and fragmented networks of personal obligation.[261] Nevertheless, the transformation of episcopal lordship evident in Fermo seems to have weakened the importance of client relations with the bishop. The episcopal cartulary gives us a good overview of the bishop's clientele and in centres such as Civitanova

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[259] Small holding in Montesanto: *Fiastra* I, doc. 49, p. 104 (1144).

[260] Wickham, *Community*, 73-4.

[261] Franceso Pirani, *Fabriano in età comunale: nascita e affermazione di una città manifatturiera,* (Florence, 2003), 78-80.

and Montesanto identifiable episcopal tenants usually make up less than half of those identified as *consules* or representatives of these centres.[262] It may be that the position of *consules* cut across the social stratification found in many castle communities, in the franchise issued to Villamagna in 1194 this is made explicit: two *consules* are to be chosen from the *domini* and one from the *populus*.[263]

In this period, the rural commune itself became a framework for factional and class conflict and *consules* may have been expected to mediate between factions, lords and tenants.[264] As is well known, one response to factionalism was the office of *podestà* which begins to appear in rural communes around 1200, becoming more common after 1215 and subject to a similar rotation

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[262] In 1193 five *consules* who may represent Civitanova judge a case, none are identifiable as holders of episcopal land, two appear elsewhere in the Fiastra documents. One of the five *consules* from 1193 Albertus Fabri, perhaps a smith or artisan, witnesses several documents in the surrounding area, and a potential relative, Giacamo Fabri *iudice* continues to represent Civitanova in 1208. The other *consule,* Tebaldus Guinissi is a client of S. Croce al Chienti, leasing a *mansum*.: *Fiastra* II, Appendix 1, p. 287. Another witness involved in sale of milling machinery: *Fiastra* II doc. 12, p. 21 (1181). Tebaldus guinissi also witnessed transactions relating to S. Croce: *Fiastra* III doc. 1 p. 5. doc. 5 p. 10. At Monte Santo, only one of the *consules* from 1187 later swore fealty to the bishop and only two of the four representative households appear to have done the same. Suppolinus *consul* in presentia Alberti, Tebaldi, Actonis and Helbrici Rollandi. Tebaldo acti and Alberto di Petri and: *Fiastra* I, doc. 50, p. 105-6 (1144). Vassal list: LF II, doc. 245, p. 455 (1206). Similarly, at Civitanova only two of the *consules* present in the pact documented at LF II, doc. 259, p. 476-479 (1191) later swear fealty in 1206.

[263] *Fiastra* II, doc. 113, p. 177-80 (1194). A similar arrangement at Aspramonte: a general assembly chose a *consilio of consuls* made up of two *domini* from the two former settlement and four from among the other *homines:* Tomei*, 'Genesi',* 129–415, doc. 14, p. 259 (1214).

[264] Dispute at Ripatransone between *dominos et vassallos et inter maiores et minores.* Borri, *Fermo città egemone*, VI, doc. 6, p. 14 (1211). Fabriano: CDF II. doc. 67, p. 94. Wickham, *Community*, 105, 219-221.

often in coexistence with a college of *consules*.[265] The social makeup and extent of personal

lordship within rural communes varied according to particular local dynamics.[266] Generalisations

are difficult, but the more documented *quasi-città* in Fermo and Osimo hosting regular courts

attended by outsiders also show signs of a more complex built environment and conflicts both

within and without the bounds of the settlement.

A document from 1206 articulates the institutional character of a rural commune in the Chienti

Valley and its fragility in a landscape of fragmented seigneurial clientele. This dispute concerned

the castle of Castri in the north of Fermo near Sant'Elpidio at the mouth of the Chienti valley**.**

The abbeys of S. Croce al Chienti and S. Apollinare in Classe held parts of this settlement, the

bishop too, though in 1185, no longer clear judicial rights.[267] Thus, when in 1195 a group of

consules from Castri released a resident from all seignorial obligations to the bishop, this gesture

may have been of some political consequence.[268] The commune is also active in a second

agreement of 1206 drawn up by two former *consules* confirming possession of a plot (*platea)* to

an artisan, Rinaldo Fabro which they had first granted him three months ago when they were in

office, after confiscating from another resident, Matheus Gructe, who had refused to pay the

castle tax (*obsequiem*). In return, Rinaldo paid 10 *soldi* to be used towards the expenses of the

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[265] Podestà at Recanati: *Fiastra* II, doc. 175, p. 272 (1200), *consules* continue to hear cases at Recanati: *Fiastra* III, doc. 155, p. 211 (1213). Civitanova: LF I, doc. 138, p. 288 (1208). Podestà at Cingoli in 1215: Luigi Colini Baldeschi, *Il riordinamento dell'antico archivio di Cingoli e la sua importanza storica* (Cingoli, 1909), doc. 3. For podestà in urban communes: Wickham, *Sleepwalking*, 197-8.

[266] For the seigneurial basis of some Marche communes: Maire Vigueur, 'Centri di nuova fondazione', 9.

[267] LF I, doc. 33, p. 61 (1185).

[268] Fragmentary document in which c*onsules of Castri* act to release seigneurial obligations: *Fiastra* II, Appendix II, p .291 (1195).

commune.[269] The people of Castri had experienced some tough times, the centre was sacked in 1198 and again in 1202. We know from witness testimony given in 1203 that Matheus Gructe and his wife had recently become clients of S. Pietro in Butiro after the prior had lent them oxen and a plough during times of war and that they had since fed and hosted both the prior and the abbot of S. Apollinare himself on a visit to the Marche.[270] Three observations from this document are relevant to the argument. Firstly, here at least, the authority of *consuls* seems to be clearly time limited. Secondly, although the *consuls* may have the means to make grants of land that may have served their own interests, the revenue collected was on behalf of the institution and was considered distinct from their personal wealth. Thirdly, it suggests the rendering of communal levies required consent, withdrawn here by Matheus who perhaps felt more secure in his loyalties to a monastic patron. The evidence from this section suggests that the authority of *consules* in castle communes was constrained and often somewhat precarious. The following section will examine how the emerging judicial assemblies of castle courts were reinforced by an adherence to ritual and legal innovation fostering a new social prominence for the households and buildings of judicial notables. This will frame the final section which concentrates on the dynamics of space and the built environment in both interconnected processes.

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[269] *Fiastra* III, doc. 50, p. 71 (1206).

[270] *Fiastra* III, doc. 24, p. 31 (1203). See p. 40 for the sack of Castri and LRO, doc. 41, p. 60 (1202). An overview: Galiè, *Insediamenti*, 67-9.

Detailed accounts of disputing begin to survive from the 1190s, these emphasise the importance of procedure and ritual to the authority exercised by the commune as it took on an increasingly institutional form. This section will look closely at the procedures and participants of the surviving judicial records from larger *castelli* in the central Marche. These documents allow us to describe the ritual of disputing, those who participated and, in some cases, the place in which the assembly took place. I will suggest how ritual, and the use of space increasingly served to distinguish and enhance the authority of *iudex*: judicial experts who often also served as *consules* in rural communes. I will examine how these courts differed from the arena of informal disputing and then look closely at the evidence for a particularly well-documented judge to assess the extent to which office and personal wealth were distinguishable. The survival of these sentences is a consequence of a wider legal and documentary change in the late twelfth century that led to a dramatic rise in surviving documents.

The surviving documents may represent a tiny fraction of the disputes which were written down, and only a tiny fraction of those which took place. Their survival is nevertheless an indicator of a changing approach to the use of documents by the laity as memory and custom gained an institutional form, albeit one which continued to rely on the physical structures and record keeping of churches.[271] By passing sentence in the name of the commune these documents

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[271] For use of lay documents and reliance on ecclesiastical institutes: Sennis, 'Documentary Practices', 321–35, 326-335.

suggest a growing confidence in the jurisdiction exercised by its leaders, clearly influenced by urban examples. Three documents survive from between 1190-1200 that are self-consciously the product of courts held in rural communes, they come from Civitanova in Fermo and Cingoli and Recanati in Osimo (all formed according to the second model of settlement outlined in Chapter 3) and their survival may reflect their maturity as judicial centres.[272]

Each document provides a sense of an extended disputing procedures which helped to reproduce the authority claimed by the *consules* who judged the case. One is a fragmented parchment which records only the second half of a judgment reached in 1193 by five *consules* who seem to hail from Civitanova. The text gives a sense of the judicial process: it states that the *consules* saw and heard witnesses and confessions and had examined the notarised documents (*publico instrumento*) of the defendant Alberto and made a judgement against him according to their legal knowledge. Alberto maintains his right of possession of the land in question and the *consules* ordered him to pay up and return possession.[273] The second twelfth-century record is from Cingoli in 1190 and resolves a dispute between two families over the non-payment of a dowry for Berta, daughter of Atto di Selvo. The document claims to end a dispute through common consent and does so using four distinct stages (*capitula):* the judges, the *consules*, the witnesses and finally an oath on a gospel book. It is implied that Atto di Selvo refused to take an oath,

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[272] After 1200 these sentences increase in number, but I will focus here on the four from before 1201. Fabriano, Montecchio and Macerata also maintained several later sentences. There are two further sentences issued by groups including *consules* from Urbisaglia and Monte Nereto, however these are clearly issued in association with resident territorial lords: *Fiastra* II, doc. 173, p. 268-230 (119?), *Fiastra* III, doc. 107, p. 148 (1210).

[273] *Fiastra* II, doc. 105, p. 166, (1193).

nevertheless, both parties reached an agreement brokered by the *consules* with half the penalty fees paid to the commune.[274] The third document is from the coastal centre of Recanati near Osimo in 1200, here judges (*iudes*) delegated by the *podestà* heard the allegations, testimony and confessions of both parties in an appeal to an earlier decision made by some *consules* that gave all the land in question to the defendant's sister and another earlier case where a *iudex,* Guiductii had ruled entirely in favour of Fiastra. The judge now suggested a compromise dividing the land in half.[275] In the Cingoli case, the document is undersigned by the notary and 'in the presence of many others', is approved by the *providencia et sapiencia* of four named *consules* of Cingoli, one a *iudex*.[276] These documents show a multi-stage disputing process in which clear sentences are passed and consensus is valued, but capacity to enforce payment is limited.

We may contrast these documents with a slightly later sentence issued by a *consul* of Fabriano in 1210, here three brothers appear in court held in the cloister of the church of S. Venanzio to accuse the son of a local lord, Todino di *domini henrigi* of stealing a cow. Todino's defence states that these men were not part of the *comunantia Fabriani* and that therefore he was not constrained by the *commune* if he wanted to take a cow from them.[277] A *syndicus* acting on behalf of the commune, claimed that the three men held a *mansum* that once belonged to a certain Amicoli Mabile and therefore they were part of the *comunantia* and so Todino should return the cow.[278] Todino was asked to take an oath known as the *sacramentum calumnie* (an

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[274] SCC, doc 19, p. 54-56 (1190).

[275] *Fiastra* II, doc. 175, p. 272 (1200). The earlier donation to Fiastra: *Fiastra* II, doc 7, p. 11-13 (1188).

[276] The title of *consul* in witness lists is something of a novelty here.

[277] LRF, doc. 43. p. 72 (1210).

[278] LRF, doc. 43. p. 72 (1210).

agreement to pursue the case in good faith) but refused to do so, and the case did not proceed.[279]

Thus having heard the allegations, witnesses and examined the documents the *consul* pronounced sentence in Todino's absence, stating that on the basis of a document (*publicum instrumentum*) it appears that Todino's father had released Amicoli Mabile into the *comunantia* of Fabriano and that Amicolo had been in Fabriano for ten years and was part of the *comunantia* before Todino himself had joined. The sentence refused all aid to Todino who should pay expenses to the *syndicus* within six months.[280]

Both peasant and lord were both in some sense subject to the jurisdiction of the commune. This document suggests protections offered by the territory and assemblies of the commune, suggesting communal courts might be a place where peasants might get justice against lords and so limit the extent of their exactions. However, the commune itself was an instrument of exaction and to an extent recognised relationships of dependence. Yet the territory and jurisdiction of many castle communes were expanded through a piecemeal process of submissions by local lords who often joined the *comunantia* with their *homines,* Fabriano provides particularly detailed evidence of this process. A central component of these documents was an agreement to obey the communal courts and their statutes which also appear in this period, proscribing penalties for offences committed within a bounded territory, which focus on crimes against

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[279] The *sacramentum calumnie* has a roman origin, and though variable generally represents a commitment to participation and presumably adherence to the decision of a court: Wickham, *Courts and Conflict*, 33, 41, 46-9.

[280] Henry Todino's father was it seems a tenant of S. Vittore al Chiusi which had submitted much of its land to Fabriano: Irace, Maiarelli and Bartoli Langeli, LRF, doc. 212, p. 352 (1170), doc. 218, p. 357 (1183); doc. 219, p. 359 (1192) doc. 220, p. 360 (1192).

persons and goods, such as damage to vineyards and fences, ploughing by night or theft of animals.[281] Some relationships of dependence were likely maintained, nevertheless we can see in the expansion of these jurisdictions a piecemeal but probably fairly substantial levelling of legal status before rural courts. In the case of Fabriano, it is not clear that Todino obeyed the ruling of the court. Eight years later, he and his uncle who now had a house in Fabriano, promised large sums of money for rights to two *castelli* and their inhabitants and promised not to rebuild a castle which had been destroyed.[282] We don't know if the three brothers were compensated for their cow, what is clear is that Todino did not eagerly submit to the judgement of the *consul*. Indeed, this dispute might have played a role in the subsequent conflict, as the sentence was presumably kept because it asserted the rights of the commune. In this sense, it reflects the relations between an expanding collective authority that might serve to weaken obligations expected by lords of tenants while also coexisting with established hierarchies. The various stages of a court case (*capitula)* mentioned in each of these cases speak of a procedure for judgment that relied on the authority of judges but also sought to determine a shared understanding of events and produce a judgement that was considered legitimate by the parties involved. The procedure helped to distinguish the concept of the commune and its jurisdiction as an institution distinct from a particular personal authority.

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[281] The earliest statutes are from Montalbaddo in Osimo: Menchetti*, Storia di un commune,* doc. 7, p. 121 (1194). Fabriano retains early statutes from the community of Sesse*:* CDF, doc. 42, p. 46 (1203). There are incidental references to statues in Cingoli and Civitanova: Giberti, 'Le Pergamene Sanseverino Marche', doc. 4 p. 20-21 (undated, 12th century), *Fiastra* IV, doc. 80, p. 132 (1222).

[282] 1500 lbs promised LRF: doc. 26, p. 45 (1218) and doc. 124, p. 219 (1220).

The cases above seem to involve a mix of informal or customary dispute resolution with procedures which somewhat vaguely, recalls the expansion of the *ordo iudicarium:* the procedure for legal proceedings emanating from ecclesiastical courts, that was increasingly integrated into the courts of larger city communes.[283] Since the 1150s, the percolation of Roman law practices had begun to equate the right and act of judgement as an expression of *iurisdictio* and by association political power.[284] These documents also illustrate the growing authority invested in the figure of the notary and their role in imbuing documents (*instrumentum publicum)* with an independent public authority.[285] The use of witness testimony may have been an established part of local court proceedings and was also a part of earlier *placitum* assemblies.[286] It is however notable that these documents took care to describe the process and emphasise its importance in the resolution of the dispute.

Ritual helped to support the decision making and the space of the assembly influenced the public consensus which the court sought to produce. The swearing of oaths on gospel books is a reminder of the theatrical and sacral elements of proceedings. Notably, in two instances, oaths of

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[283] Kenneth Pennington, 'Due Process, Community, and the Prince in the Evolution of the Ordo Iudiciarius', *Rivista internazionale di diritto comune*, 9, (1998), 9–47, 14-15.
Vallerani, *Medieval Public Justice*, 14-16.

[284] Vallerani, *Medieval Public Justice*, 8. Reference to letter of Bulgarus Causidicus from 1144 on the distinction between judge and arbiter.

[285] Cammarosano, *Italia medievale*, 268-9. Alessandro Pratesi, 'Lo sviluppo del notariato nel ducato spoletino attraverso la documentazione privata', in *Atti del 9 Congresso internazionale di studi sull'alto medioevo*, (Spoleto 1983), 251–63. Piero Santoni, *Note sulla documentazione privata nel territorio del ducato di Spoleto 690-1115*, (Rome, 1991), 35. Example: LF II, doc. 259, p. 478, (1191).
Foote, *Lordship, Reform*, 30. Cameli, *La chiesa scritta*, passim.

[286] Wickham, 'Justice in the Kingdom of Italy, 179–255, 201.

reconciliation or recognition were refused by disputing parties. A focus on ritual and process distinguishes the sentences issued by the still fragile authority of the commune from the continuing practice of informal disputing where judicial figures from smaller centres begin to play a more prominent role.

The continuing presence of informal arbitrations reflects the necessity of compromise in a landscape of fragmented local authorities, these procedures coexisted alongside the rituals of urban and rural communal courts. Records of arbitrations became more formalised in the 1190s but show continuity with the earlier informal resolution practice already discussed. We have a better sense of the process in this period thanks to certain disputes where written claims (*libelli*) are presented from both sides to a chosen group of arbiters who would then produce a document recording a compromise. The arbiters might have no clear status except being chosen by each side but might also be identified as *iudex* or *consul*. Arbitrations in this later period nearly always included the place of redaction alongside important witnesses, a documentary change which evoked and produced the urban environment in a dialogue between increasingly autonomous scribes.[287] Many of the surviving arbitrations are resolutions between different types of lords, particularly those surrounding Fiastra's land in east Camerino, approved by bishops and city

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[287] Anne Lester, 'Crafting a Charitable Landscape: Urban Topographies in Charters and Testaments from Medieval Champagne', in *Cities, Texts, and Social Networks 400 - 1500*, 2010, 125–48,134-5.

judges. Around the 1190s aristocrats began to take informal disputes to be resolved by castle judges, an innovation which speaks to the growth and legitimacy of these smaller centres.[288]

It remains that many aristocrats and abbots probably thought it beneath their dignity to submit to the court of a rural commune, a procedure which might also compromise their claims to an independent judicial authority. An exception here is the margrave's court, periodically held in Tolentino from 1190 and often led by judges delegated by the margrave, before the temporary collapse of imperial power in 1198 and the emergence here of castle *consules*.[289] The case from 1200 heard at Recanati is a notable exception. Here Fiastra, represented by an advocate, submitted to judgement in the court of a rural commune. The presence here of a *podestà* (who were more often aristocrats*)* is a possible explanation, but this document also hints at a growing legitimacy for courts held in these larger rural centres.[290] Representatives of communes could also take part as disputants in informal arbitrations such as the dispute between the *consules* of

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[288] *Fiastra* II, doc. 151, p. 239 (1197) , doc. 133, p. 213 (1196), Colucci, *Delle Antichità Picene*, vol. 14, doc. 27, p. 66 (1222). For parallels with non-aristocratic arbiters in eastern Tuscany: Wickham, *Courts and Conflict*, 180-1.

[289] *Fiastra* II, doc. 90, p. 137 (1191), doc. 125, p. 198-200. (1195), doc .151 p. 239-41 (1197). In this period the Margave was Gottibold, then Markward of Anweiller following the death of Werner II: Villani, 'Nobiltà imperiale nella Marca Ancona. I Gottiboldi (fine sec. XII-sec. XIII)', 109–231, 145-9. For the links between the Guarneri margraves and Tolentino : Wolfgang Hagemann, 'Studien und Dokumente zur Geschichte der Marken im Zeitalter der Staufer. 4. Tolentino', *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 44 (1964), 152–288, note. 54 p. 168. Arbitrations by *sacri palatii iuidices: Fiastra* II, doc. 64, p. 97 (1187). Some submissions to Fabriano take the form of dispute resolutions: LRF, doc. 62, p. 104 (1192).

[290] *Fiastra* II, doc. 175, p. 273-4 (1200). The Podestà chosen at *podio S. Giuliano* was from an aristocratic family: *Fiastra* III, doc. 27, p. 43 (1203).

Matelica and a certain Acto Guarneri in 1196. Documents of this type reflect the tensions arising from aristocrats and their dependents settling and submitting to rural centres as the jurisdiction of the commune formed in tension with personal obligations expected from small-scale castle lords.[291]

Informal arbitrations in the Marche were not exclusively the preserve of aristocrats and churches, although they tend to predominate in the sources. The informal rural arbitrations multiply from the late twelfth century illustrating quarrels between small and moderate landholders over small plots of land, access to buildings and water courses.[292] The increasingly urban character of these *castelli* is suggested by disputes and pacts which outline individual and collective rights to the buildings and passageways. These agreements were usually made outside the houses of residents, in the *platea* or *atrium* outside a church, sometimes within a church itself or less often at the spot of the disputed land.[293] Certain notaries specialised in such disputes which can be very revealing of how obligations and property rights were changing. An increasingly diverse group of notaries

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[291] 10, doc. 8, p. 5 (1196).
LRF, doc. 59, p. 100-2 (1214) and doc. 62, p. 105 (1192) and doc. 210 (1192) and doc. 220, p. 362 (1192).

[292] *Fiastra* II, doc. 141, p. 225 (1196). *Fiastra* III, doc. 156, p. 213 (1214), *Fiastra* III, doc. 184-186, p 247-9 (1215). Dispute over access to a street and building in wood or stone in front of a *domus*: *Fiastra* III, doc. 154, p. 210 (1213). A will from a *iudex* of S. Elpidio, concerning shares in a *palatium* and vineyards: *Fiastra* IV, doc. 75, p. 123 (1221). Dispute at Civitanova regarding a house just outside the gates of Civitanova: Fiastra III, doc. 170, p. 230 (1214). Dispute involving the *ospitale filli supponis* who seem to be minor elites from Camerino: *Fiastra* II, doc. 64, p. 97 (1187).

[293] *Fiastra* III, doc. 155, p. 211 (1213), doc. 146, p. 198 (1213), doc. 156, p. 213 (1214), doc. 167, p. 224 (1214), doc. 184-186, p 247-9 (1215). Dispute regarding wood used for neighbouring houses: *Fiastra* IV, doc. 35, p. 54-5 (1218).

began to record small-scale disputes regarding boundaries and access to buildings and plots within walled larger *castelli*. An example from Macerata, saw the notary Alexander, draw up a dispute resolved by some named *boni homines* concerning a conflict over just three feet of space between two adjacent plots (*platea*).[294] These were disputes over private property often held in common between neighbours and family groups. Increasing use of documents to make a record of these boundaries fuelled disputing. Through the written record, local conceptions of property rights were reified, and as such the texts themselves acted in the production of disputed urban spaces.[295] These relationships developed through a process of disputing, writing and meeting. It has been noted that the distinction between formal and informal disputes made in the documents is not necessarily a useful one, if we consider the various stages and different assemblies that lay behind any such document, each option presented strategic choices for people who lived and held land between various territories.[296] The built environment produced conflict and cooperation, fuelling the work of arbiters and judges whose authority was augmented by their association with the assemblies of the commune and the shared space within castle walls.

The social status of notaries and legal experts grew in tandem with the institutions of the castle commune and the space it embodied. The landholding and status of judges and *consules* are usually difficult to discern.[297] Nevertheless, archival vagaries shine a light on a few clearly influential figures. The judge and civic leader Morico Bernardi (see Introduction) is particularly

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[294] *Fiastra* II. doc. 126, p. 201 (1195), *Fiastra* III, doc. 11, p. 17 (1202).

[295] Lester, 'Crafting a Charitable Landscape', 125–48, 273-4.

[296] Wickham, *Courts and Conflict*, 23-4.

[297] For the holdings of a rural *iudex*: CFA doc. 409 p. 43-44 (1213). At Fabriano the notary and *iudex* Baoncellus is particularly active in late twelfth century : LRF, p. 240. see also *CDF* II, doc. 3 and doc. 9.

prominent in the archive of S. Caterina, receiving at least twenty parcels of land between 1193 and 1226.[298] This land was sometimes ceded without fee, but more frequently bought with cash. Morico's son became a wool merchant and his father may have had similar interests, he certainly used his wealth to provide subsistence credit, taking land in pledge in return for measures of grain to be doled out at harvest.[299] Morico may also have acquired this land as part of legal fees or as patron and interlocutor for the lay hospital of Spineto which held the family documents.[300] In 1193 Morico appears as an arbiter drawing up pledges which specified that pledges of forfeiture should be paid to the *consules* of Cingoli (an office he held at this time), this differs from the more formal 1190 case, discussed above, in which penalties are paid only to the commune.[301] This archive shapes our view of Cingoli and neighbouring Montecchio and Morico is the most prominent figure within it. Morico's father appears to have been a smallholder and parishioner of the small rural *plebs* at Lavenano, a dependent of the rural monastery S. Maria in

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[298] SCC, doc. 25, p. 63 (1193), doc. 26, p. 65, (1194); doc. 27, p. 66 (1194); doc. 36, p. 77 (1201), doc. 46, p. 92 (1207); doc. 63, p. 113 (1210). doc. 69, p, 121 (1213) ASM, *pergamene di S. Caterina*, 54 (1210), 57 (1212), 69 (1217), 75 (1218), 88 (1220), 94 (1220), 103 (1221), 104 (1221), 106 (1222), 119 (1223), 125 (1224), 130 (1225), 130 (1226).

[299] ASM, *pergamene di S. Caterina*, 141 (1227), 154 (1227), 157 (1228), 162 (1229), 163 (1229), 180 (1231) Bartolacci, *Di uomini*, 66. *Subsistence credit:* SCC, doc. 33, p. 73-4 (1199).

[300] Several of his documents imply forfeiture of land and include gift of land which Morico already holds in Spineto: SCC, doc. 29, p. 68 (1195), doc. 30, p. 30 (1197). Morico received several pieces of land near Spineto. He certainly sold land to the hospital in 1221 and again in by which time a named procurator, Angelo becomes active in the archive ASM, pergamene di S. Caterina, 101 (1221).

[301] Informal arbitration with penalties paid to *consules:* SCC, doc. 23, p. 60-61. (1193). More formal *case* with penalties paid to commune SCC, doc. 19, p. 55-6, (1190).

Valfucina.[302] He bought more land and occasionally services, than anyone else in the archive, transactions which may relate either to his role in the hospital itself or his practice as judge and communal leader: Morico served twice as consul of Cingoli, representing the town in several disputes and pacts.[303] As we saw in the initial case, Morico used innovations associated with Roman and canon law to strengthen his role as head of an extended family and advance his own position. Morico brought his own cases to Cingoli's court and received a favourable sentence from another judge (also named Morico), acting on the mandate of the *consules* of Cingoli.[304] In this example it is difficult to distinguish personal interests from Morico's role as judge and *consul* and he may have been a fearsome opponent should a dependent wish to challenge the terms of his local authority.

Nevertheless, judges and arbiters may still have thrived on reputations for providing judgements considered by others as fair and amicable. They certainly sought to project such an image: one local notary, stating beneath his signature that he was 'surely a lover of truth and observer of the law'.[305] Arbiters, had to be approved by both parties, and it may be a testament to his impartiality that Morico was chosen to act as judge in a case between a local church and the monks of Valfucina of which he was also a client.[306] Relevant here is Edward Thompson's reflection on

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[302] SCC, doc. 9, p. 43 (1170) and doc. 12, p. 46 (1174) First purchase by Moricus in Lavenano: SCC, doc. 25, p. 63 (1193) and doc. 26, p. 64 (1194). Valfucina lease: SCC, doc. 48, p. 93 (1207).

[303] Bartolacci, *Di uomini*, 30-31.

[304] Another Morico Iudex passes sentence against Morico Bernardi: SCC, doc 44, p, 88 (1204).

[305] *Ego nempe amator veritatis casidicis speculator, Fiastra* III doc. 87, p. 120 (1209).

[306] The ruling was made after one chaplain did not turn up: Borri, 'Le carte del monastero di S. Maria di Valfucina (1058-1250)', 5–83, doc. 73, p. 54 (1218).

the 'law' as an autonomous social sphere with boundaries and logic separable from the interests of elites.[307] It is certainly hard to disconnect Morico's role as *iudex* in the communal courts from the interests of the same communal elite, but courts in many societies required some precedent for arbitrating fairly between the weak and the powerful, at least on occasion, in order to maintain legitimacy as arbiters of justice.[308] There were probably certain checks on the local power of judges like Morico, certainly, late medieval statutes from Cingoli and Sant'Elpidio present sophisticated and relatively representative procedures for electing officials such as the *podestà* which were time-limited and decided by collective choice and assent.[309]

Morico's reputation and strategies were shifting and malleable, adapting to changing political and legal circumstances, it is his physical representation within the built environment of the town which perhaps did most to reinforce a local pre-eminence. Some disputes are issued outside Morico's *domus* in Cingoli, which was presumably the two-storied walled *domus muratum* he acquired in 1209.[310] This *palatium acterratum* was probably built from mud and stone, but seems to have had an external wall and two floors and may have been an imposing reminder of

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[307] Edward Thompson, *Whigs and Hunters: The Origin of the Black Act* (London, 1975), 258-269. In contrast Wickham doubts the possibility of an independent legal sphere in the twelfth century, seeing it as a product of the renaissance state: Wickham, *Courts and Conflict*, 305.

[308] Thompson, *Whigs and Hunters*, 258-269.

[309] Bernardi, 'Rituels et représentations', 37–43, Luigi Colini Baldeschi, *Statuti del comune di Cingoli: secoli 14., 15., 16* (1904) and Lodovico Zdekauer, *Sugli statuti più antichi del Comune di Montolmo*, (Rome, 1909). Importance of choice in election of *consuls*: Borri, *Fermo città egemone*, VI, doc. 3 *(1206).*

[310] SCC, doc. 60, p. 108 (1209).

Morico's local influence.[311] Morico represents an emerging quasi-urban elite, whose status was determined less by military service or clientage with territorial lords and increasingly by an ability to influence the rituals and assemblies of the commune through the production of imposing buildings which frequently intersected with the space of the communal piazza.[312]

Structures of disputing: courts and the built environment

The built environment played an important role in the publicity and broadcasting of legal decisions issued by rural communes. In the mediated voices of medieval people which survive in witness testimony we can detect how buildings were constructed and used to enhanced or influence judicial assemblies. An essential quality of medieval legal culture was its publicity: wide knowledge of practice and historic or ritual performance of certain actions was a valid method of proof in Italy and beyond.[313] As Daniel Smail illuminated in late-medieval Marseille, in the absence of systematic records of births, marriages and property deeds, courts functioned primarily as an organ of publicity, amplifying and absorbing the performances and hearsay that constituted common knowledge or *public fama*.[314] Assemblies produced and documented rights to land and documents often through a process of disputing negotiated conflict and consensus,

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[311] Bartolacci, *Di uomini* , 86-86. For *acterratum* in neighbouring Montecchio SCC, doc. 51, p. 96. For *acterratum* in the Marche: Mauro Saracco, *Architetura in terra cruda. Il caso delle Marche: dallo studio al restauro* (2010), 42.

[312] Bartolacci, *Di uomini,* 87-89.

[313] Wickham, *Courts and Conflict*, 81-3.

[314] Smail, *The Consumption of Justice*, 209-212. A relevant case: CFA IV, doc. 689, p. 241-5. (1250). Wickham, *Courts and Conflict*, 283-4.

therefore the judicial authority of the rural commune relied for its efficacy on broadcasting this common knowledge.

This reliance on *public fama* was also used to determine the legitimacy of the commune itself in a long-running dispute between the commune of Ripatransone and the bishop of Fermo. Witnesses asked about a pact made between this new town and the bishop of Fermo in 1205 say that it was widely known (*public fama*) that the *communitas* had judged *malefizia* or 'high justice' and collected fines since the settlement had been built.[315] The pact in question from 1206 accords with wider evidence to support the claim that 'high crimes' could be heard in rural courts, but maintains that court fines (*forisfactiones*) and perhaps certain cases, are to be sent to the bishop's court in Fermo.[316] Both sets of witnesses focus on the matter of court fines and attest to a practical exclusivity for the communal court within the walls. Intervening documents illuminate a shifting role for the bishop as mediator, aggressor, patron and distant fiscal overlord, a notable juncture being a document of 1211 when Bishop Adenolf was called to resolve internal conflicts between *maiores* et *minores* at Ripatransone by suggesting recourse to collective oaths and use of inquisitorial procedure in the castle courts.[317] The aim of the Ripatransone defence was to undermine the pacts made in 1205 which they claim were made under duress after Bishop

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[315]Borri, Cittá e egemonia, doc. 19, p. 34 and 37 (1253).

[316] Parallel evidence from Montesanto*: LF* I, doc. 12, p. 9-11 (1199). And at Matelica in Camerino ordered that half the fines for 'high justice' be sent to imperial bailiffs, implying that cases were heard locally: *M.G.H, Diplomata*, X,4, doc. 919, p.186-87, (1185).

[317] Borri, *Fermo città egemone*, VI, doc. 6, p. 13 (1211). Further examples are found in municipal archives, where a submission of castle lords to the commune of Ripatransone was made in *curia episcopi* with presence of *consules:* Colucci, *Delle Antichità Picene*, vol. 18, Appendice diplomatica, doc. 4-5, p. 7-9 alternatively: doc 7, p. 11, made without the bishop. (1216-1225).

Adenolf and his host had ridden out against them. They did so by casting doubt on the publicity and spectacle by which the bishop's lordship was performed.[318] A witness for the bishop is asked to recall the oath made to Adenolfus in 1205 and affirmed by each subsequent bishop, in response he said that it was made outside the *domus* of the bishop: 'confirmed and united in common council by the sound of bells and criers… and those ordained as officials undertook the oath *(sacramentum)* on behalf of the other people of that land'.[319] Similarly, the advocate for the defence who cross-examined the witness appears to make efforts to cast doubt on the legitimacy of these agreements by asking several witnesses what part of the castle the pact was made and whether it was done inside or outside a house, that is, away from public view. One witness responds on the contrary the pact was made 'in the piazza of Ripatransone', while another claims it was made inside the bishop's palace (rather than outside).[320] The disputing tactics employed by the advocate for Ripatransone relied on a general perception of legitimacy derived from a shared knowledge produced by repeated and open performance.[321] In contrast, agreements made indoors had implications of secrecy and deceit and so illegitimacy.[322] The initial pact of 1205 was in fact made in the space outside the 'court house' of Ripatransone and the episcopal *palatium* not yet built.

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[318] Borri, *Fermo città egemone*, VI, doc. 3 and 4, p. 7-11 (1205) doc. 19, p. 38. (1253).

[319] Borri, *Fermo città egemone*, doc. 20, p. 67. (1253).

[320] Borri, *Fermo città egemone*, doc. 20, p. 87, 92. Confusingly another witness claims the pact was made in a pavilion by a church in neighbouring Monte Antiqua: Borri, *Fermo città egemone*, doc. 20, p. 98.

[321] Wickham, *Courts and Conflict*, 282-3.

[322] For secrecy/openness and legitimacy: Smail, *The Consumption of Justice,* 215.

The relationship between buildings and assemblies suggested in this later court case is also evident in the years of the town's consolidation. The presence of a courthouse in 1205 suggests that creating a space to hold courts might have been integral to the plans for the settlement. Bishop Adenolfus also sought to make his mark on the same space: this included prohibitions against new buildings in the marketplace (*platea fori*) and an agreement to build for him a *palatium*. The architectural features of this building were a point of negotiation: the inhabitants stipulate they will match exactly the dimensions of an earlier structure in the abandoned castle of Agello, except that they would not, in this case, build a vaulted camera or audience chamber for the bishop.[323] Perhaps the commune did not wish to enhance the ceremonial potential of this building by creating a hall suitable for court assemblies. In any case, it seems the bishop was, at this time, content to make an architectural impression on the assemblies of the newly demarcated *platea fori* in response to the development of shared civic space as source of legitimacy. [324]

This ongoing requirement for publicity coincided with a formalisation of legal proceedings in larger cities that became more reliant on a multi-stage process and formalities of judgement that relied on reading aloud judgements predetermined in private, augmenting the impartiality of the court and reducing dramatic tension. Franz-Josef Arlinghaus presented this to address a problem of urban feuding by creating an 'independent sphere of communication' in specialised law courts (with less focus on reading aloud and, presumably, more frequently indoors) where defeat or

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[323] Borri, *Cittá e egemonia*, doc. 4, p. 9 (1205).

[324] Miller *The Bishop's Palace*, 149-3.

victory might be socialised and accepted.[325] It may be that these two facets of justice in fact

cohabited up to a point. The evidence from our small towns suggests that the requirement to

promote *public fama* was well integrated into a practice of disputing that did make more use of

procedure and the written word to augment the legitimacy of judgement in a way that was

enhanced by buildings constructed adjacent to public space.

For the construction of specialist judicial buildings did not take disputing out of view. We can

only speculate as to the architectural form of these small-town court houses*,* but it is telling that

we know of the *domum curie* at Ripatransone only through the pact drawn up outside. Moreover,

the *domum curie* at Ripatransone was something of an oddity, in the Marche these structures are

rare outside cities before 1230.[326] However, certain buildings used as a civic *palatium* do survive

in the Marche and it is clear they sought to augment rather than to enclose the existing public

space. The *palazzo dell'arengo* at Ascoli, constructed in the twelfth century, incorporated arched

loggia typical of Italian civic buildings in this period which framed and extended the open space

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[325] Franz-Josef Arlinghaus, 'From "Improvised Theatre" to Scripted Roles: Literacy and Changes in Communication in North Italian Law Courts (Twelfth-Thirteenth Centuries)', in *Charters and the Use of the Written Word in Medieval Society*, (Leiden, 2000), 215–37, 217-222, 229.

[326] Cingoli had a *palatium communis* in 1228 with documents enacted in *palatio communis Cinguli ad bancum ubi iura reditur* SCC, doc. 31, 72 (1221). Statutes from Roccantica in Lazio fines and taxes are to be paid publicly and openly *ad bancum communis* in the presence of the notary: Francesco Tomassetti, Vincenzo Federici and Pietro Egidi, *Statuti Della Provincia Romana: Vicovaro, Cave, Roccantica, Ripi, Genazzano, Tivoli, Castel Fiorentino, Fonti Per La Storia d'Italia (Rome, 1910), 95.* Osimo the nearest city and rival of Cingoli had a *palazzo comunale* by the 1220s see *LRO*, doc. 90, p. 131-2 (1220) and *passim.* Prior to this documents are sometimes redacted in the public *forum*, bishop or the canon's *palatium*. Communal palazzo in Sant Elpidio: Hagemann, *Studi e documenti*, Sant'Elpidio, doc. 22 (1257). For *palatium* at Fermo: Tomei, 'Genesi', 129–415, 115.

of the *platea* (Figure 15). The early stage of the Torre de burgo at Recanati, constructed close to 1161, was situated on the main Piazza that conjoined the three existing settlements. Similarly, the *Palatium di podestà* built around 1250 in Fabriano was itself a thoroughfare, structured around a wide vaulted arch incorporating stalls and shops at ground level (Figure 14).[327]

Figure 14: Palazzo di podestà, Fabriano (Image credit, Wikimedia commons).

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[327]Silvia Diacciati and Lorenzo Tanzini, 'Uno spazio per il potere: palazzi pubblici nell'Italia comunale', in *Studi Jean-Claude Maire Vigueur*, (Rome, 2014), 63-4.

Figure 15: Palazzo dell'arengo Ascoli, the first stage of the extant building including the arched loggia is dated to the twelfth century (image credit, Wikimedia commons).

Disputing was often a multi-stage process that required both enclosed deliberation and open space for publicising and accepting decisions. It is probable that the courthouse at Ripatransone and other private dwellings served as a place of secluded deliberation where preliminary documents could be drawn up before documents were read aloud, witnessed and signed in public; this is made clear in a series of witness testimony from civil disputes at Civitanova. Formal and informal assemblies held in what is occasionally called the *platea communis* outside the parish church of S. Paolo are central to these disputes, but these formed part of an extended process of disputing that also included private deliberation.[328] A document from 1221, slightly

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[328] *Fiastra* IV, doc. 40, p. 64 (1220).

outside our timeframe, illustrates this process. In a case concerning arson of two wooden houses

by the market gates in Civitanova, two witness statements describe the dispute. First, both parties

assembled in front of the communal judge who examined the testimony and documents of each

opposing party and then assigned and gained approval of three adjudicators who after 'careful

deliberation and wise council' commissioned the notary to write out the sentence. Another

assembly was then called by the corner of S. Paolo in Civitanova by the tower, where the

sentences were read out in public to both parties.[329] This statements implies that some stages

were necessarily private, and others relied on an open assembly. It is hard to see the outcome of

this case as a 'socialised compromise', the sentence provoked uproar. As the sentence was read

out, the defendant, Gislero, must have got wind of the outcome. The witness states that he began

to shout and cry that they were killing him, slapping his knees in rage shouting "you are doing

me wrong and robbing me". He then stormed off, saying that he did not wish to hear the

decision, shouting "evil deeds (*mala fa*)" in response to the arbiters who tried to call him back.[330]

Gislero's hasty exit may have been an attempt to deny the legitimacy of the judgment by

preventing an open and public acceptance of an agreement between both parties.[331] The arbiters

had here failed to construct and communicate a 'public peace' which was a cornerstone of

contemporary conceptions of communal jurisdiction.[332] Though here the dispute was not

amicably resolved it is clear that both publicity and secrecy were constituent to the judicial

process and these were shaped by the interaction between buildings and assemblies held in the

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[329] *Fiastra* IV, doc. 69, p. 117 (1221).

[330] *Fiastra* IV, doc. 69, p. 110. (1221).

[331] Gislero also gave testimony against Vivo in another dispute: *Fiastra* IV, doc, 72, p. 118 (1221).

[332] Vallerani, *Medieval Public Justice*, 27-30.

open. They key point here is that through the development of frameworks for disputing, larger rural centres became a locus for competition between lords and medium elites within an emerging 'urban' space. At the close of the twelfth century status and revenues derived from this complicated space, largely superseded conflict to supress the secular authority of the rural commune. It follows that market assemblies played a significant part in this process.

5

Market space and social differentiation

This chapter considers the political consequences of rural market assemblies in the central Marche. It evaluates how the increasing evidence for markets interacts with the evidence for other forms of assembly and for building, outlined in the preceding chapters. It uses this regional evidence to build on the wider argument concerning the relationships between commercial exchange and political authority in twelfth-century Italy. A tension emerges from the assembled evidence between an understanding of markets as geographic networks of exchange and the assembly itself, an event which occurred in material space. As we have already shown, provisions for markets were often linked to the foundation or expansion of *castelli* where the space of the market frequently coexisted with other forms of assembly: for instance, franchise charters frequently contained regulation of markets alongside rights to run courts. In this chapter I explore the extent to which the material and documentary evidence for the *secondo incastellamento* was bound up with the commercialisation of agriculture in the twelfth century. I will consider the extent to which both peasant producers and lords adapted to the availability of markets, this will mean thinking about how both engaged with marketing opportunities and how this created differences across the social spectrum. This will influence a second line of inquiry: how did markets and market orientation influence other forms of assembly that were the primary means of communication between rulers and subjects.[1] I pay particular attention to the political

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[1] James Masschaele, 'The Public Space of the Marketplace in Medieval England', *Speculum*, 77 (2002), 383–421, 386.

consequences of social differentiation as an instrument of change in feudal societies, as a complementary dynamic to political conflict between lords and peasant producers over surplus.[2] Franchise charters are one facet of a renegotiation of relations between great lords, rural elites and peasant producers that suggest some political consequences of commercialisation.

The overall growth in market towns during the twelfth century can be seen as a concern of great lords or in certain cases, a more autonomous response to broader commercial change.[3] The motivations behind these changes relate to the demand created by larger urban centres and specialisation servicing local demand from lords and potentially peasants. Some, though not all, of our *castelli* may be categorised as small towns rather than villages in that they supported small populations of people who relied on exchange to furnish at least some of their daily requirements, this included travellers and specialists of varying kinds, from smiths and artisans to elites such as judges and notaries. [4] From the evidence we have, it seems probable that most of the rural markets concerned themselves with the sale of agricultural commodities for money.[5] Thus we are not here concerned with the extra-regional long-distance trade, characteristic of

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[2] For social differentiation in Germany: Ghosh, 'Rural Economies and Transitions to Capitalism', 255–90, 260. For the role of peasant differentiation in Marxian historiography: Terence J. Byres, 'Differentiation of the Peasantry Under Feudalism and the Transition to Capitalism: In Defence of Rodney Hilton', *Journal of Agrarian Change*, 6 (2006), 17–68.

[3] David Nicholas, 'Lords, Markets, and Communities: The Urban Revolution of the Twelfth Century', in *European Transformations. The Long Twelfth Century*, 2012, 229–58. Hilton, *English and French Towns*, 31.

[4] Hilton, *English and French Towns*, 32-33. Duby, *Rural Economy and Country Life in the Medieval West*, 128-9.

[5] Maritime centres such as Civitanova, Recanati may have dealt in other commodities, but aside from flax/linen, the evidence is overwhelmingly foodstuffs.

Italy's place in the grand narrative of a European 'commercial revolution', (an economic change problematised by Chris Wickham who significantly reduces the significance of Italian commerce before the 1180s).[6] This decade is also a significant turning point in the Marche, prior to 1180 most of our evidence for markets comes from franchise charters or privileges, after this point, documents increase across the board, and along with further franchise charters, loans, sales, wills and dispute records, provide a much clearer sense of how both peasants and lords were concerned with commercial exchange. Much of this evidence concerns the coastal castle of Civitanova and larger centres such as Macerata and Cingoli, and we must be wary of generalising what may be particularly maritime dynamics to inland *castelli*. Similarly, the archaeological evidence is limited, evidence for *amphorae* (suggesting trade in wine and other foodstuffs) is concentrated around the centres of the northern Pentapolis, where more excavation has taken place. In the limited survey of ceramics from the inland areas, local production predominates.[7] Prior to the expansion of evidence for exchange after 1180, markets are most often documented in reference to larger *castelli*. How then did the presence of regular market assemblies influence practices of assembly and authority in the central Marche?

The market was a conceptual space, with its own moral expectations and logic. It was also a point of connection between other places and people. Examination of these connections in aggregate as abstract links of transit and exchange are the building block of historical and

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[6] Wickham, *The Donkey and the Boat, Reinterpreting the Mediterranean Economy, 950-1180* (Oxford, 2023), 1-10, Wickham, 'How Did the Feudal Economy Work?', 3–40.

[7] For *amphorae*: Enrico Cirelli, 'Anfore medievali rinvenute a Ravenna e nell'area centroadriatica (VIII-XII secolo)', *Archeologia medievale*, 45 (2018), 35–46, 40-41. Diego Gnesi and others, 'Ricerche sugli insediamenti medievali nell'entroterra marchigiano', *Archeologia medievale*, 34 (2007), 113–40.

economic conceptions of the market as a reified concept, with laws, history and dynamics of its own. Social theorist Karl Polanyi argued against conceptions of the market as an abstract concept, distinct from other forms of social relations in which it was 'embedded'.[8] Though it is quite right to avoid imposing modern conception of an economic sphere that themselves derive from the historically specific forms of the modern capitalist state, it is nevertheless the task of the historian to discern trends and patterns in the exchange of goods and networks of transit. When viewed together these trends develop modes of behaviour which may be considered economic, and influence and interact with other forms of social life.

Accordingly, a lot of what we know about the medieval marketplace is closely connected to expressions of political authority and control of markets may also serve as an index of political power. This is particularly true of the documentary evidence. Most of our evidence for market assemblies comes from documents such as privileges, franchises and immunities in which market rights are transferred by lords.[9] Running and taxing a market was an indication of 'public' or royal power, maintaining associations from late Roman public authority and in the earlier Middle Ages, market rights are usually found in documents of immunity as part of gift exchange between kings or emperors and local powers, frequently bishops.[10] The highest authorities maintained an interest in founding and delegating markets, as we shall later see, yet in line with the localisation of political power in the late eleventh century we begin to see more

[8] Karl Polanyi, *The Great Transformation, The Political and Economic Origin of Our Time*, (Boston, 1957), 71-81.

[9] Caroline Goodson, *Cultivating the City in Early Medieval Italy* (Cambridge, 2021), 125-8, Hilton, *English and French Towns*, 32-3.

[10] Dennis Romano, *Markets and Marketplaces in Medieval Italy, C.1100 to C.1440* (Yale, 2015),

frequent references to markets in negotiations between lords and communities, which took care to outline who should run and profit from market assemblies that were either pre-existing or newly established.

There are clear links between the growth of larger *castelli* and the social world of the marketplace. Yet, the establishment of a market town was not a starting point for rural exchange. The early medieval *sistema curtensis*, was involved in producing surplus for markets and the first stage of *incastellamento* in the tenth and eleventh centuries has been mapped to networks of elite demand and production.[11] Francesca Rapone has suggested that the choice to build a castle may also be related to already-existing points of market assembly linked to other devotional or social functions.[12] So, larger centres frequently followed established settlements that may also have held markets.[13] Nevertheless, the *secondo incastellamento* and the franchise charters which often accompanied this process suggest a renewed focus on when and how markets were to be held and regulated and who should take the tax on goods or sales.[14]

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[11] Pierre Toubert, 'Il sistema curtense: la produzione e lo scambio interno in Italia nei secoli VIII, IX e X', in *Curtis e signoria rurale*, *Interferenze fra due strutture medievali. Antologia di storia medieval,* (Turin, 1997), 7–94.
Sauro Gelichi, 'Ceramic Production and Distribution in the Early Medieval Mediterranean Basin (Seventh to Tenth Centuries AD): Between Town and Countryside.', in *Towns and Their Territories Between Late Antiquity and the Early Middle Ages*, 2000, 115–40, 136, Wickham, *Framing the Early Middle Ages*, 697-9, Valenti, 'Changing Rural Settlements', 123–39.

[12] Francesca Rapone, 'Il mercato nel regno d'italia (viii meta' dell' xi secolo): archeologia e storia' (Ecole Des Hautes Etudes En Sciences Sociales - Paris and Universita' Ca' Foscari - Venezia, 2011), 149-155.

[13] Nicholas, *The Growth of the Medieval City*, 96-7.

[14] Farinelli and Giorgi, 'Fenomeni', 406–11.

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By way of example, let us consider how markets figured in the disputes surrounding the formation of Ripatransone in southern Fermo. The centre was formed in the late twelfth century with a pact known as the *brevis ripatransonis,* which does not survive but forms the basis for a later charter, which provided for the foundation of a market square (*mercatum et platia*) where residents were, at all times, free to trade.[15] Bringing goods to buy and sell may have been one of the main reasons that visitors came to a large castle such as Ripatransone and the right to tax those buying and selling here became central to who exercised authority over the town. In smaller settlements, less than a day's walk from Ripatransone, minor lords ran already ran markets. This is shown in a grant from the abbot of Farfa to the priory of S. Vittoria in Matenanno in 1152 which allocated half the coins from a small church market (*mercato S. Maria)* collected by a local *curia* alongside the market of *Castello Aldonis*, where a share in the dues raised from sale of oil and salt collected by the *domini* for Farfa is to be given instead to S. Vittoria.[16] It is clear from these documents that local lords were already taxing market assemblies and that ecclesiastical lords were taking payments from intermediary castle lords responsible for collecting market revenue. It is notable that markets are listed here as something of an afterthought, it is the services provided by ten *agricola* that are the primary concern of the document, nevertheless, it speaks to growing profit from peasant surplus. Combining existing settlements into a walled market centre at Ripatransone produced a larger place for exchange attracting traders from further afield, but it was a process requiring consent and cooperation from

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[15] Tomei, 'Genesi', 129–415, Appendix, doc. 15, p. 258 (1224).

[16] *mercato Sancte Marie preter monetas que curie sunt cetera per medium dividantur. De mercato Castelli Aldonis quicquid ab dominis quicquid olei quicquid sallis colligitur vobis dimit* SCSV, doc. 11 , p. 5 (1152).

a far larger group of would-be inhabitants. Such a process also fuelled new conflicts. At

Ripatransone in the thirteenth century, bishop and commune disputed who should collect the

sales taxes made on the *forenses* who brought their animals and goods to be sold in the same

platea mercati.[17] The bishop, Adenolfus had claimed these taxes for himself in 1205 when he

sought to supersede the town's foundation charter with a new charter asserting episcopal claims

to the settlement. This expression of episcopal authority illustrates a growing concern with the

space of the market, the charter offered rights to settle anywhere within the perimeter but forbade

new secular building within the bishop's gardens or the market square (*platea fori)* without the

bishop's permission.[18] This evidence points towards changing attitudes by lords to market

revenues and one that was not driven exclusively by self-interest.

It is often hard to detach market assemblies from other facets of social and devotional life.

Markets for produce and cattle were seasonal and closely linked to the liturgical calendar, with

commercial fairs and saints' days synonymous since the earliest middle ages.[19] Study of the

medieval markets by Dennis Romano emphasises the market as a highly moralised sphere

incorporating both customary ideas about just price and fair exchange.[20] This market morality

gained increasing significance as the space of the market became a central and contested part of

the city.[21] Thus the market assembly was also closely connected to religious places and

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[17] Borri, *Fermo città egemone*, doc. 20, p. 50 (1253).

[18] Borri, *Fermo città egemone*, VI, doc. 3, p. 8 (1205).

[19] Paul Arthur and A Buko, 'Medieval Fairs: An Archaeologist's Approach', *Archeologia w Teorii Iw Praktyce. Warsaw: Festschift Stanilas Tabaczynski*, 2000, 419–36.

[20] Romano, *Markets and Marketplaces in Medieval Italy,* passim.

[21] Nicholas, *The Growth of the Medieval City*, 100.

gatherings maintaining a tense relationship with the sacred. As with many aspects of Latin medieval life, most of what we know about markets comes from the records made by churches, this fact has the potential to overstate the impact of the church on wider patterns of exchange and production. Archaeology broadens the picture and may give a more comprehensive view of exchange. Nevertheless, it is true that churches maintained a central role in medieval settlements and structures of regional authority and demand generated by monastic networks had significant economic consequences.[22]

I will look first at how the space of the market was considered in the discourse of reformers whose monastic estates were closely linked to developing exchange networks. Monasticism adjusting to the market is exemplified by the Cistercian order and their practices of non-territorial lordship which indirectly shaped local politics in the central Marche. Using the example of stock raising, I suggest that the Cistercians were also influential on account of the scale of their operations which encouraged secular specialisation. I then consider the parallel evidence for commercial orientation across different strata of rural society and how this influenced the political and social space in neighbouring market centres. This agrarian change is explained by the expansion of regional demand and inter-regional exchange networks from the mid-twelfth century. Market space, assembly focused authority and ecclesiastical redefinition converge in a series of conflicts concerning the market space at Civitanova in the early thirteenth

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[22] Wendy Davies, 'Monastic Landscapes and Society', in *The Oxford Handbook of Medieval Christianity*, (Oxford, 2014), 132–47.

century. These two episodes represent a culmination of the arguments of this thesis and outline the emerging repercussions of papal authority in the Marche.

Markets, ecclesiastical networks and church reform in the Marche: 1060-1150

The social sphere of the urban marketplace and what should be done with profits from market exchange was a prominent undercurrent of the movement for religious reform. This large topic is out of scope here, nevertheless, it is worth drawing attention to certain parts of this discourse which indirectly influenced the great territorial lords in the Marche, who were mostly bishops and abbots. Peter Damian's letters, frequently criticised or advised wealthy prelates, such as the Cadalus Bishop of Parma who, 'armed with gold rather than steel', was accused of spreading 'fiery embers of money' among his people, by weighing of gold, mortgage of church buildings and through networks of fortified towns.[23] Damian's rhetoric coexisted uneasily with growing urban crowds and parish solidarities, for example, supporting the Patarenes of Milan in their search for papal acknowledgement while criticising radical monks from Vallambrosa that preached against the ecclesiastical hierarchy in urban marketplaces.[24] The rebuke of the bishop

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[23] Damian, *Letters*, Vol. 3, letter 89, p. 327.

[24] Cushing, *Reform and Papacy in the Eleventh Century*, 24-7. Moore, 'Family, Community and Cult', 49–69, 49-52. Damian's anger at the Vallambrosan monks was in part because they combined their claims to ascetic purity with incendiary interventions against the ecclesiastical hierarchy in the world, specifically in the urban markets of Florence Cushing, 'Of "Locustae" and Dangerous Men', 740–57, 743-6.

of Parma, reflects the consolidation of territorial power in the hands of bishops, which through delegated 'public' rights brought markets into the administration of church lords.

The letter to Cadalus indirectly suggests how the consolidation of episcopal lordship may have been a catalyst for economic growth, fostering demand and exchange in urban centres. Documents from Ascoli hint at how this might have played out in the Marche: In one of the earliest surviving charters issued to the Bishop of Ascoli in 1037, Emperor Conrad II gave rights to 'run a market wherever he wished within the diocese, either in the city or outside, without objections from anyone'.[25] In the following decades, the Marche's bishops were the subject of reproach, complaining of corruption and greed by the bishop of Osimo and Fano, Damian also noted approvingly that Pope Alexander II deposed the Bishop of Ascoli for the vanity of having commissioned an ornate silver crozier.[26] As illustrated in Chapter 2, this sharpening of the contradictions inherent to the church in the world led a drive towards differentiation, which was, in itself, a motive for building and exchange, as part of a collective desire to distinguish sacred places and co-operate with impulses of lay piety.[27]

The space of the market played a role in this discourse. Peter Damian frequently compared the many voices of the public market unfavourably to the solitude of the cloister.[28] It was probably

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[25] Antonino Franchi, *Ascoli Imperiale da Carlo Magno a Federico II (800-1250),* (Ascoli Piceno, 1995)*, doc. 7, p. 48 (1037).* Emperors may have made other grants of markets to counts or churches in the central Marche which do not survive, and they do so again in the late twelfth century.

[26] Damian, *Letters*, vol 1, letter 26, p. 246 (1047). and vol 2, letter 38, p. 78. and vol. 4, letter 97, p. 80-81

[27] Cushing, *Reform and Papacy in the Eleventh Century*, 2 and 160-1.

[28] Damian, *Letters,* Vol 5, Letter 153, p. 62 (1067).

the markets of Ravenna not rural *castelli* like Civitanova which Peter Damian had in mind when

he compared the 'foolish words of the noisy market' with his ideal of monastic isolation, yet

given what we know of their correspondence, this discourse might well have influenced Bishop

Waldericus's decision to delegate market rights at Civitanova in the 1070s.[29] Fonte Avellana,

Peter Damian's monastic home, was also concerned to limit urbanisation and settlement around

their monastic centre, making a special request to a group of local counts asking that people 'big'

or 'small' and especially women, should not settle by the monastery.[30] Insecurities about

personal corruption and the opinions of boisterous crowds in the urban markets cannot be

divorced from the surrounding rural world: monastic networks spread throughout the

countryside, and journeys for payment of rent by clients began to coexist with commercial

routes.[31] Monastic ideals about escape from the world existed in contradiction with the reality of

vast ecclesiastic power and wealth that in turn fuelled market assemblies.[32] Thus, Damian's

rhetoric is best viewed in light of studies by Katherine Jasper and Michael Gledhill of his

monastic home, Fonte Avellana outlining how new foundations were self-consciously positioned

around key road networks leading to urban markets to which monks and lay brothers frequently

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[29] Damian, *Letters,* Vol 5, p. 19, Further examples at p. 62, 72, 39 and 261 (1067).

[30] *CFA* I 14, p. 33-34.

[31] Aldo Settia, 'Castelli e strade del nord Italia in età comunale: sicurezza, popolamento, "strategia"', in *Luoghi di strada nel Medioevo. Fra il Po*, 1996, 15–40, 71-89. Toubert, 'Il sistema curtense', 7–94, 66-69.

[32] Miller, *The Bishop's Palace*, 135-7.

travelled. The presence of monastic outposts along roadways ensured travellers could witness the performance of monastic solitude, suggesting a largely rhetorical commitment to isolation.[33]

It may help to view these apparent contradictions on their own religious terms: to avoid the sin of avarice, wealth should be used in service to the church. As outlined in Chapters one and two, church building and new parish identities were often connected to the renegotiation of land and territorial authority. It is in this context that we see the first references to market assemblies in the early twelfth century which are all given away to support the upkeep of churches. For example, in 1099 the bishop of Camerino gave the abbot of S. Salvatore in Rieti the river port and rights over the market at Tolentino. Similarly, the franchise charters issued by Bishop Azzo to Montolmo and Podio S. Giuliano, cemented the rights of the church and relinquished claims to a sales taxes (known as *osequium* or *siliquaticum*) in market or any other deals made inside the castle's now-defined territory.[34] Besides funding the upkeep of churches there were probably practical reasons to delegate market rights, which attracted settlers and helped affirm local loyalties.[35] It may be that collecting revenues from dispersed marketplaces was difficult to manage and not particularly profitable in the period before 1180 and delegating may have made practical sense. Moreover, gifts of market rights might also mark out ecclesiastical authority as being of a purer and higher sort, by 1180 this attitude changed and competition over market

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[33] Jasper, 'Mapping a Monastic Network', 84-88 and 106-7. Michael Gledhill, 'Peter Damian and "the World": Asceticism, Reform and Society in Eleventh-Century Italy' PhD thesis, King's College London, 2012, For property by a market in Cagli: CFA I, 84, p. 195-6 (1095).

[34] LF I, doc. 177, p. 142 (1128). *siliquaticum* derives from a Roman sales tax: '*De siliquarum exactionibus*', Codex Theodosianus vol. II, pp. 99–100.

[35] Fiore, *The Seigneurial Transformation*, 67-73, 70-71.

rights is more prevalent as bishops sought to demarcate and influence the space where markets were held. The struggle over market rights suggests increased participation in market exchange, yet beneath these political grants, the level and kind of exchange that was taking place in regional marketplaces is often difficult to discern. The Fiastra archive is the most substantial source for agricultural production in the central Marche and provides significant evidence for changing agricultural practice by both peasants and lords. The distinctive qualities of the Cistercians, a product of a wider reform movement, suggests interactions between religious and commercial change, yet they also present questions as to the limitations of using Fiastra documents to examine wider regional economic change.

Cistercians, specialisation and pastoralism in the Chienti and Potenza valleys: 1140-1215

The Cistercians occupy a controversial and sometimes exaggerated role in historical narratives of economic change in the twelfth century. A now antiquated tradition saw the White Monks as austere precursors of capitalist economics, with ideals foreshadowing 'prairie settlers' of North America and Weber's 'protestant ethic'.[36] These ideas were formed on the basis of contemporary criticism of Cistercian practice and the aspirations laid out in the founding documents of the order, which aimed for self-reliance and salvation through individual labour, promoting directly managed granges or estate centres run by lay brothers and paid labourers with a tendency towards market specialisation. Isabel Alfonso has claimed that this earlier presentation continued

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[36] For references and critique of this earlier historiography: 13, 3-4. Constance Hoffmann Berman, *Medieval Agriculture, the Southern French Countryside, and the Early Cistercians: A Study of Forty-Three Monasteries*, (Philadelphia, Pa., 1986), 7-12.

to influence later scholars who have neglected to acknowledge the persistently seigneurial

aspects of Cistercian estates. As Alfonso makes clear, despite forays into wage labour, the

Cistercian were certainly lords, profiting from rents and labour of *conversi*.[37]

The Cistercians, were, however, lords with a highly distinctive set of practices that had a notable

influence on exchange and local authority in the regions in which they operated. This is certainly

true for the central Marche where they provide some of the clearest evidence for active

engagement by monastic lords in the usually peasant-orientated production process and a novel

piety that ensured strong links not only to local society, but to the highest echelons of papal and

imperial hierarchies whilst often refraining from clearly jurisdictional aspects of lordship.[38] As

Maximillian Sternberg observed, the White Order presented the culmination of a 'paradox of

simultaneous withdrawal from, and engagement with, medieval society'.[39] This tension, the

particular qualities of their landholding and the agricultural practices which it promoted, both

reflected and also shaped the consolidation of market networks. Though they had advantageous

access to wage labour and freedom from tithes, it is broadly accepted that the Cistercian practice

of producing large surpluses for marketing developed in response to existing economic

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[37] Isabel Alfonso, 'Cistercians and Feudalism', *Past and Present*, 133/1 (1991), 3–30. Constance
Bermann adheres to the idea that Cistercian's were trying to avoid 'seigneurialism' Berman, *Medieval Agriculture*, 91. Reference to 'managerial' practices: 59.

[38] The Cistercians are an example of lords which did have a structural role in production: Wickham, 'How Did the Feudal Economy Work?', 3–40, 10.

[39] Maximilian Sternberg, *Cistercian Architecture and Medieval Society*, (Leiden, 2013), 3.

conditions.[40] This was in one sense lords taking over marketing opportunities from peasants, as well as other lords, but the scale of their operation made distinctive changes to local agricultural production.[41] The relations of the Cistercians with their neighbours has implications for the political life of the surrounding new towns. For while the physical presence of Cistercians in the walled market towns of the Marche is not well visible until the early decades of the thirteenth century when they acquired houses and intra-mural churches in Macerata and other *castelli*, from their arrival on the Potenza river they began to develop transactional relationships with the inhabitants of surrounding centres.[42]

There is, however, a major problem in evaluating Fiastra's influence on local society, that must first be addressed. It was Cistercian corporate interests which shaped the archive which provides the largest body of evidence for the medieval economy of the central Marche. It is therefore difficult to see how the monks and their clientele fit into a wider landscape of exchange unrelated to Fiastra and her clientele. Some of these issues are alleviated by the wide range of original documents held by Fiastra, which includes apparently unrelated lay documents and collections from smaller Benedictine monasteries. Yet while this archive tells us more than a typical monastic cartulary about the economic activity of wealthier peasants and secular lords it still

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[40] Robert Fossier, 'L'économie cistercienne dans les plaines du nord-ouest de l'Europe', in *L'économie cistercienne: Géographie. Mutations*, ed. by Charles Higounet, Flaran (Toulouse, 2020), 53–74.

[41] For lords appropriating market opportunities as class struggle and constituent to a feudal logic: Wickham, 'How Did the Feudal Economy Work?', 3–40, 31.

[42] For example: *Fiastra* V, doc. 124, p. 226 (1236).

presents a distorted picture of the Cistercian's role in the regional economy, and this should be kept in mind as we explore its interactions with local society.

The abbey of Fiastra engaged with the local aristocracy from the time of its foundation. It is generally accepted that a small community of monks was established following a grant of land by Margrave Werner to the Abbot of Chiaravalle in Milan around 1140.[43] Early interactions with local aristocrats are found in various gifts and sales to local aristocrats including the Offoni, lords of the nearby castle of Villamagna. These gifts formed part of family inheritance strategies and some of this land included subject tenant and their farmsteads.[44] Many of these documents are sales, often for considerable sums, as the abbey helped aristocrats in acquiring capital.[45] Fiastra continued to operate as a source of patronage for aristocratic families and large tracts of peripheral or uncultivated land were sometimes let in *emphyteusis* to prominent clients, although usually for more than symbolic rents.[46] Yet, as Francesco Renzi has demonstrated, Fiastra's growth eventually compromised the autonomy of several neighbouring lordships, who became subservient clients of the monks or submitted to the authority of neighbouring town communes.[47]

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[43] The first original document dates from 1140 but may be incorrectly dated, foundation is insecure and documented largely by a thirteenth-century register and several late twelfth century forgeries: *Fiastra* I, doc. 41, p 89 (1140). *Fiastra* I, doc. 38, p. 87 (1139), doc. 43, p. 93 (1140), doc. 46, p. 99 (1141). Original documents increase sharply around 1150. See Renzi, *Nascita di una signoria,* 6-7. For an inaccurate and partial list of early donors to the Brancorsina grange: *Fiastra* III, doc. 202, p. 269 (1216).

[44] Gift and lease with provisions for female family members should there be no male heir: *Fiastra* I, doc. 57, p. 115 (1150). *Fiastra* I, doc. 71, p. 137 (1153), doc. 72, p. 139 (1153), doc. 75, p. 146 (1154).

[45] *Fiastra* I, doc. 72, p. 140 (1153).

[46] *Fiastra* II 68, 76 (1187-8)

[47] Renzi, *Nascita di una signoria,* 241-2.

The Franchise Charter made at Villamagna in 1194 is indicative of this process, being a clear attempt to form an expanded town and commune, in which market assemblies were encouraged and taxed.[48]

Many of the early documents from Fiastra are transactions made with smaller landholders. Some of the earliest donations are made by *consortia* associated with larger *castelli* like Macerata and Morrovalle. In one of the earliest donations, made in 1145, a group of eighteen owners led by Eilantro and Tollome di Quicardi gave for their souls the portion of land they shared in Sorciano near S. Claudio al Chienti. Two of the donors were sons of priests and the group included members of the Gizoni, subjects of the bishop and residents of *Podio S. Giuliano* who had once given beds for the bishop's court.[49] This gift was followed by another from a large *consortium* which formed the basis of Fiastra's Sarrocino grange, situated in between Macerata, Montolmo and Morrovalle. This estate was augmented by several sales made by what appear to be small-scale landholders acting individually or in groups.[50] The franchise charters issued at Montolmo and *Podio S. Giuliano* preserved the right of sale by inhabitants, within certain limits and it

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[48] *Fiastra* III doc. 203 p. 273.

[49] *Fiastra* I, doc. 52, p. 109, (1145) For the Gizoni's services to the bishop: *LF* II, doc. 31, p. 58 (1138).

[50] *Fiastra* I, doc. 58, p. 116 (1150) and *Fiastra* I, doc. 74, p. 142 (1153) Esmido di Offredo and other consorts sell to Fiastra land in *fondo Sarrocino*, in the *ministerium* di Valle. Also: *Fiastra* I, doc. 63, p. 127 (1151) and *Fiastra* I, doc. 61, p. 123 (1151). For Sarrocina and Fiastra's other granges: Wolfgang Hagemann, 'Studien Und Dokumente Zur Geschichte Der Marken Im Zeitalter Der Staufer. 2. Chiaravalle Di Fiastra', *Quellen Und Forschungen Aus Italienischen Archiven Und Bibliotheken*, 41 (1961), 48–136, 53-4 For parallels in Cistercian clientele in Spain Ana María Rodríguez López, 'Monastic Strategy and Local Relations: The Social Influence of the Monastery of Oseira in the Thirteenth Century', in *Beyond the Market. Transactions, Property and Social Networks in Monastic Galicia, 1200-1300*, 2002, 171–244, 201-222.

seems that medium elites and free-holding peasants had made choices to devote land to Fiastra or sell to the Cistercians portions of collectively held marginal land. Thus, sales to the Cistercians, like donations of proprietary churches, fragmented land held collectively into portions given for sale.[51] Later in this chapter we shall see how the fragmentation of rural *consortia* such as those which gave to Fiastra coincided with an increasing use of money for speculation associated with market exchange. The Cistercians were probably not the main drivers of market exchange in the region, as shown in the franchise charters, market assemblies were a regular occurrence in centres such as Macerata from at least the early twelfth century. It is clear however that they did have an influence on local agricultural production.

It was the increasing size of Fiastra's operations which made the most visible impact on agriculture in the Chienti valley. It is perhaps not useful to think of a typical Cistercian house, but it is fair to say that Fiastra was not exceptional, adhering in its early documents at least to Cistercian provisions against milling and only rarely accepting land occupied by tenants.[52] It may be that the consolidation of directly farmed granges, concentrated the activities of former tenants

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[51] The second piece of land belongs to only one consort, and he receives 4 *s.* and a *denarius* of Pavia: *Fiastra* I, doc. 78. p. 153 (1155). Further examples: *Fiastra* I, doc. 57, p. 115 (1150), *Fiastra* I, doc. 66, p. 131 (1152). *Fiastra* I, doc. 68, p. 133 (1152). *Fiastra* I, doc. 78, p. 153 (1155

[52] For exclusion of mills from purchases: *Fiastra* I, doc. 52, p. 109 (1145) and doc. 58, p. 116 (1150). In the thirteenth century new solutions were found in the form of shared mills built in co-operation with the commune of Montecchio: *Fiastra* V. doc. 33, p. 65-67. (1232), For a summary of debates regarding Cistercian ideals: Emilia Jamroziak, 'Rievaulx Abbey as a Wool Producer in the Late Thirteenth Century: Cistercians, Sheep, and Debts', *Northern History*, 40 (2003), 197–218, 199-201. For a revision of the foundation of the Cistercian order : Constance Berman, *The Cistercian Evolution: The Invention of a Religious Order in Twelfth-Century Europe* (Philadelphia, 2000).

within the surrounding rural centres and in this respect we see gifts of land to Fiastra which released associated tenants from seigneurial services. This may in fact have been compensation for leaving land to be farmed directly by monks and *conversi*.[53] Like other Cistercian houses, it adapted its strategies to local conditions, but while Cistercians were certainly known to exercise a form of seigneurial jurisdiction, there is no evidence that they did so at Fiastra.[54] Fiastra, did little land clearance, but bought up and consolidated their holdings with cash, intensifying production of wine and grain. I shall focus here on stock raising for two reasons. Firstly, it appears that it by raising animals in the early decades of its foundation, Fiastra funded expansion of wine and grain production, all of which impacted local markets. Secondly, the scale of Cistercian stock raising may have been disruptive to an existing stock economy that played a role in the hierarchies and collective identities of neighbouring *castelli*.

Animal husbandry was particularly attuned to the spatial dynamics of reform and the monastic ideals of the Cistercian order: it was well-suited to a detached hermitical lifestyle and was in accord with the pastoral symbolism of Christianity. It appears that by the 1170s Fiastra maintained a large herds of sheep, goats and cows which were periodically pastured between granges at Brancorsina and Urbisaglia.[55] The expansion of Fiastra's herd probably served a

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[53] *Fiastra* I, doc. 65, p. 130. For peasant negotiation over land gifts to Cistercians: Bouchard, *Negotiation and Resistance*, 93-94.

[54] Alfonso, 'Cistercians and Feudalism', 22-23. Fiastra monks were frequent litigants in local courts, for example, the Offoni counts complain in a case concerning Fiastra that the abbot had promised aid the family by attending a *placitum* but had not turned up on the day: *Fiastra* III, doc. 70 p. 104-105.

[55] In the 1170s Fiastra began to regularly pay for land with livestock: *Fiastra* I, doc. 203, doc. 178, p. 291. (1177), *Fiastra* I, doc. 182, p. 296 (1177) sale with a price of 8 *besti* plus 30 *denari lucchesi. Fiastra I, doc. 203, p. 330 (1179). Fiastra* II, doc. 150, p. 238 (1197) Sale of timber rights by the Chienti river for

demand for meat and animal by-products: wool, cheese, leather and parchment. Following wider Cistercian patterns, capital from stock-raising may have been used to fund cash purchases that consolidated their granges which were focused on growing wheat and legumes, worked by *conversi* and the monks themselves with the aid of some paid labour.[56] From the 1160s the Cistercians began to act as a local lender, taking land as securities.[57] Moreover, profits from the granges sold at local or regional markets may have aided the construction of the abbey church, consecrated in 1170 and completed by 1200.[58] Perhaps on account of its size, grazing rights for Fiastra's herd became a point of conflict with the older Benedictine abbey of Rambona and her clientele from Montemilone. Fiastra's influence and wider patronage networks gave it an advantage over Rambona and influenced the perception of the abbey within local society.

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30 sheep and 10 goats: *Fiastra* II, doc. 13, p. 21-22 (1181). Later witness depositions claim that in either 1184 or 1174 the abbot of Rambona gave up all claim to this land, wood and pastures surrounding the Brancorsina in exchange for between 200-300 cattle: *Fiastra* IV, doc. 108, p. 180, (1224). Damages to the Fiastra herd by the *homines* of Montemilone: *Fiastra* III, doc. 200. p. 266-7 (1216).

[56] Rinaldo Comba, 'Aspects économiques de la vie des abbayes cisterciennes de l'Italie du Nord-Ouest (xiie-xive siècle)', in *L'économie cistercienne: Géographie. Mutations*, ed. by Charles Higounet, Flaran (Toulouse, 2020), 119–33, paras 9,10 and 24. Similar patterns are identified by Constance Bermann who notes, much of this is an argument based on logic rather than evidence. See Berman, *Medieval Agriculture,* 40 and 97. For the organisation of Fiastra's granges : Renzi, *Nascita di una signoria,* 160-6. For sale/donation of land paid in return for prayers and a measure of chickpeas: *Fiastra* III, doc. 78, p. 109 (1209). For wage labour : *Fiastra* IV, doc. 82, p. 157 (1234).

[57] *Fiastra* I, doc. 199, p. 324-5 (1178). Forfeit of land for failure to repay a debt: *Fiastra* I, doc.111, p. 197 (1165). The Abbey also lent money to the margrave who gave land belonging to Rambona in repayment for a debt: *Fiastra* I, doc. 188, p. 304 (1170-77).

[58] For the abbey church see Righetti Tosti-Croce, *Architettura per il lavoro*, IV, passim, Chiavari, 'Note di topografia medievale', 117–214, 132-41.

Witness testimony kept by Fiastra gives a sense of how Fiastra was perceived by other local people.

Witness testimony concerning events in the late twelfth century suggests local relations with the Cistercians were mediated by money and personal spiritual links rather than the trappings of territorial lordship. The testimony concerns a long-running dispute with the abbey of Rambona, over rights to land known as the *Piano di Potenza* near the grange of S. Maria in Selva. Witnesses called in Fiastra's defence claims they saw monks and *conversi* sow grain and then bring animals to pasture on the other side of the plain. Each witness is asked how they are beholden to Fiastra, two state they were not *conversi,* but were loyal to Fiastra on account of land they had pledged for their soul.[59] Two others admit they owed rents to Fiastra but were otherwise not in their debt. Others claim they held their land freely, though under the *dominus* of Lornarno, a neighbouring castle. Others did not have free possession but held from others living in Macerata and Montecchio. The remaining witnesses claim they are not beholden to Fiastra but each had worked for the monastery in some capacity: one was paid in goods to watch the abbey's herd and collect fodder, while another resident of Montecchio remembers that as a small child he used to gather hay for the abbey in the place where the inhabitants of Montecchio and Lornarno also gathered theirs.[60] It is clear that Fiastra had dependents with obligations, but it is assumed in the testimony that these would normally be *conversi,* the exception being those who had pledged

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[59] Fiastra V, doc. 82, p. 152 (1234).
[60] Fiastra V, doc. 82, p. 157-9 (1234).

land and leased it back.[61] This text illustrates a range of attitudes to Cistercian patronage,

highlighting obligations which were comparatively loose and largely mediated by monetary

exchange. Conflict with Rambona, partially related to questions of grazing rights, also shows that

land was held collectively by the abbey and surrounding communities, with claims entrusted to

the collective memory of local communities.[62] Nevertheless, this document was produced

through conflict and speaks to how Cistercian practices might disrupt or unsettle existing

practices of lordship through a more openly transactional form of monastic patronage.

The Cistercians had an impact on their neighbours as we can tell from documents associated with

a peasant couple who became clients of the monastery while specialising their own farming

practices. In 1221, Berta, daughter of Omnelli gave a *pro anima* gift to Fiastra via the grange

manager (*granciere*) at S. Maria in Selva, of all her land containing fig and other fruit trees, elms

and olive groves and vines on the nearby hill of *Collis Aiani* in return for 9 lbs. Ravenna money

and a promise by the *granciere* to provide each year a pair of stockings and a tunic or leather

cloak. Her husband, Morico da Napoli, was also to get a pair of stockings, and both were to

receive a measure (*sarcina*) of beans and two of wheat. Berta's agreement with the *granciere*

was to aid their salvation, but may also have provided for the couple in old age.[63] This was part

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[61] There is a notable precision in recording the obligations and assets of the witnesses, whose holdings are generally between 10-100 *lb* worth of land and goods. (The first and wealthiest tenant holds 300 lbs of land) One witness Compagnone di Tarsi is a notable resident of Montecchio see also Fiastra IV, doc. 208, p. 338 (1230).

[62] For parallels see Emilia Jamroziak, 'Making and Breaking the Bonds: Yorkshire Cistercians and Their Neighbours', in *Essays Peter Fergusson*, 2004, 63–70, 201.

[63] *Fiastra* IV, doc. 64, p. 103 (1221). For Cistercians and old age pensions: Berman, *Medieval Agriculture,* 53.

of a process of reciprocity, by which Fiastra also expanded its estates.[64] Berta's family had a long

relationship with Fiastra; in 1159 her father and uncle sold the monks arable land in what would

become the Brancorsina grange.[65] In 1163 the father and uncle were entrusted to run one of the

abbey's water mills by the Potenza, on the condition that they milled for the monastery two days

a week (probably a 'workaround' for the Cistercian provision against milling).[66] Morico da

Napoli was Berta's second husband, she had two sons with another man named Albertinus and

Berta and her sons together with Morico all pledged an oil grove in *fundo Plaze* transferred on

the moment of Berta's death with an agreement to provide the monastery with a measure of figs

and good oil at harvest. [67] These two sons were also tenants of a *mansum* with services owed to

the lord of Monteacuto, they inherited the mill from their grandfather which they also sold to

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[64] For reciprocity and monastic strategy in Spanish Cistercian context: Ana María Rodríguez López, 'Monastic Strategy and Local Relations: The Social Influence of the Monastery of Oseira in the Thirteenth Century', in *Beyond the Market. Transactions, Property and Social Networks in Monastic Galicia, 1200-1300*, (Leiden, 2002), 171–244.

[65] *Fiastra* I, doc. 89, p. 167 (1159). The land could be planted with seven *modia* and nine *staria* of grain and the price six *soldi.* Italian measures are highly localised in this period. For approximate but later values see Ronald Edward Zupko, *Italian Weights and Measures from the Middle Ages to the Nineteenth Century* (1981), 161-2.

Berta's brother, Gregory, had also sold a portion of land in 1184 on the other side of the Potenza and her cousin, also named Berta, made a small donation. *Fiastra* II, doc. 32, p. 49. (1184). Another Berta, Leta's daughter and the first Berta's cousin gave a small patch of wood to Fiastra's grange: *Fiastra* III., doc. 103, p. 142, (1210).

[66] *Fiastra* I, doc. 104, p. 185-6. (1159). The mill is mentioned in the oldest document in the Fiastra archives dated to 1004: *Fiastra* I, doc. 1, p. 1 (1004).

[67] *Fiastra* IV, doc. 64, p.? (1208). boundary clause suggests the brothers continued to hold land nearby: *Fiastra* IV, doc. 123, p. 200 (1225).

Fiastra in 1221.[68] A family of millers may have had less need for arable fields and were likely to have gained from the expansion of Fiastra's wheat production. As the couple got older, they consolidated their relations to the abbey with further pious donations. In 1210 Berta and Morico gave half of the same vineyard and two days later the second half, in return for prayers for their parent's souls, retaining usufruct until death.[69] The key points here are firstly, that the family's land-holding strategies were significantly influenced by the presence of the Cistercians. Secondly, Berta and Morico did not inherit the family mill and by the end of their life seem not to have held any arable land, only vineyards, oil groves and orchards and so the wheat, beans and clothing received might otherwise have been acquired through informal exchange or at a local market. The pair exemplify a stratum of wealthier peasants who specialised in oil and viniculture, after ceding arable land to Cistercian granges.[70] This peasant family seem to have adapted their means of subsistence because of their proximity to Fiastra and to local demand, though this detailed picture is possible only because of the family's close links to the monastery and was not necessarily representative of other peasant smallholders. It is notable however that witnesses to Berta's charter include the *presbiteri* and other identifiable figures from Villamagna placing them in the orbit of the assemblies of this diminished market town.[71]

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[68] *Fiastra* IV, doc. 78, p. 129 (1221). Evidently Fiastra's aversion to milling was on the wane. A thirteenth-century note on the verso reiterates a connection to Berta Omnelli. The two sons held a *mansum* and owed fealty and services to Alberto di Lornano and are included in list of *mansi*: *Fiastra* III. *d*oc. 147, p. 200 (1207).

[69] *Fiastra* III, doc. 104 and 105, p. 143-146 (1210).

[70] For example, of sale of *terre vineate et laboratorie* enacted before the house of artisans in Tolentino see *Fiastra* III, doc. 137, p. 187 (1213).

[71] *Fiastra* III, doc. 73, p. 99 (1208).

A corrective to the inflated view of Cistercian influence provided by our sources may be found in the evidence for stock raising among local communities. Stock rearing was already established before the White Monks arrived: there is evidence from the Roman period and some signs of continuity or revival, there are suggestions that the monks of Farfa, S. Croce al Chienti and Rambona grazed their herds in the Chienti valley in tenth century and might have shared this practice with local communities and clients.[72] Pastoralism generated significant conflict in the later middle ages and was an important aspect of communal life, in certain cases upland pastures were let out to visiting pastoralists from Tuscan and northern cities.[73] Significant evidence does not survive from before 1200 but it may be that shared responsibilities for herds played a role in

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[72] For stock-raising in the Piceno in the Late Empire see Verreyke and Vermeulen, 'Tracing Late Roman Rural Occupation in Adriatic Central Italy', 103–20, 103-4. For the decline of pig farming in favour of managed woodlands that favoured sheep, goats and cows: Paolo Squatriti, *Landscape and Change in Early Medieval Italy: Chestnuts, Economy, and Culture* (Cambridge, 2013), 77-80. Tenth-century lease which mentions Farfa's herds: *RF* III, doc. 354, p. 56 (947). For further limited evidence of pastoralism at Farfa: Toubert, *Les structures*, 270-2. For zooarchaeological evidence suggesting intensive Late Medieval meat production at Farfa : Gillian Clark, 'Stock Economies in Medieval Italy: A Critical Review of the Archaeozoolical Evidence', *Archeologia Medievale*, 14 (1987), 7–26, 14-5. Privilege of Emperor Otto I for S. Croce al Chienti which contains pastureland (copy in XV century parchment from *archivio communale S. Elpidio*: N°4 Capsa V n°16 c. 1v.) For the sharing of pastures near Brancosina: *Fiastra* II, doc. 140, p. 223 (1196) and S. Maria in Selva: *Fiastra* V, doc. 82, p. 157-9 (1234). Example from Loro Piceno:

[73] *Fiastra* III, doc. 201, 202, p. 268-72 (1216). For visiting pastoralists: Fiore, *Signori e sudditi*, 326. Castignani and Cicconi, 'Montecosaro e S. Maria di Chienti nei documenti dei secoli XIV - XV', 685–812, doc. 52, p. 800 (1342) and disputed pasture rights of Montecosaro and Civitanova: doc. 44, p. 775 (1487).

shaping the rural commune.[74] Possession of cattle is often a sign of wealth in agricultural communities, and stock raising combined collective responsibilities with opportunities for the advancement by wealthier peasants.

There are some signs that the rural markets first documented in the early 1100s were particularly concerned with on livestock. Freedom from a market tax known as *siliquaticum* is the most common concession made in the region's early franchise charters. By the late twelfth century at least, there are indications that *siliquaticum* was primarily associated with the sale of livestock: statutes from Montalbaddo of 1194 state that *siliquaticum* is to be paid solely for livestock sales and slaughter.[75] We may hesitate to read this focus on livestock back into the grants of *siliquaticum* found in earlier franchise charters, but it is quite possible that high value sales of this kind were a particular concern of the village elites who negotiated franchises with the bishop.[76] Though the collective management of pasture may have played a role in the formation of collective identities, this was not necessarily an egalitarian practice and became closely linked to expanding exchange.

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[74] Reynolds, *Kingdoms and Communities*, 170, Wickham, *The Mountains,* 127-9, Wickham, *Community,* 96 and 212.

[75] Montalbaddo statutes: Menchetti, *Storia di un comune,* doc. 7, p. 124 (1194). See also a pact between Gubbio and Perugia gives a definition which suggests leading animals: *Perusinus dabit guidam aut silquaticum vel,passagium in civitate Eugubino:* Julius Ficker*, Forschungen Zur Reichs-Und Rechtsgeschichte Italiens* (Innsbruck, 1868–1874*),* vol 4, doc. 153, p. 194 *(1194),* Borri, *Fermo città e egemone*, doc. 20, p. 130 and 74 (1253).

[76] Chickens and pigs are the usual payments, though this does not preclude the existence of cattle or sheep that were not expected as payment: *LF* I, doc. 31, p. 56-8 (1128).

Raising cattle on shared pasture was a source of revenue connected with expanding exchange and may have served as a source of social advancement for wealthier peasants who were able to expand their personal share of collectively managed herds.[77] The activities of the Cistercians may have contributed to this process, serving as a source of credit and vendor of animals from its large herd. Moreover, the pre-existing significance of stock-raising to local communities may have amplified the disruptive qualities of the Fiastra herds. Frequent references to sheep in Fiastra's transactions suggest that their herd was particularly large.[78] Indeed, most of the conflicts with neighbouring lords and communities concerned theft, damage or compensation of livestock.[79] The main point here is that although Fiastra may not have originated stock raising in the surrounding settlements, they had the resources and inclination to raise stock on a larger scale.

Fiastra received small donations, engaged in moneylending and probably generated income from market exchange at a level above most neighbouring lordships.[80] All this influenced the

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[77] For unfree peasant wealth acquired through stock-raising see Tiberini, *Le signorie rurali nell'Umbria settentrionale. Perugia e Gubbio, secc. 11-13*, 200. For common pasture as a means by which richer peasants gained social advantage : Duby, *Rural Economy and Country Life in the Medieval West*, 148-150 and Daniel R. Curtis, 'Did the Commons Make Medieval and Early Modern Rural Societies More Equitable? A Survey of Evidence from Across Western Europe, 1300-1800', *Journal of Agrarian Change*, 16 (2016), 646–64, 9-10. Reynolds, *Kingdoms and Communities*,123-4.

[78] Rambona is said to have acquired several hundred sheep from Fiastra in 1224: *Fiastra* IV, doc. 108, p. 180 (1224). For S. Croce's capacity for stock-raising SC, doc. 7, p.75 (1265) We know of Rambona's herd principally from the later disputes with Fiastra: *Fiastra* IV, doc. 108, p. 180, (1224).

[79] These conflicts have been more fully addressed in Renzi, *Nascita di una signoria,* 62-4. 212-242. The Offoni and Fiastra herds : *Fiastra* III, doc. 70 p. 104-105.

dynamics of markets and power in surrounding settlements whose territorial jurisdiction did not conflict with the qualities of Cistercian lordship. The wealth the Cistercians derived from marketing surplus was, ultimately, driven by urban demand and the wider proliferation of bulk commodity markets.[81] Cistercian practices may not have been a root cause of commercialisation but their *domus* in neighbouring *castelli* may indicate that they sold surplus in these markets, and we have some indication that they encouraged peasant farmers to specialise their production. In the political sphere, with a lot of land but no clear jurisdictional claims of their own, they served as an institutional counterweight to local territorial lordships and so may have contributed to the political prominence of castle communes in the surrounding valleys. As a source of monetary wealth and reciprocal patronage, Fiastra attracted smaller donors with fewer obligations, expanding its own estates in the process.[82] These were processes of differentiation which were, in part, constituent to the spatial dynamics of reform: namely the paradoxical desire by Cistercians to escape from an urban life. A process which, in fact, enhanced the social and political significance of market centres. In assessing the impact of rural commercialisation in the Marche we must attempt not to discount, but also to look beyond our monastic sources to how interactions of different types of lords and peasants were influenced by exchange and how this interacted with the marketplace.

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[81] Wickham, 'How Did the Feudal Economy Work?', 3–40,

[82] There are parallels with dynamics of reciprocity and social mobility highlighted by López and Pastor in Pastor de Togneri and others, *Beyond the Market. Transactions, Property and Social Networks in Monastic Galicia, 1200-1300*, (Leiden, 2002), 184-284, in particular: 282-3.

This section focuses on how lords and peasants participated in the expansion of agricultural market networks in the latter decades of the twelfth century. The Camerino, Osimo and Fermo evidence differs from many Italian diocese in that though we may assume some pre-eminence for the diocesan centre, the dominance of a single urban markets is not clear and in fact, as we have seen most of the evidence for markets are outside the main city. The classic response of great lords to urban markets in Italy was through taxation of markets and speculation on agricultural commodities by demanding rents paid in kind. [83] There is some evidence of this shift in the Marche, but without the obvious dominance of a single urban market.[84] Conflict over market rights was part of the institutional definition of the castle commune (documented in Chapter 4). Concurrently, the ability to market surplus altered relations within individual settlements. In what follows, I investigate how exchange and market access influenced the reproduction of family structures and hierarchies within settlements.

In certain cases, we can see that running effective rural markets influenced how lords delegated their authority in rural settlements. For example, the market privileges granted by the Offoni counts to the expanded settlement of Villamagna in 1194 either established a new market or regulated existing assemblies by surrounding it with walls, in co-operation with residents, perhaps to profit from selling on cheap grain from the Cistercian granges. At Montalbaddo in

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[83] Wickham, 'How Did the Feudal Economy Work?', 3–40, 27. For shift to grain rents by the bishop of Florence in comparison to Lucca, Milan, Cremona Casentino: Dameron, *Episcopal Power*, 133-4,138. On the early shift to grain rents at Lucca: Wickham, *The Mountains and the City*, 229.

[84] Rents paid in grain: LF II, doc. 221, p. 409 (1174). See also Fiore, *Signore e sudditi,* 323.

Osimo, running a market seems to have influenced a delegation of authorities by the Archbishop of Ravenna to a group of resident *consules*, a process which seems to have angered and alienated aristocratic clients: statutes drawn up in 1194 show a concern to protect animals and goods brought to market, fixing sales taxes at the discretion of market officials (the *siliquatarii*, reserving half for the *consules*).[85] Documents surrounding this pact suggest that the commune was established in opposition to local aristocrats the Paganelli, *fideles* of Frederick Barbarossa who had moved to Osimo in 1186 following a rebellion in which their episcopal leases were confiscated. All this may suggest that the archbishop or his agents favoured the smooth functioning of markets at Montalbaddo, which was well placed to compete with urban markets at Osimo and Iesi.[86] The Paganelli, perhaps like the Aureliani at Montecchio, were compromised by this trend towards rural commercialisation regulated by a commune.

Small-scale secular lords also adapted their practices towards agricultural specialisation. A good example are the Nereti, a family group maintaining a small lordship over the castle of Monte Nereto situated between Colmurano, Urbisaglia and Villamagna. In 1199 shortly before his death, Nereto di Ugolino left land to the priory of S. Catervo in Tolentino, moving to live in the market town with a group of *homines*.[87] Nereto's nephews maintained some land and services at

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[85] Menchetti, *Storia di un comune,* doc. 7, p. 123-4 (1194).

[86] Confiscation of emphyteusis land from Paganelli for treachery: Menchetti, *Storia di un comune,* doc. 9, p. 125. (1196). Later agreement with paganello in which he promises not to attack *homines* of Montalbaddo: Menchetti, *Storia di un comune,* doc. 12, p. 129. (1205) Further rebellion when certain inhabitants of Montalbaddo becomes subject to Iesi: doc. 14, p 131 (1225).

[87] For Nereto's move to Tolentino see Hagemann, *Tolentino* II, p. 170 and *Fiastra* II, doc. 181, p. 283 (1200). *Homines* moved from Monte Nereti to Tolentino see *Fiastra* IV, doc. 124, p. 169.

Monte Nereto which are documented in some detail on account of a dispute with their aunt and uncle. The nephews prospered from orchestrating the clearance of large stretches of marginal woodland and empty *mansi* where they planted vines.[88] These vineyards appear to be directly managed, and in a summary of the nephews assets in 1211 the profits from wine are listed apart from tenant rents expected in fixed measures of grain, barley, millet and beans and a large cash payment.[89] There is evidence that many of the region's military elite were increasingly in debt, probably due to costly military ventures in the holy land or with imperial armies. The Nereti are not obviously afflicted by this phenomenon, their transactions instead are characterised by large purchases.[90] All this suggests adaptation to the markets held in surrounding centres, notably Tolentino and possibly emulation of Cistercian specialisation. The documents from Monte Nereto show the presence of numerous smallholders and medium elite corresponding to Sandro Carocci's characterisation of a 'micro lord', individuals imposing obligations of service over a

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[88] This land in Monte Nereto passed to nephews Giberto and Orradino leading to dispute around a dowry belonging to Nereto's female relatives illuminating this fragmented lordship in some detail: *Fiastra* II, doc. 181, p. 282-4 (1200), doc. 147, p. 232. (1196). Nereto took a long lease for an abandoned *mansum* from the priory in 1187 for a productive rent: a tenth of the produce and 6 d: *Fiastra* II, doc. 62, p 93-4 (1187). In lieu of an entrance fee he gave the monks a building plot in Monte Nereto on the condition it was not sold or used for secular purposes. 10 years later Nereto leased another large stretch of the wooded valley to the east of Tolentino with agreement to build a wooden church: *Fiastra* III. doc. 98, p. 135 (1196).

[89] *Fiastra* III, doc. 124, p. 169. (1211). Rents listed: 80 *sarcam* of grain, 9 Barley 18 Millet, 16 beans, 2 pigs, 10 pork shoulders and 107 *lb* Luccesi in that portion and 26 *somas* wine. No period is specified. Fixed rents leave capacity for peasant surplus but do not obviously provide leeway for the hardship of harvest failure or war. A cash sum of 400 lbs is also part of the dispute.

[90] For debts owed by the Offoni: Renzi, *Nascita di una signoria*, 64-5, Fiore, *Signori e sudditi*, 337-8 and 175.

very small number of people.[91]The Nereti like their neighbour Gualterio Abbraciamonte, chose

to adopt the language of the commune when holding court.[92] It seems their claims to jurisdiction

was reliant on the consent of other landholders who were also involved in some specialisation.

Though often hard to verify, there appears to be a porous boundary between micro-lords and

wealthier peasants, and both show increasing signs of market orientation. 'Micro lords' are

active in the commune at Cingoli: Atto di Selvo was a *consul* at Cingoli around 1150, his

holdings included unspecified *homines*, fields, woods, two mills, shares in a church, shared

claims to mountain pasture and a *domus* in Cingoli. A dispute from 1193 following Atto's death

reveals Atto's wife and descendants land claims were complicated by money lent by others to

their tenants for establishing a garden and to the children of a smith/artisan, with land mortgaged

by other family members and shared claims to land.[93] The summary of the family's holdings is

given in 1207 when Atto's land was divided on the marriage of his daughter Bonadomane. The

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[91] Carocci, 'Reframing Norman Italy', 171–81, 6-7 of 13. The Arnolti: *Fiastra* II, doc. 151, p. 240-1. (1197), *Fiastra* II, doc. 133, p. 212-213. (1196),: *Fiastra* III, doc. 133, p. 183 (1212). The Gimarii: *Fiastra* II, doc. 90, p. 137-9 and Santini, *Saggio de memorie della città di Tolentino*, p. 116 and Appendix, doc. 58, p. 345. Allodial peasant the Nomassi: *Fiastra* I, doc. 70, p. 137 (1153), *Fiastra* II, doc. 172, p. 267 (1199) and land in boundary clause: doc. 92, p. 143. (1191), *Fiastra* III, doc. 105, p. 146 (1210).

[92] Urbisaglia: *Fiastra* II, doc. 173, p. 268-230. Monte Nereto: *Fiastra* III, doc. 107, p. 148 (1210).

[93] SCC, doc. 23, p. 60-1 (1193). For sale of land to the hospital by Quinto, grandson of Atto di Selvo: ASM, *pergamene di S. Caterina*, no. 157 (1227). Sentence in the first dispute following Atto's death: SCC, doc. 23, p. 60-61 (1193). SCC, doc. 54, p. 100 (1206-8). ASM, *pergamene di S. Caterina*, 38. Our view of this family is constructed entirely through relationships with S. Caterina, although the division of land between Atto's offspring implied land was held from other churches, perhaps the rural monastery of S. Maria in Valfucina or the bishop of Osimo.

Di Selvi were moderate landholders with a handful of dependent tenants performing customary

services, some of these services had been bought with cash in 1126 or taken in security on a loan

in 1193.[94] They may have taken renders from other servile tenants besides these, or they may

have not, though what we can say for certain is at least part of their lordship was acquired with

cash.[95] By 1207 Atto's son were leasing land on sharecropping terms.[96] On newly cultivated land

the vines and oil groves would not produce a harvest for around three years, wheat sooner, and

might have been a co-operative effort or driven by the lessee. Sharecropping cut peasants out of

market speculation but here a third of the land is granted in full property to sweeten the deal.

This nevertheless incentivised production for the market on fairly harsh terms.[97]

From what we can discern of the Di Selvi, their claims to lordship were increasingly

transactional, mediated and complicated by debts and claims of shared ownership, with signs of

social mobility entwined with documents formalising the obligations and exploitation of tenant

farmers. The *iudex*, Morico Bernardi acquired much of their land and tenants, including

obligations from a family of artisans in 1211.[98] This same artisanal family began to acquire

several patches of urban land later in the century.[99] There was still a seigneurial elite active in the

town, notably the Mainetti who served as *podestà* in Cingoli, before submitting to Osimo as

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[94] SCC, doc. 3, p. 33 (1125), doc. 22, p. 59 (1193) dues taken in pledge: doc. 16, p. 51 (1178) this one
bought by a previous owner from the abbey of S. Maria in Valfucina.

[95] The sons of Atto in turn begin to mortgage their own land for cash: *SCC*, doc. 53, p. 99 (1203).

[96] SCC, doc. 49, p. 94 (1207).

[97] Curtis, 'Pre-Industrial Societies', 105-7.

[98] SCC, doc. 64, p. 114 (1211).

[99] ASM, *pergamene di S. Caterina*, no. 537, 244, 344. (1249, 1248, 1271).

citizens and being banished in a general assembly in the forum by the leaders of both towns after defection to Ancona.[100] It appears that at Cingoli, established rural *consortia* were fragmenting and existing links to rural monasteries and counts gave way to new patronage networks developing around the lay hospitals and the collegiate church of S. Esupranzio.[101] Wage labour and investment in market gardening and artisanal activity.

Even the relatively modest transactions of S. Caterina and Fiastra privilege a landed rural elite over a probably larger group of small landholders, tenant farmers and wage labourers.[102] Our clearest evidence of the diversity and rent burden of peasant communities comes from lists of seigneurial dues or long lists of tenants holding *mansi* around Villamagna and S. Croce, kept by Fiastra.[103] Lists of seigneurial obligations are highly varied, focusing on symbolic gifts of produce and small annual payments money, these suggest a variegated peasant society, with distinctions in status between full tenants and property holders.[104] Individual leases for a *mansum* are rare, one notably detailed agreement lists *amicita* of pork shoulder, chickens and other small items on feast days.[105] The overall impression from the regional sources is that rents were not particularly onerous.[106] Yet they might coexist with arbitrary extractions and restrictions; the above lease includes a clause to confiscate all other land. A single sharecropping leases survive

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[100] Bartolacci, *Di uomini*, 36-37.
LRO, doc. 49, p. 70 (1204) and doc. 94, p. 138 (1216).
[101] CFA III, doc. 432, p 81, doc. 500 and Appendix 2, p. 38.
[102]:CFA III, doc. 432, p 81, doc. *laboratores*: *Fiastra* II, doc. 14, p. 22 (1181).
[103] *Fiastra* II, Appendix I, doc. 1 and 2.
[104] Fiore, *Signore* e *suditti*, 273-5.
[105] SCC, doc. 74, p. 126 (1215), *Fiastra* III, doc. 93, p. 127.
[106] For comparison: Wickham, *The Donkey and the Boat,* 497-500.

from the early 1200s taking fifty percent of the crop of wine, grain and oil for 29 years, after which the tenant received a quarter of the land in full property. This was not a particularly harsh example of sharecropping and has similarities with several land clearance leases, from S. Croce which gave over half of the land brought under cultivation on lighter emphyteusis terms.[107]. It is implied in each case that tenants here had further land, and although on lists of *mansi* tenants, only a small minority of can be identified as holding or exchanging other strips of land. [108] It may have been more common than we can tell here, as it appears from the surviving seigneurial expectations that village communities were highly variegated. tenants without freehold property faced higher levels of exploitation and so less opportunity for market participation, restricted by sharecropping.[109] In contrast the sporadic evidence of wage labour might indicate some market reliance. In the other direction, social mobility may be suggested by a gradual increase in documents recording personal enfranchisement from seigneurial obligations in exchange for cash or land. This suggests a growing minority of peasants had the means to remove themselves from both dues and symbolic acts of dependence.[110] Though lordship could be highly personalised,

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[107] *Fiastra* V, doc. 14, 15, 16 p. 29-35. (1231).

[108] Holders of *mansi* identifiable in other transactions: *Fiastra* II, doc. 25, p. 40 (1184). doc. 97 p. 151 (1192), doc. 165 p. 256, doc. 123 p. 194. doc. 145, p. 230 (1196), *Fiastra* III, doc. 23, p. 30 (1203), *Fiastra* II, doc. 141, p. 225 (1196).

[109] For evidence of late-medieval sharecropping in Montecchio: Alberto Meriggi, 'Arti e mestieri legati al cibo negli statuti comunali della valle del Potenza: i casi di Appignano e Treia', in *Studi Mario Ascheri* (Rieti, 2014), II, 89.

[110] SCC doc. 35, p. 76 *Fiastra* I, doc. 54, p. 11 (1147), doc. 56 p. 113 (1149), doc. 65 p. 130 (1152), doc. 84, p. 160 (1157) *Fiastra* II, doc. 104, p. 163, doc. 120, p. 188, doc. 154 *Fiastra* III, doc. 7, p. 11. *Fiastra* IV doc. 48, p. 78 (1231). The question of Cistercian influence on these manumissions is worth considering. Commutation on oblation: *Fiastra* II d. 104, p. 163.

rent is apparently low in comparison to other regions, and we may speculate that as the century progressed many peasants had surplus to market and resources to acquire removal from more onerous obligations. Accordingly, the clearest evidence for market orientation is found below the level of the aristocracy and among medium landholders.

The lay transactions from Fiastra and Cingoli document rural landholders and smaller monastic clients, who appear to operate outside networks of episcopal clientele.[111] Alberto Ambulatore, a prolific land dealer is notably documented from 1150s. A money-lender and horse dealer, probably based at Macerata, his transactions highlight a fragmented landscape of tenure as he bought small patches of land for cash around Montecchio, S. Ginesio and Macerata including intra-mural plots by the market square. He may himself have been an agricultural merchant or at least engaged in market activity.[112] Another example, Mattheo Traccatoris, first appears in 1187 witnessing a gift of a hospital by the Potenza. By 1213, he maintained a *domus* at Montesanto with courtyard and outbuildings within the walls and a patchwork of fields and vineyards around Montesanto and Civitanova, some reserved as dowry portions for two daughters and goods including responsibility for some debts and some olives he had sent abroad. A spear or halberd and a civic robe suggest service in a *militia*, though perhaps as a foot soldier (*pedites)*. The

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[111] Patronage relationships with great lords are considered essential to Fiore's characterisation of *boni homines* in the Marche and Umbria: 284-99 and 190-2.

[112] For Alberto Ambulatore see *Fiastra* I, doc. 75, p. 112. doc. 5, p. 9. doc. 45, p. 69. doc. 110, p. 173. doc. 174, p. 271 doc. 179, p. 281 [dates!] *Fiastra* III, doc. doc. 85, p. 116 (1209), doc. 116, p. 157 (1211), doc. 128, p. 174 (1212), doc. 175, p. 237 (1215), doc. 179 and 180. p. 241-3 (1215). *Fiastra* IV, doc. 53, p. 86 (1221), doc. 61, p. 98 (1221) and doc. 62, p. 99 (1221). These last two documents suggest he may also have held land from S. Croce. For his son Peter: *Fiastra* V, doc. 31, p. 63 (1232).

bequest of a market stall with its float of small coins confirms mercantile activity.[113] Mattheo had no obvious links to the bishop beyond his diminished role as territorial lord. There is a reference to other land held in fee, suggesting relationships not documented here but the prime concerns are allodial land and debts. Among the thirty names mentioned in boundary clauses, only two can be identified as episcopal tenants. This document gives an illustrative snapshot of landholding surrounding a larger Fermo centre and a landowner engaged in local market activity and export. The mercantile farmer who made this will was among an increasingly visible middling stratum.

The largest body of evidence for medium landowners involved in commerce comes from Civitanova, a settlement which on account of its position on the coastal road and Adriatic sea route exhibits a notably mercantile character.[114] In the 1190s families from this town begin to define themselves by the market space, including members of the Di Mercato family of Civitanova, who witness Farfa leases and took land in pledge in parchments held by Fonte

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[113] Mattheo's son enters Fiastra as an oblate providing a detailed division of their father's holdings: *Fiastra* III, doc. 151, p. 204 (1213). Doc 152 accompanies this document and outlines the shares of the same land going to Fiastra as part of the oblation: doc. 152, p. 206-8 (1213).

[114] Civitanova is the only Marche *castello* to feature in Genoese charts of the Adriatic circa 1200: Patrick Gautier Dalché, *Carte marine et portulan au XIIe siècle. Le Liber de Existencia Riverierarum et Forma Maris Nostri Mediterranei (Pise, circa 1200)* (Rome, 1995), 155.

Avellana.[115] One family, the Civitates, are exceptionally well-documented, providing a detailed portrait of a kin group of smallholders turned rural merchants.

Vivo, Ugo and Arcatore (*de Civitatis*) are the most active descendants of a certain Alberto Giovanni. Alberto lived in a *domus* by the wall of Civitanova and may have been a prosperous peasant, holding a *mansus* from S. Croce al Chienti.[116] A clue to Alberto's origins is found in a later court case where Alberto's son, Vivo is called a *sclavus* (maybe a derisive reference to former legal status or reference to Slavic migrants that are known to have inhabited the central Marche since the eleventh century).[117] None of the family appear to hold office in the commune, though on the basis of his name, Arcatore may have served in the *militia*. For reasons unknown, Fiastra held many documents associated with Vivo and his brothers including several records of disputes heard at Civitanova and Morrovalle.[118] The brothers inherited their father's *domus* and seem to have held and acquired several portions of land and vines outside the walls of the

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[115] CFA III, doc. 411, p. 45 (1213). De Mercato family members who witness a late emphyteusis lease from Farfa: LL II, doc. 1957, p. 288 (1188). At Montecchio, Bonaccorso di Negoziante: *Fiastra* III, doc. 192, p. 312 (1229).

[116] Alberto Giovanni, though not an uncommon name, appears in a list of tenants holding *mansi*: *Fiastra* II, Appendix I, doc. 2, p. 287-8. This list of names corresponds with families identified with Montolmo, Sant'Elpidio and Civitanova suggesting a document from S. Croce rather than Fiastra.

[117] *Fiastra* IV, doc. 72, p. 118 (1221). For reference to a Slavic district at Senigallia: *un vicus bulgarum qui vocatur Sclavinorum in Senigallia* CFA, doc. 71, (1085).

[118] Morico, son of Vivo made a small donation in *Fiastra* IV, doc. 39, p. 60 (1220). He does not appear in Vivo's will, so it is possible he joined the monastery as a monk or *converso*.

town.[119] Following this grant, the brothers continue to buy and exchange land, allowing us to see how their fortunes change.

Sales of land were used to maintain kinship bonds and organise production. The brothers sold and exchanged small plots of land amongst themselves and other relatives.[120] The transactions involved single fields and fruit groves mainly around Civitanova with a single *modium* in neighbouring Morrovalle witnessed by local notables.[121] One brother, Vivo, seems to have become wealthier than the others. Marriage played a part: Ugo and Vivo first appear in a dowry contract from 1180 made with two sisters Massaria and Meliora. The brothers receive a dowry portion worth 6 lb, and the sisters agree to help manage the business of the household in return for the promise of food and shelter during their lifetime and a *pro-anima* gift on their behalf of 20 *s*.[122] Arcatore followed commercial interests in vineyards, forming a partnership (*società*) with the owner of some vines who returned a loan with profit.[123] Both Vivo and Ugo begin to lend money to their brother, Arcatore who agrees to repay 100 s. in two instalments with the security of thirty *modia* of land and then a year later borrowed a further 18 Ravenna *soldi*. secured with four *modia* of land.[124] In 1205 Ugo and Vivo begin to make cash purchases of small

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[119] *Fiastra* III, doc. 122, p. 166 (1211).

[120] Examples: *Fiastra* III, doc. 176, p. 238 (1214), doc. 165, p. 221-2 (1214), doc. 181 p. 244, (1215) doc. 183, p. 246-7 (1215).

[121] *Fiastra* II, doc. 148, p. 235, (1197).

[122] *Fiastra* I, doc. 211, p. 343, (1180).

[123] *Fiastra* III, doc. 60, p.84 (1207).

[124] *Fiastra* III doc. 80, p. 110 (1209) and doc. 108, p. 149-50 (1210), *Fiastra* III, doc. 161, p. 217. Building plots: *Fiastra* III doc. 181 p. 244. Purchase of urban houses: *Fiastra* IV, doc. 69, p. 110. Sale of *platea* in Civitanova by another middleman: *Fiastra* III, doc. 180, p. 243.

plots of land near the mouth of the river Azone, and, notably, buildings and plots inside the walls of Civitanova. Vivo also leased out land taken in pledge outside the walls to a market gardener (*ortiarii*).[125] Vivo was frequently cash rich and clearly involved in agricultural commerce, as is clear from his disputes, which concern measures of wine and linen given with expectations of interest.[126] This change follows a general proliferation of commerce across Northern Italy from 1180, and in this sense the Civitates were small scale, with wealth comparable to only the smallest merchants of Genoa.[127] These documents still provide an unusually detailed view of how a rural family orientated their relationships around commercial transactions made in the market and judicial assemblies held in a small new town.

A detailed pledge of land to Arcatore *de Civitatis* indicates how the family used measures of grain and money to acquire new land (Figure 16). In 1201 a certain Rinaldo di Bona pledged to Arcatore all his land in Morrovalle in return for a price specified in grain to be delivered over four seasons.[128] This parchment is notable in that added beneath the pledge is a list of names and small measures of grain drawn up in two distinctive hands. It seems Arcatore was acting as a middleman, and the list was a way to manage the collection of grain rents from tenants on Rinaldo's land to pay the price of the sale. Several amendments to the list in a different hand highlighting two further sums, one of 58 lbs received from Vivo hint that Vivo had somehow

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[125] *Fiastra* III, doc. 112, p. 153-4 (1211).

[126] *Fiastra* IV, doc. 6, p. 11 (1217), *Fiastra* III*, doc. 158, p. 214 (1214).

[127] For Genoese wills from small-scale merchants: Daine Owen Hughes, 'Urban Growth and Family Structure in Medieval Genoa', *Past and Present*, 66, 1975, 20-23. For example, : *Fiastra* IV. doc. 6, p. 11 (1217).

[128] *Fiastra* III, doc. 3, p. 7, (1201).

helped with the price of the purchase, the list might also be accounting unrelated to the sale. In contrast to the precise quantity of grain used to pay for it, the description of land is especially vague. In contrast, a human profile at the start of the document, possibly a donor portrait is an idiosyncratic signature of the notary Iohannis, a reminder of the continual symbolic purpose of writing in this period that contrasts with the ad hoc process of counting and recording that made use of the remaining parchment to organise commodities and obligations. Nevertheless, the rudimentary accounting in this document reflects the agricultural specialisation, trade and market production that pervade this family's transactions[129] It is not possible to tell how representative this family is of medium landholders at Civitanova, they show no evidence of office holding or obligations to a lord (though presumably they were subject to the bishop). They may have been particularly litigious, or more probably reflect a unique snapshot of how a wider group of moderate landholders were adapting to commerce and fuelling a local sphere of disputing with often complicated commercial transactions.

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[129] *Fiastra* III, doc. 112, p. 153-4. (1211). Promissory note made by market stall in Civitanova: *Fiastra* III, doc. 163, p. 219 (1214).

Figure 16: Land sale with price with grain in Morrovale with personal accounts (image credit: Archivio di stato di Roma).

These short family case studies are made more feasible by a general and local increase in documents in the late twelfth century, a process which may, in itself, be linked to rural commercialisation.[130] As more documents are drawn up, by a greater number of people, we can see changes to land management, agricultural production and inheritance strategy that altered established kin groups and *consortia*. Each of the above examples shows distinctive relations of a family group mediated by land exchanges and monetary loans with a growing concern for the demarcation of the built environment in larger *castelli*. Extended kin groups did not dissolve, nor do we see, in the twelfth century at least, a significant shift towards primogeniture.[131] Nevertheless at Cingoli and Civitanova, practices of mortgaging shared land created new tensions, as debt and speculation altered family dynamics. All of this was happening through the recording of assemblies, records of which increasingly took care to say how they are framed by buildings.

Feeding the Adriatic coast: the central Marche in wider systems of exchange

So far, this chapter has emphasised how reformers adapted to and, in turn, influenced commercial change and the local evidence for how lords and some peasants adapted to agricultural specialisation, with repercussions for kinship dynamics. The latter change is mainly visible from the mid-twelfth century, when the body of evidence for regional interaction with wider exchange networks gets larger. This section briefly outlines the evidence for regional

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[130] Britnell, *The Commercialisation*, 231.

[131] Vivo Civitates did begin to practice primogeniture at his death disinheriting his other children and illegitimate son and leaving all to his son Giovanni.

demand and trade outside the region, this helps to explain the local dynamics already outlined

and also contributed to the coherence of communal authority through regional trade pacts. It is

increasingly accepted that growth in the scale and complexity of medieval economies was related

to exchange of bulk commodities rather than luxuries, that is, items filling quotidian needs such

as meat, grain, oil, wine, flax and wool.[132] Bulk commodities played a central role in the wider

intra-regional trade of the Mediterranean in the eleventh century, and this continued as Italian

ships undertook similar routes.[133] Italy develops levels of intra-regional exchange complexity

only at a later date, not much before 1150 and often closer to 1200, a trajectory that coincides

with what we have seen of the concern by great lords to regulate or profit from markets.[134] What

then was being bought and sold in the markets of the Marche and where was the produce going?

Local demand played a role. The consolidation of larger *castelli* and the proliferation of churches

reflects the demographic expansion of the eleventh century. Stone church buildings fuelled

specialisation as ecclesiastical lords sought ways to differentiate themselves from and collaborate

with growing parish communities. Fortifications and other stone buildings also reflected the

work of specialist masons. The monastic networks that spanned the Marche were sources of

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[132] Wickham, *The Donkey and the Boat*, 667-668.

[133] Jessica Goldberg, *Trade and Institutions in the Medieval Mediterranean: The Geniza Merchants and Their Business World*, (Cambridge, 2012), 337-341. Goldberg refutes Braudel's assertion that intra-regional agricultural trade was negated by the Mediterranean trinity of grain, wine and olives: Ferdinand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II* (New York, 1995), 265. For the importance of bulk commodities to Italian commercial shipping : David Abulafia, *The Two Italies. Economic Relations Between the Norman Kingdom of Sicily and the Northern Communes*, (Cambridge, 1977), III, IX, 35-42.

[134] Wickham, 'How Did the Feudal Economy Work?', 3–40, 24.

demand and by extension exchange. Though primarily agricultural settlements, places like Macerata and Montolmo were home to a few artisans, priest and specialists that relied in part on exchange to buy food.[135] Commercialisation was partial: the first records of seigneurial dues from the mid twelfth century are focused on symbolic payments (*amicita*) of food and livestock and obligations of hospitality or labour. Only a small subset of tenants are expected to make payments in money, that is to say, specific coinage.[136] Even the builder that lived subject to the rural monastery of S. Anastasio paid renders with a pair of pork shoulders.[137] Yet these money payments show a demand for coinage by lords, that might be invested in luxury goods or building work, they also that a subset of seigneurial subjects could raise coins, probably through market exchange, This correlates with a general increase in references to specific coinage that still coexisted with payments in kind.[138]

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[135] Goldsmith (a*urifex)* near Morrovalle: LF II, doc. 212, p. 398 (1054). *Fabri* (smith or artisan): Fiastra I, doc. 129, p. 223 doc. 142, p. 243 (1170) *Ferris*: Fiastra II, doc. 16, p. 27 (1182), *medicus*: *LF* I, doc 108, p. 231 (1128), *Fiastra* II, doc. 116, p. 184 (1195) , doc. 149, p. 237 (1197), doc. 165, p. 255 (1198), doc. 160, p. 249 (1197) *muratore*: *Fiastra* I, doc. 132, p 227 (1168) *Fiastra* III, doc. 50, p. 71 (1206) and doc. 137, p. 188 (1213) Shoemakers (*calzalarius*): Fiastra II, doc. 35, p. 53 (1184) and doc. 96, p. 150 (1192), Jongleur: *Fiastra* V, doc. 117 p. 212 (1236) and *Fiastra* VII doc. 33 (1250). Painter from S. Elpidio: CDA, doc 28, p. 25 (1234).

[136] For two lists of seigneurial renders at Macerata: LF I, doc. 31, p. 56-8 (1138) and for a broader and (possibly) later summary of dues claimed by the bishop from Fermo *castelli*: LF I, doc. 30, p. 53-4 (undated, but allocated by Pacini to after 1178). This is coinage not money of account by reference to the *denariourm henrici.* For S. Anastasio renders: CDA, doc. 8, p. 14 (1158). Coins and food: CFA II, doc. 255, p. 122-125 (1159).

[137] CDA, doc. 8, p. 14 (1158).

[138] Alessia Rovelli, 'Nuove Zecche e circolazione monetaria tra X e XIII secolo: l'esempio del Lazio e della Toscana', *Archeologia Medievale*, 37 (2010), 163–70, 166. Andrea Saccocci, 'La circolazione

Most regional cities were notably small by Italian standards, nevertheless these centres probably structured regional demand for food and livestock. It may be that Fermo, Osimo, Camerino, Iesi, Ascoli and the smaller town of Tolentino generated demand for meat and wine produced beyond their immediate hinterland, and livestock markets in *castelli* may have been involved in supply. As suggested earlier, livestock was a prominent feature of rural markets in the Marche, destined, perhaps, for regional cities. It is feasible that rural markets may first have focused on the supply of livestock to regional cities, whilst also serving the demands of local communities for household goods and exchange of surplus.[139] Ancona, the most prominent regional city may have had a significant role. The mercantile city was notably vulnerable to famine, an account of a siege by Barbarossa and Venice states that, 'cities which are situated on harbours are scarcely able to have enough grain and supplies of foodstuffs from their own labour, when most of those who dwell in them are sailors and merchants'. Ancona did not rule a large hinterland and may have been particularly reliant on agricultural imports.[140] We cannot say a great deal about this process, partially due to poor documentation for Ancona in this period.

By the late twelfth century, we can start to be sure that bulk commodities from the Marche were exported to more distant cities. Ravenna dedicated special markets to merchants from the

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monetale nel medioevo marchigiano alla luce dei rinvenimenti e delle fonti scritte (Sec. IX - XIII)', *Atti e memorie (Marche)*, 102 (1997), 87.

[139] Rodney. Hilton, 'Medieval Market Towns and Simple Commodity Production', *Past and Present*, 109, 1985, 3–23, 4-6. Dyer, 'The Consumer and the Market in the Later Middle Ages', 305–27, 325.

[140] Boncompagno di Signa and Paolo Garbini, *L'assedio di Ancona = Liber de obsidione Ancone* (Rome, 1999), 120-1.

Marche, which primarily dealt in grain, flax and oil, this market expanded in 1188 when the archbishop and abbot of S. Apollinare (a major landowner in Fermo and Osimo) agreed to a new market dedicated to merchants from the Marche who had previously visited another market in the city held by the monastery for many years, giving the abbot exclusive rights to weigh grain and measure linen in both markets. [141] These commercial routes may have developed around existing networks of transit delivering rents to the archbishop and urban monasteries. It is probable that much of this trade was made along the coast, where small 'ports' served as points of embarkment for coastal trading ships. The *consules* of Osimo made a pact with the coastal town of Numana to tax southern ships from Termoli and Pesaro and the canons of Fermo were involved in taxing trade by 1165. [142] Civitanova and Recanati were also, notably, involved. [143] Frederick Barbarossa himself set up new markets here in 1177. A *rector* was tasked with establishing a weekly market and annual commercial fair at Monte San Vito near Ancona.[144] The formation of the Tuscan league in 1197 opened a corridor of trade between pro-papal Tuscany which brought agricultural goods from the Marche into the expanding trading network of

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[141] 'Regesto di S. Apollinare Nuovo', *Pubblicato dall'Istituto Storico Italiano,* ed. V Federici, (Rome, 1907), doc. 145, p. 106, (1188), *Fiastra* I, doc. 16, p. 46 (1109).

[142] For trade between Osimo and Numana: *LRO* doc. doc. 82, p. 120 (1128) and doc. 67, p. 96-8 (1142). Privileges to canons of Fermo: MGH, DD FI, doc. 440, p. 337-8 (1165).

[143] LF I, doc. 87, p. 185, (1104) and doc. 313, p. 563 (1128). For possible trading privileges offered to Civitanova by Gregory IX, Francesco Pirani, 'Città, insediamenti costieri', 167-8.

[144] This grant may have formed part of Frederick's politics and trade negotiations at Venice prior to the Peace of Venice: LRI I, doc. 114, p. 78 (1177). The *castello* had existed in some form previously, as Monte S. Vito, and under another name Monte S. Petri. A private donation here to Fonte Avellana *CFA* II, n. 242, p. 99 and a land sale: *Fiastra* II. doc. 171. p. 264.

Florence via Arezzo and the old *via cassia*.[145] By the mid-thirteenth century, the Marche was

well-established as an exporter of agricultural commodities. These links help to explain the

increasing commercialisation of agriculture outlined in the previous section.

The political and spatial consequences of these exchange networks are illustrated by a pact from

1198 between Fermo, Ravenna, Ancona, Rimini and Senigallia which prohibited communes or

forenses from opening new markets, while guaranteeing the safe passage to all *marchigiani* and

outsiders to the existing markets within the *districtus* of these centres.[146] A further and more

extensive pro-papal pact was made in August of the same year between Osimo and Ancona and a

societas including the town communes of Civitanova, Macerata, Montelupone and

Montesanto.[147] Expansion of maritime trade furthered the political links and perceived

legitimacy of autonomous castle communes, emboldened by the imperial recognition of the

Lombard League in 1183. These documents of trade define territorial boundaries and an

increasingly confident vocabulary of political power These claims of commercial dominance did

not eliminate claims to markets from bishops and other lords, but in subsequent conflicts we see

a focus, not on jurisdiction, but on the profits associated with market exchange that, as we have

seen, intersected with architectural patronage and spiritual distinction that increasingly

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[145] Day, 'The Early Development', 317-320, 43 and 285. *Societas* of Merchants from Modena, and
capitanei Lombardorum of Cremona settle debts with the commune of Osimo LRO doc. 21-22, p. 31-32
(1196, 1198). For coins from Tuscany, Ancona and Ravenna: Franco Panvini Rosati, 'Monetazione e
circolazione monetaria nell'area marchigiana dall'alto medioevo ai primi decenni del secolo XIII', in
Panvini Rosati, Monete e medaglie. Scritti, (Rome, 2004), 147–52, 11138-1140. For coinage from Arezzo
and Venice: CFA I, 15, 19, 21, 23 28. Saccocci, 'La circolazione monetale', 87.

[146] ASF *pergamene* n. 1208, (1198). For partial transcription: *RegFirm*, doc. 29. p. 317. (1198).

[147] LRO, doc. 28, p. 41-2 (1198).

characterised episcopal authority. The final section interrogates these connections through a single multi-faceted space, examining the interdependent ways in which conflict and commerce produced the central *platea* outside S. Paolo at Civitanova

The interaction of commercial, religious and judicial space in the platea of S. Paolo at Civitanova

At Civitanova, the first 'new town' in the central Marche, assemblies held in the central *platea* outside the church of S. Paolo are vividly documented as places of assembly and conflict. Here we can see how the hosting of a regular market interacted with and influenced other forms of judicial, civil and religious assembly. The social centrality of this market space is illustrated by renewed struggle with the bishop to regulate and profit from market exchange. The marketplace, in many towns, did not necessarily coincide with space designated for other forms of assembly. For example in Macerata and Recanati, it appears that markets were held in various places, sometimes distinct from the central church and its *platea*.[148] In many Italian cities, the location of markets and the establishment of distinct and potentially rival assemblies was a regular facet of urban conflicts.[149] Similarly, in the commercial towns of the Low Countries monumental public squares were forged through political and economic competition bound up with commercial

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[148] At Recanati in Osimo at least one market was held outside the walls: *Fiastra* VII, doc. 60, p. 115 (1258).

[149] Romano, *Markets and Marketplaces,* 44-5, 127-132

exchange.[150] Similarly, the demarcation of the *platea* as a focus for elite civic identity coincided with an indication of an overlapping market function, as the term *platea* came also to denote the marketplace.[151] In smaller towns different forms of assembly were more likely to overlap in the same place leading to an increased focus on construction and conflict. Walls and gates facilitated the regulation of a market and moves to demarcate and order the space are a testament to its political significance. This section analyses a series of documents which illustrate how the marketplace was defined and demarcated as an arena of accord and conflict. This was fuelled in part by disputes concerning commercial exchange, elevating the *platea* as a place for the communication and the site of an incipient medieval public sphere.[152] In tandem, through the same documents we are able to see how law and practice dictated by more distant authorities were used and contested in this emerging space.

In a dispute from 1208, the association of the market with a demarcated central *platea* is expressed in a dispute over control of market revenues. In an assembly held inside the church of S. Paolo, the *podestà* of Civitanova and the judge, Iacobus Fabri together with everyone in the church, assembled in front of the bishop Adenolfus and recognise him as true and principal Lord of Civitanova and agree that a document issued two years ago by the previous *podestà* was a forgery. Bishop Adenolfus had recently excommunicated the inhabitants for not paying episcopal

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[150] Chloé Deligne, 'Powers over Space, Spaces of Powers: The Constitution of Town Squares in the Cities of the Low Countries (12th - 14th Century)', in *The Power of Space in Late Medieval and Early Modern Europe*, (Turnhout, 2013), 21–28, 22-27.

[151] Dey, 'From "Street" to "Piazza"', 919–44, 930-1. Dey uses evidence from Ascoli in the Marche to make this point.

[152] Masschaele, 'The Public Space of the Marketplace in Medieval England', 383–421, 412-414.

dues, a situation that might have persisted since a previous rebellion in the 1190s.[153] The

document in question is copied out in full: Adenolfus agrees to concede to the commune his

rights to the *platea* outside the S. Paolo and all the rights to *siliquaticum* in perpetuity for a

nominal fee. This is recorded so as to be repudiated, the commune gives up all rights to the

demarcated *plateam* and the taxes and confirms that the market will be held only here and

nowhere else in the *castrum* or territory.[154] There is no mention of the privileges of Waldericus

to Civitanova, which although by now rather distant was still referenced as a precedent for

market rights up until 1194.[155]

This is a curious document. Why would Civitanova forge a concession of market rights from the

serving bishop Adenolfus, when the town's established market privileges were widely known? It

will help to consider some recent events. Six years earlier Civitanova had fought in a league with

Ancona and Sant'Elpidio against Fermo in a conflict which ended in 1202.[156] Following this

peace, in 1205 the newly elected Bishop Adenolfus was granted a privilege by Pope Innocent III

which included market rights across the diocese.[157] This privilege from an increasingly powerful

Pope was probably a considerable concern to the leaders of mercantile Civitanova and it may be

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[153] LF I, doc. 138, p. 287 (1208).

[154] LF II, doc. 184, p. 349. (1208).

[155] ASF, *fondo diplomatico*,1667, doc. 3. transcription: Tomei, 'Genesi', 129–415, appendix, doc. 9, p. 239 (1194).

[156] The resolution to an extended conflict between the two leagues is made in the 'Peace of Polverigi', *LRO*, doc. 42, p. 57-60 (1202).

[157] ASF, *pergamene, fondo diplomatico*, no. 1618 H [A]. Tomei, 'Genesi', 129–415, Appendix, doc. 11, p. 244 (1205).

that the commune swiftly negotiated an exception, and thus the document of 1206 might in fact be genuine.

By 1208 the position on the ground had changed as a result of papal interventions and perhaps the influence of a new *podestà*.[158] The pact of 1208 agreement occurred ten months after the 'parliament of Viterbo' great assembly outside the city where Pope Innocent III summoned the bishops, abbots, counts, barons, *podestà*, and *consules* from across the Marche, Duchy and Tuscan Patrimony who agreed a collective peace treaty in which Innocent ordered them not to attack one another and called for disputes between individuals to be decided by trial with a judge who has 'proper jurisdiction', with final appeal to be made to the Apostolic See. This was not so much a definition of a papal state or a civil jurisdiction, but a recognition that the Pope should be the final arbiter among the papal patrimony's diverse authorities. This was an accord with, rather than a rebuttal of communal authority, but it was done with the clear purpose of securing rights to church lands, and, notably, the first clause in the document is a repudiation of 'iniquitous constitutions' by laymen against churches. The 'parliament of Viterbo' recognised the well-established model of the city commune but sought to codify a new form of ecclesiastical authority. This agreement set a blueprint for co-operation between commune and church that Bishop Adenolfus seems to have used. Significantly, Pope Innocent III involved himself directly in this dispute. In 1208 he sent a delegate of regional prelates including the abbot of Fiastra to negotiate with the *consules*, podestà and *consilio* of Civitanova where a reprieve from excommunication was agreed in exchange for an oath of loyalty to the pope and payment of the

[158] For fidelity of *castellum Malvicini* to Rinaldo Monteverde, doc. 47, p. 322 (1208). Rinaldo also served as *podestà* of Macerata in 1203: *Fiastra* III, doc. 27, p. 43 (1203).

papal census and tax to the bishop.[159] This letter exemplifies the aims of the parliament of

Viterbo, establishing a new papally sanctioned, accord, acknowledging the secular authority and

jurisdiction of the commune, securing tax for pope and bishop and regulating the spiritual

censure offered by excommunication. Ultimately, this dispute at Civitanova was not so much a

conflict over territorial jurisdiction but over the right to influence and profit from the assemblies

held in the marketplace, reflecting a redrawing of episcopal and communal interaction.

Bishop Adenolfus was a powerful figure who appears to have been particularly concerned with

asserting claims over larger *castelli* on the edge of the diocese, including Civitanova and the

recently formed Ripatransone. Yet in the documents of his reign, we can also see clear evidence

of a gradual repositioning of episcopal authority. This was a long-term process, consolidated

through papal direction, to correct religious behaviour and to protect the work of the church. As

such it accords with Maureen Miller's assertion of a new model of episcopal authority less

territorial and more ideological, realised by care for the poor and policing the bounds of

Christian orthodoxy.[160] Notably, the 'parliament of Viterbo' took place directly after Innocent

made pronouncement against the *patarenes* of the town which set a precedent there for trying

heretics in secular courts and seizing property.[161] Despite the grim consequences of this for

unorthodox religious belief, it remains that many accusations of heresy and excommunications

levelled at defiant cities by popes and bishops in these years, did little to wrest territorial

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[159] LF I, doc. 138, p. 288 (1208).

[160] Miller, *The Bishop's Palace*, 163-9

[161] James M. Powell, *The Deeds of Pope Innocent III* (Washington DC, 2004), 232. Potthast, *Regesta pontificium Romanorum,* doc. 3187, p, 271-72 (September 1207). This fits with Miller's emphasis on persecution of heresy as component to new episcopal authority.

authority from the commune but rather furthered the delineation of a distinctive sphere of ecclesiastical authority.[162] Fermo offers a different view as the city commune, without its own territory, acted largely in concord with a powerful bishop.

Bishop Adenolfus of Fermo nevertheless exhibits characteristics of this new model bishop in ways connected to influence over market space. An undoubtedly powerful figure, Adenolfus acted as *podestà* for the city commune of Fermo and frequently led the civic *milita* and his own host of *milites* to war against recalcitrant *castelli*.[163] Yet in his in his dealings with established rural communities he did not attempt to subvert the legitimacy of communal government but incorporate it beneath his overarching authority. He recognised the *comunantia* at Ripatransone and right of the inhabitants to elect *consules* in exchange for an episcopal *palatium,* situated close to a demarcated marketplace and *platea*. Similarly at Civitanova, we see not an attempt to overturn the jurisdiction of the commune, but to affirm underlying rights to the space of the *platea* itself, and the markets held there. Along with this we see a new focus on pledges of eloyalty by specific groups of vassals, rather than all civic leaders. A document of 1206, notably,

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[162] Laura Baietto's analysis of the same conflict addressed by Miller at Piacenza concludes that interventions and excommunications issued by Innocent III did not prevent the dispute from being resolved in negotiations in which the bishop handed a considerable sum back to the commune: Baietto, *Il Papa e le città*, 128-138. For a dispute at Fano in the northern Marche showing communes retaliate against papal interdict and excommunication: Daniel Waley, *The Italian City-Republics*, (New York, 1978), 58. For the insecurity of papal claims prior to the fourteenth century: Sandro Carocci, *Vassalli del Papa: Potere pontificio, aristocrazie e città nello stato della chiesa, XII-XV Sec,* (Roma, 2010), 284-5.

[163] Giuliano Pinto, 'Primi sviluppi comunali nella Marca Anconetana. I casi di Ascoli e Fermo', in *Dalla Res Publica al comune. Uomini, istituzioni, pietre dal XII Al XIII Secolo*, (Verona, 2016), 379–94, 380-81. Pirani, *Fermo*, 44-6.

after Pope Innocent III's privilege for Adenolufus, lists group oaths sworn inside local churches or, in the case of Montesanto in the bishop's palace. Some of those listed here were active in the local commune, but certain key figures are absent and crucially the text frames this as oaths by individuals rather than the collective oaths associated with earlier agreements.[164] Furthermore, the financial concerns evident at Civitanova may relate to plans for building, for above all, Fermo's cathedral, destroyed in 1178, was not yet rebuilt. Thus, despite its apparent vigour, this episcopate prefigures the gradual eclipse of the bishop's territorial power in the thirteenth century. For despite a papal immunity granting the bishop of Fermo fiscal and judicial powers, following the assignment of a new papally approved Margrave, regional politics is characterised by rebellion against episcopal authority and direct negotiation between town communes and papal representatives.[165] Even with the support of the ascendent pope, Adenolfus was but one voice among many who sought to shape or contest the centrality of the *platea.*

The Civitanova pact of 1207 reinforced the role of the *platea* of S. Paolo as a focal point for social interactions. Many of the more identifiable families built their homes in proximity to this space. The boundaries of the market *platea* are marked in 1207 by reference to the *domus* of six known families and the church of S. Paolo. These were local notables, many of which had led the commune in rebellion in 1193.[166] Several are identifiable as leaders, judges or merchants, and most, but not all these figures renewed their allegiance to the bishop in 1206.[167] The bishop

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[164] LF II, doc, 245, p. 456 (1206).

[165] Pirani, *Fermo*, 46-50. Waley, *The Papal State in the Thirteenth Century* ,68-70, 128.

[166] LF II, doc. 259, p. 478 (1193).

[167] For example, *domus todini* probably indicates *iudex* Palmerius Todini active at Civitanova: LRO doc. 42, p. 61 (1202), *Fiastra* III, doc. 124, p.169, (1211), *Fiastra* IV, doc. 21, p. 34 (1218). For a meeting by

remained a major landholder we have a single lease for a house on the *platea ecclesia S. Paolo.*
[168] There were clear advantages to living within open view of the church *platea,* in sight of processions, visiting dignitaries and assembly outside the church.[169] However, the space itself may have been defined locally by collective assembly, lay documents sometimes refer to a *platea communis* which is probably the space outside S. Paolo or perhaps an alternative place of assembly, a consular family, the Bovi, eventually built a tower house here.*[170]* For the *platea* of S. Paolo was not the only focal point for assembly in the town, documents were frequently drawn up in a secondary piazza situated by a water well and dominated by the substantial *domus* and *palatii* of a certain Totilla Griffi.[171] Further, the area around the west gate is known as the *vico porta mercati* which in early modern maps corresponds to a wide intra-mural space, where sales of small building plots and houses are recorded.[172] These alternative spaces of exchange and assembly may have been competing focal points for assembly and local factional identity, perhaps according with animosity or loyalty to the bishop. Thus, the prohibition in 1207 of all other markets besides that outside S. Paolo may have been designed to refocus market assemblies towards S. Paolo and reassert episcopal control over proceedings, to recentre the bishop's claim to influence shifting focal points for assembly in the settlement. However,

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the *statiorum filli ribaldoni*: *Fiastra* III, doc. 158, p. 214 (1214). *domorum gentilis alberti coni*: *Fiastra* III, doc. 116, p. 158 (1211). A Gentiles Ribaldoni held land near Montecchio: *Fiastra* III, doc. 175, p. 238, (1214).

[168] LF III, doc. 381, p. 694, (1236).

[169] Bernardi, 'Rituels et représentations', 37–43, 39.

[170] *Fiastra* IV, doc. 40, p. 63 (1220), *Fiastra* VII, doc. 7, p. 7 (1256).

[171] *Fiastra* III, doc. 80, p. 111 (1209) and doc. 165, p. 222 (1214) and doc. 207, p. 281, (1216).

[172] For the *porta mercati*: *Fiastra* III, doc. 183, p. 247 (1215) and *Fiastra* IV, doc. 218, p. 353, (1230) and doc. 4, p. 7 (1217), Galiè, *Insediamenti*, 36.

following this extended dispute episcopal lordship was increasingly hands-off and articulated in architectural display that might influence the assemblies of the commune.

Communal assemblies were nevertheless linked to the rhythm of liturgy at S. Paolo. Witnesses in a thirteenth century dispute are asked to recall a general assembly *consilio* held after confession in S. Paolo announced by the ringing of the church bells, where the town statutes are read out and acknowledged in public. Here we see the shared liturgical life of the parish as an arena for assembly and defining secular law. The witnesses themselves gave testimony outside S. Paolo and the case concerns who had heard and discerned a change to the statutes relevant to another ongoing case. Many witnesses state they could not remember hearing this amendment, though they attended the public *consilio.* The single one who did remember it, heard so in an assembly held in the *palatium* of the *podestà*, Berard Andree.[173] Those with the resources to construct large and monumental residences had the power to frame and orchestrate the performances surrounding assemblies. It was this productive tension which helped to define a medieval public sphere, which can be identified even in the small towns of the Marche. At Civitanova we can see

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[173] *Fiastra* IV, doc. 80, p. 132 (1222). For Berard Andree, *consul* in rebellion of 1191: LF II, doc. 259, p. 477-8 (1191) and doc. 160-2, p. 323-6 (1227), LF III, doc. 381, p. 694 (1236), *Fiastra* IV, doc, 40, p. 62-3 (1220). Passing sentence in 1237: *Fiastra* V, doc. 143, 266 (1237). A *Bernard Andree* held a lease from S. Croce: SC, doc 1, p. 44 (1266).

how these spaces were used and shaped by families whose feuds and solidarities were fuelled by speculative transit of goods to more distant agricultural markets.[174]

Agricultural commerce was a source of both disputes and connections which relied upon and shaped the conversations of the town's open spaces. Credit agreements appear to play an important role in the disputes associated with the Civitatis family. In 1217, it is made clear that Vivo gave measures of linen on credit, in a record of a case heard in the *platea* of S. Paolo and judged by the archpriest of the lowland pieve of S. Marone, which states Vivo did so in *nomine usurarum* and that he should be compensated for a default on payment.[175] In this document, at least, Vivo's attempt at usury is not condemned, in keeping with a less than strict approach to the matter taken by Pope Innocent III, though the role of priest as judge is perhaps related to the matter of usury.[176] Vivo's status was uncertain and loans for sale of grain and wine, certified in front of stalls set out in the same piazza, were occasionally lucrative but also steeped in controversy and risk.[177]

A default on one such loan sparked a long-running dispute which illustrates two key points: firstly, the importance of agricultural networks in fuelling a culture of local disputing and secondly the limited influence of wider legal change in respect of an open social compromise

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[174] There are parallels with the local notables identified in the early-modern period in Piedmonte: Levi, *Inheriting Power*, 153-5.

[175] *Fiastra* IV. doc. 6, p. 11 (1217).

[176] John Moore, 'Pope Innocent III and Usury', in *Pope, Church and City, Essays in Honour of Brenda M. Bolton*, (Leiden, 2004), 70-73.

[177] *Fiastra* III, doc. 158, p. 214 (1214).

worked out in the local public sphere at Civitanova. The dispute in question began in 1214

following Vivo's failure to pay back a 100 Lucchese security owed for a measure of grain, which

he had presumably taken for sale at a market.[178] The creditors were notables at Civitanova,

Morico and his sons Paolo and Palmerio had a house on the piazza, Paolo owed fealty to the

bishop and Palmerius became a judge. Vivo didn't pay and a lawsuit followed, which we find

from a document from the same year in which Morico complained to the *podestà* of Morrovalle,

(where the loan was agreed) that Vivo had already arranged for an appeal in front of a different

judge, which Morico believed had given him a more favourable judgement. The *podestà*, lying

gravely ill, called Vivo to his bedside and threatened to refer the case to a legal authority: Azzo,

Doctor of Law at Bologna.[179] After leaving the room to confer, Vivo agreed but did not turn up

in Bologna two months later, where Azzo heard the case outside his portico. This hearing

suggests networks of disputing and commerce that fostered connections between medium elites

from across the Marche's *castelli*, which since 1198 had been cooperating in mutual trading

agreements. The hearing in Bologna was witnessed by individuals from Fermo, Macerata,

Montesanto, Montolmo, Morrovalle and Civitanova, leaving us to wonder if they had travelled

here especially or were in the city on other business, perhaps connected to the import of

agricultural goods. Morico complained to Azzo that the fine issued by the previous judge of 25

lbs did not consider the value of the initial loan, still unpaid. He also stated that the agreed sum

was within the permitted level of interest between merchants, hinting that this may have been the

basis for Vivo's earlier appeal. Bologna was valued as a centre of legal expertise, but Vivo's

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[178] *Fiastra* III, doc. 163, p. 219 (1214).

[179] For Azzo's influence on English law : H. G. Richardson, 'Azo, Drogheda, and Bracton', *The English Historical Review*, 59/233 (1944), 22–47, passim.

absence at this hearing may be a testament to the limits of this legal authority. Indeed, Vivo quickly lodged another appeal because he was not present, and the appeal had been made after a two-month deadline.[180]

It was a socialised compromise following a showdown in the marketplace that seems to have resolved this commercial feud. A year later, a scrap of witness testimony recalled how Morico and his sons returned one day to their house on the piazza to find Vivo standing with his *socii* by the oak tree in the *platea* of S. Paolo. Moricus called out to him with an offer, and after some remonstration, Vivo finally agreed to repay the initial loan to Morico, if subsequent fines were revoked. Vivo may have been a swindler or the protracted dispute over grain may have been a debt he simply could not pay, a change in fortunes is suggested by the sale of his elaborate townhouse in 1220.[181] This document hints that a public compromise, widely witnessed in the *platea* seems to have got further in resolving the dispute than the prestigious hearing in Bologna. The small-town piazza was a place where reputation mattered and ways of thinking about space and time associated with commerce began to alter the markers of social status and relationships between people and land. The often-fragile authority was enhanced by Roman law but nevertheless relied on publicity and a reframing of open space as a demarcated space for both collective assent and individual dissent. Manipulating and influencing this emerging space became a primary index of social power.

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[180] *Fiastra* III, doc. 192, p. 258 (1215).

[181] *Fiastra* IV, doc. 42, p. 66 (1220).

Conclusions

This study of the formation of new walled towns (*castelli*) reveals how space conditioned the exercise of authority in the central middle ages. This small-scale urbanisation was driven by multiple converging interests and negotiations, in this respect they differ significantly from the planned towns or *bastides* promoted by expanding royal authorities in places such as Gascony and north Wales. Some may have served to provision larger cities but across the Marche acted as independent political territories with some degree of local autonomy, that in part contested and replicated existing patterns of authority. The gradual demarcation of civic *platea* and stone walls in new towns produced a framework for performance, co-operation and competition. The small-scale urbanism of the Marche shows in sharp relief the significance of demarcated space in shaping practices of authority, illustrating how religious and commercial change influenced the production of social space and reconfigured territorial authority. This regional study contributes to a wider argument surrounding the role of religious change in the social transformations of the twelfth century.

In evaluating the relationship between the growth of parish identities and the formation of new towns and rural communes, I made the case that gradual changes in thinking about church ownership weakened the solidarities of elite kin groups responsible for founding and maintaining many smaller rural churches. These changes in church patronage altered the material and spatial dynamics of village life, as reform, driven, in part by local concerns about correct religious practice, consolidated parish identities and strengthened networks of ecclesiastical authority, often at the expense of small-scale secular lordship. By the mid-twelfth century the discourse of *ius patronatus* codified a limited role for secular proprietors in running churches while also

opening avenues for parishioners to assert collective management of churches. I emphasise the importance of distinctive and fragmented parish identities in more populous settlements where the institutions of the rural commune were not linked to a single parish identity. There is not always a straightforward relationship between parish and commune, as is shown in two case studies based on Villamagna and Macerata, but many new towns develop a predominant social space outside a central intra-mural church. Closely located parish churches suggest population growth and social fragmentation, new collective institutions are one response to this fragmentation reproducing or reconfiguring aspects of lordship. In Chapter 2, I suggested that prelates responded to the local and geopolitical demands of church reform through new programs of church building. The material process of church building may have prompted changes to surrounding lease holding giving smaller portions of land on long-lease to more people, contributing to the fragmented landholding that is often characteristic of a rural commune. Chapter 3 introduces the role of regional mobility and its interaction with religious patronage applying and modifying two existing models of settlement nucleation associated with larger *castelli*. The choices made by seigneurial subjects to settle around existing walled settlements or to move between them to form new families was an important variable in the realisation and transformation of seigneurial authority in the Marche. Mobility was closely related to the construction of new walls, which solidified collective identities and supported the demarcation of intra-mural assembly space and a convergence of space and political practice in charters of franchise and rural communes. Different types of lords had to react to both the religious requirements of parishioners, and the demands of this local public sphere.

The second half of the thesis focused on the built environment within emerging *quasi-città* when, between 1180-1215, documents allow for a closer study of the built environment and its

interaction with market and judicial assemblies. In Chapter 4 I argued that as ecclesiastical lordship reordered itself to an increasingly institutional church, communal authority distinguished itself through interactions of assembly and construction. Rural elites adapted the nomenclature of urban commune which derived a good deal of its legitimacy from an ability to publicise and communicate judicial decisions presented as collective judgements. In many larger *castelli* the *platea* became a site of competing performance and ritual where competition and social differentiation were expressed in the built environment. Local authority was enhanced by recourse to Roman law but continued to rely on compromise, absorbed and communicated in a medieval public sphere. In Chapter 5 I focused on the contradictions of the market as a place and as a construct for studying economic change. I suggested that long-term interactions between exchange and religious reform and outlined the limited evidence for agricultural specialisation and changing family structure was connected to the expansion of market networks. With a final example I sought to bring together several recurring threads with a dispute that clearly defined the marketplace as a site of social competition as a stronger institutional church, communicated a new and more comprehensive authority that reached a clear accommodation with the public sphere of the commune where innovations of Roman and canon law were utilised but limited by a framework for conflict which valued consensus.

By the mid thirteenth century, *castelli* such as Macerata and Civitanova had much in common with larger city communes. The records of late medieval civic statutes illustrate participatory civic ritual and procession and provisions against factional conflict, expressed by stone throwing,

singing and violence in the streets.[1] The Marche was, and remains a largely agricultural society, but from the evidence of statutes, many *castelli* exhibited the social complexity of a moderate Italian town, with farriers, candlemakers, weavers and, frequently, small Jewish communities living together in narrow walled streets and meeting in one or more informal open piazza. Like their urban counterparts, certain rural communes submitted by 1300 to rule by new *signoria*, such as the Da Varano family of Camerino. The participatory assemblies and collective government in these centres, though usually, by their nature exclusionary, were formed by assemblies which served as a framework for social action that though frequently tending towards oligarchy, served as a framework for some social mobility, relying on collective participation and management of resources.[2] This, of course, is all more or less typical and can be found in varying forms across the Mediterranean in this period. What this central Italian evidence can show us is how, in the absence of strong legitimising authority, ideals of fidelity and lordship were not necessarily a primary political language, rather authority of all kinds adapted to economic and religious change that produced distinctive shared and contested space.

The small-scale urbanism of the Marche is remarkable in that it developed across the region in contrast to rather than in continuity with the Roman settlement and civic identity which characterised many larger Italian towns.[3] Though influenced by parallel civic tradition, we may

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[1] Cecchi, 'Aspetti di vita cittadini', 479.

[2] Massimo Della Misericordia, 'The Rural Communities', in *The Italian Renaissance State*, (Cambridge, 2012), 261–83, 261-262. Beat A. Kümin, *The Communal Age in Western Europe: C. 1100 -1800; Towns, Villages and Parishes in Pre-Modern Society* (Basingstoke, 2013).

[3] Caroline Goodson, 'Urbanism as Politics in Ninth-Century Italy', in *After Charlemagne. Carolingian Italy and Its Rulers*, (Cambridge, 2021), 199.

see these *castelli* as an experiment in urbanism, recorded in the ideals and negotiations behind franchise charters but also more essentially in individual acts of mobility: of building houses, resettlement and travelling to meet with others both living and dead in shared open space. The assemblies which produced the loose parchments kept by Fiastra and S. Caterina tell a story of a built environment that was both new and increasingly complicated. They also suggest a social sphere characterised by social mobility and participation by a wider range of social actors. This built space was in some respects homogeneous, the production of this space was determined by and at the same time articulated local authority as shaped by distinctive geographic and socio-political circumstances. In their small way, these places reflect a wider dichotomy between informal city making and top-down planning of settlement infrastructures.[4] The material and territorial framework of these settlements created new opportunities and closed off others.

The qualities of the built environment and self-government in the Marche that gains clarity in the final decades of the twelfth century, is, in my view, inseparable from the long-term spatial consequences of religious reform, expressed through lay piety and the proliferation of the parish, the delineation of ecclesiastical lordship and its adaptation to larger and more demanding congregations. The mobility and collective endeavour involved in the formation of large centres should be considered alongside the seigneurial agency expressed in franchise charters. When the documentary evidence for the piazza accelerates in the 1180s, we can see how informal judicial assemblies gained institutional clarity in dialogue with a built environment that was more clearly defined and diverse, illustrating a shift away from elite reproduction in small, fortified villages

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[4] Ash Amin, *Seeing like a City*, (Cambridge, MA, 2016).

towards a new framework of competition within market-focused centres. The *castelli* urbanism of the Marche may help to illustrate how wider participation in market networks and peasant mobility influenced forms of associative power and the exercise of lordship in the twelfth century. In the disputes, devotions and building practices of these inhabitants of new towns, we can evaluate the changes wrought by an ongoing dialogue between discourses of power expressed in and through architectural space that audiences could modify and contest.

Appendix 1: Maps
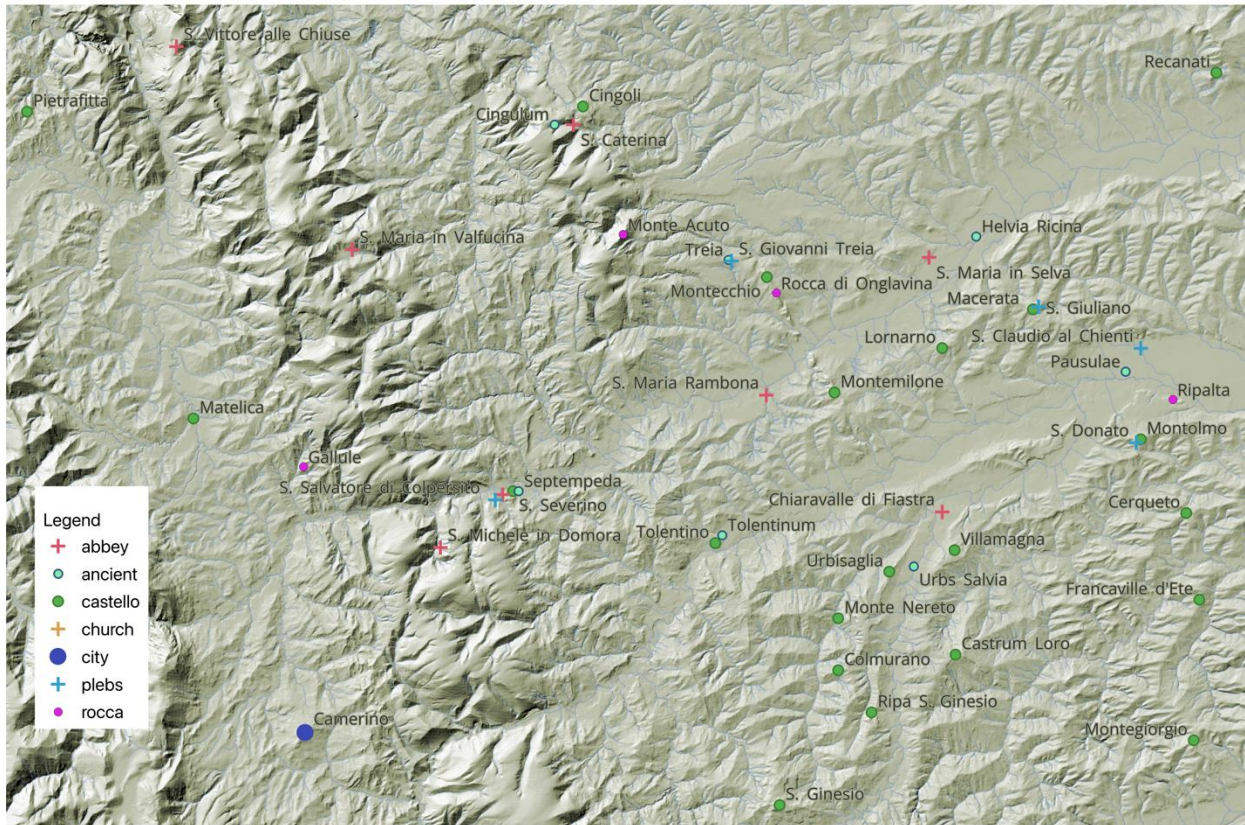
Map 1: Camerino (identifiable places mentioned in the text)
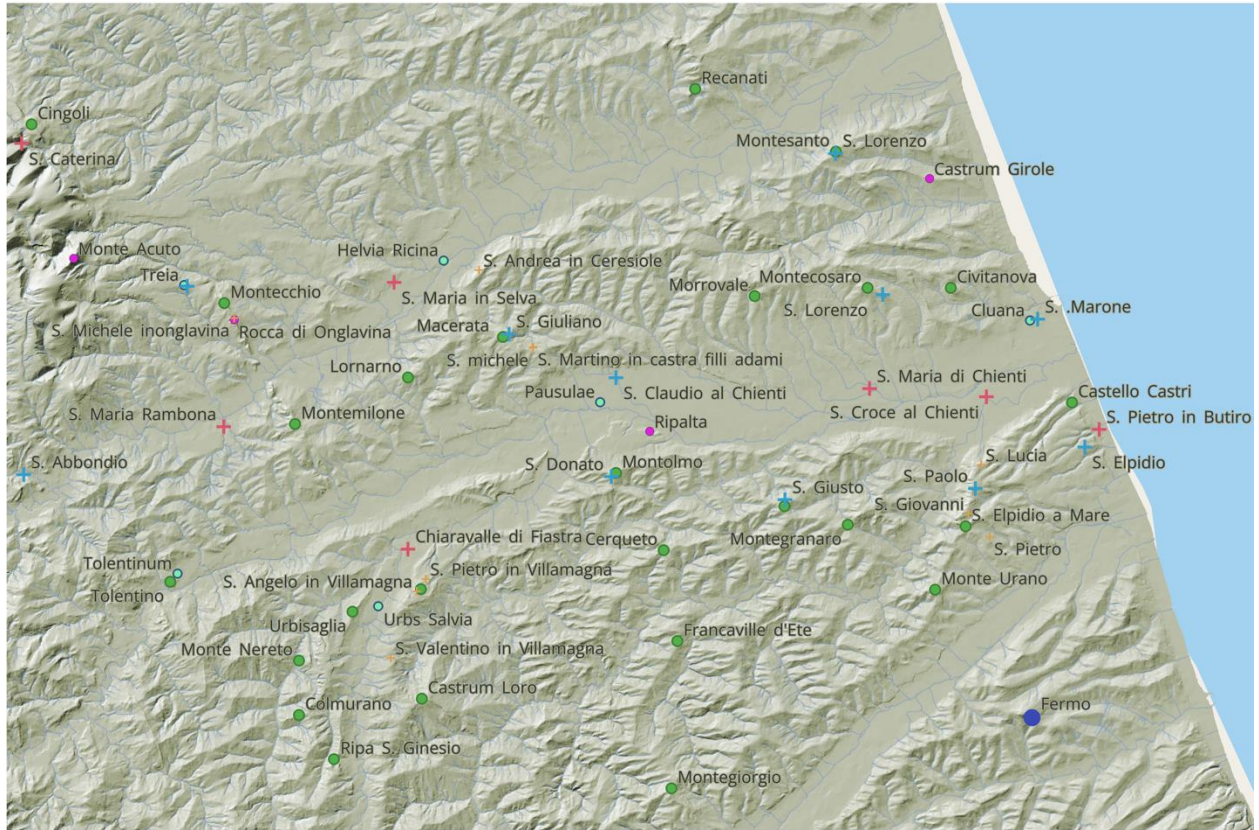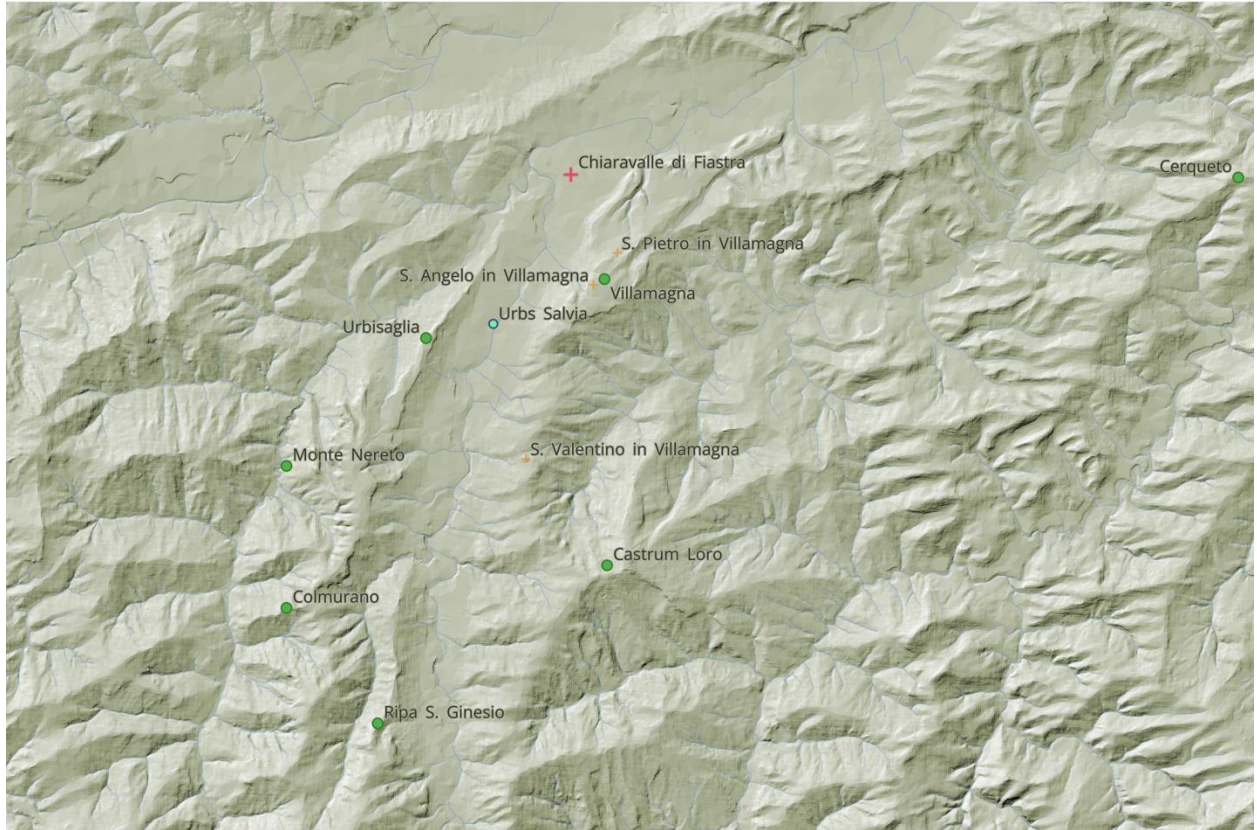
Map 2: Chienti Valley.
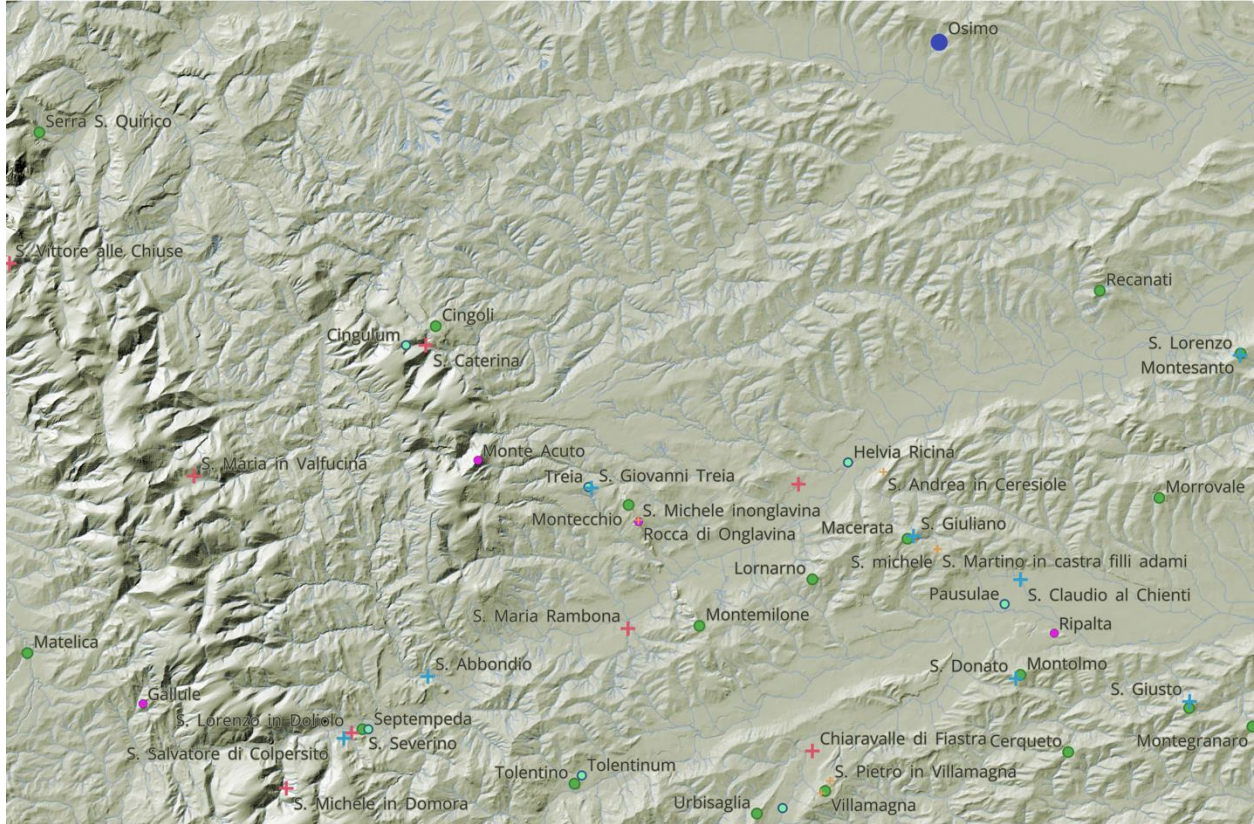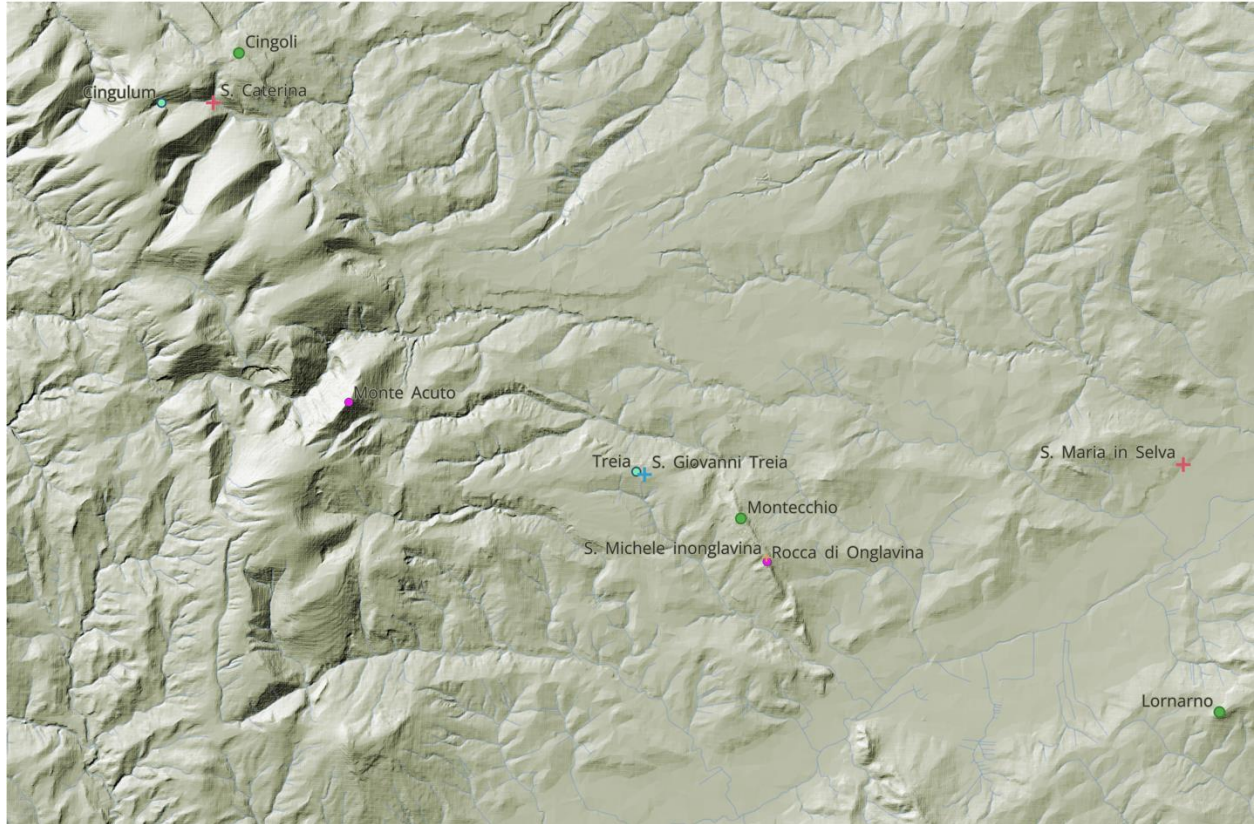
Map 3: Potenza valley
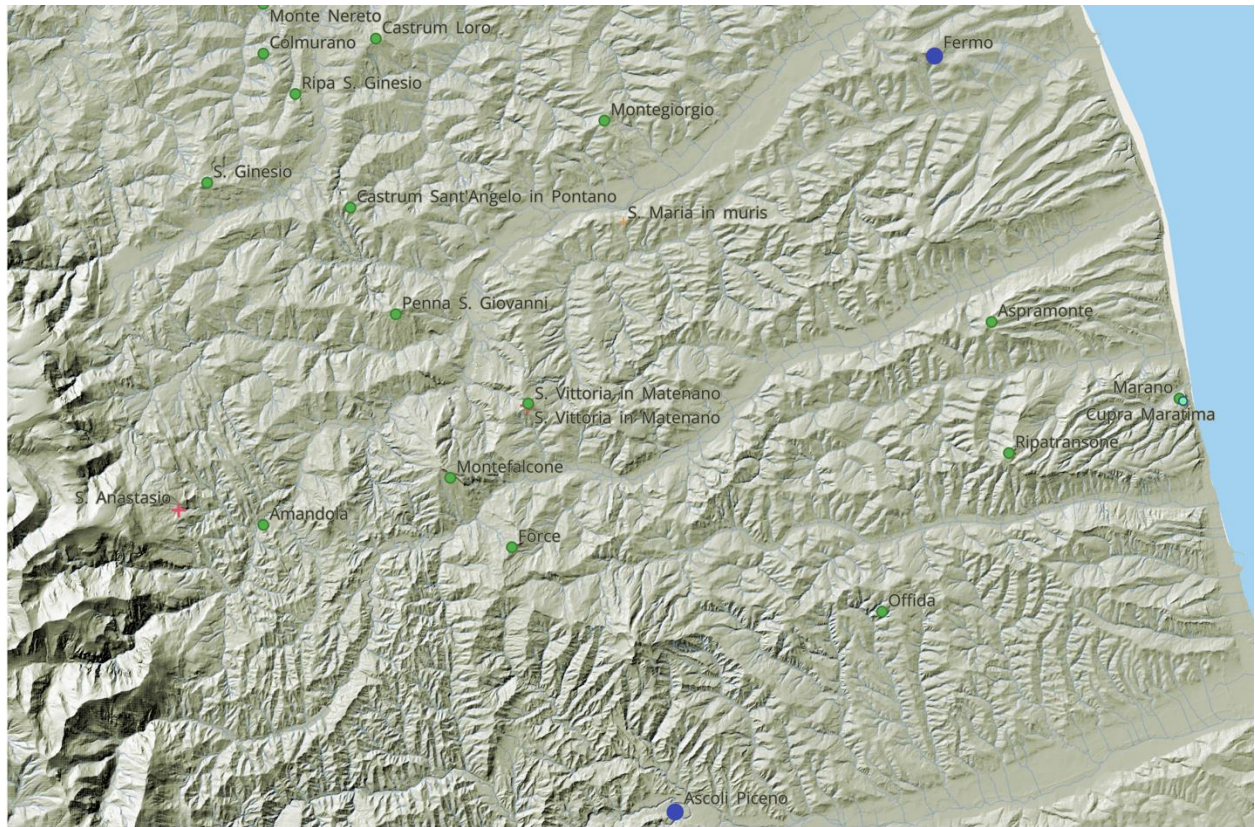
Map 4: Southern Fermo
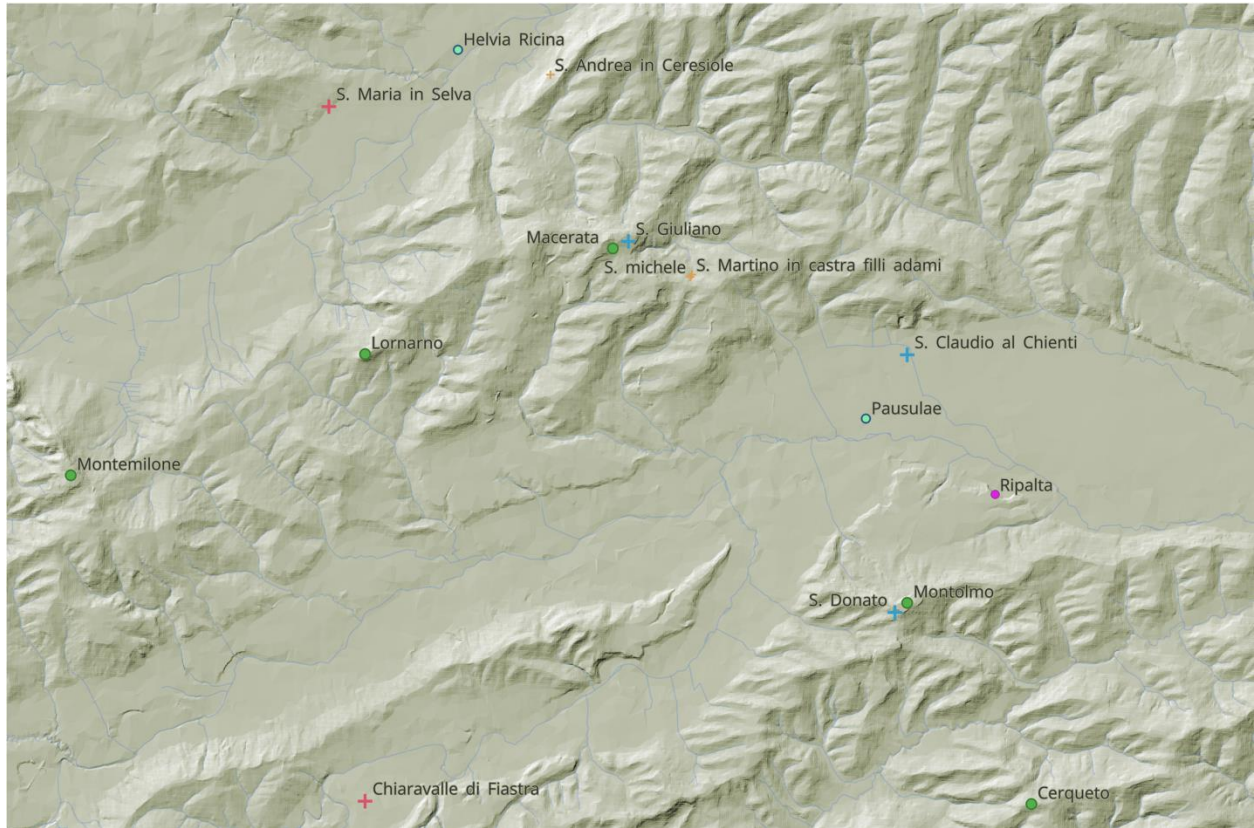
Map 5: Macerata / Podio S. Giuliano

Map 6: Villamagna and Monte Nereto

Map 7: Cingoli and Montecchio

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