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REFIGURING LOCAL POWER AND LEGITIMACY IN THE KINGDOM OF ITALY, c.900–c.1150*

Following a high point in the 1990s, the debate surrounding the ‘feudal revolution’ (*mutation féodale*) in France and its neighbouring regions during the eleventh century has experienced a long period of stasis.¹ The issue is well known among medievalists, but perhaps a brief summary would not go amiss here. In his magisterial study on the region of Mâcon published in 1953, Georges Duby argued that the most momentous socio-political change to occur in France during the decades around the year 1000 was the break-up of the major power structures controlled by counts and dukes into a multitude of castle-centred territories.² This period was also marked by a sharp change in the very nature of power, which reshaped relations between kings and lords, on the one hand, and between lords and peasants, on the other. Duby’s argument was revived and elaborated in 1980 in an influential book by Jean-Pierre Poly and Eric Bournazel.³

This model, with its profound implications not only for the history of France but for the whole of post-Carolingian Europe, has been fiercely contested from different perspectives by

* I should like to thank Sandro Carocci, Simone Collavini, Chris Wickham, and Luigi Provero for their suggestions and criticisms. I am also grateful to Denise Bezzina and Rob Houghton for their help with the English.

¹ For a balanced, though not neutral, reconstruction of the debate, see Charles West, *Reframing the Feudal Revolution: Political and Social Transformation between Marne and Moselle, c.800 to c.1100* (Cambridge, 2013), 1–10.

² Georges Duby, *La Société aux XI^e et XII^e siècles dans la région mâconnaise* (Paris, 1953).

³ Jean-Pierre Poly and Eric Bournazel, *The Feudal Transformation, 900–1200*, trans. Caroline Higgitt (New York, 1991).

a number of historians, including Dominique Barthélemy and Stephen White.⁴ The dispute ended without an acknowledged winner, but in France, its epicentre, the ‘anti-mutationist’ argument became the dominant historiographical paradigm.⁵ It is only in recent years that things have finally started to change: two important books by Thomas Bisson and Charles West have reopened and reframed the issue, freeing it from the Francocentricity that characterized the debate in the past. West, the author of the first regional study from Carolingian times to 1100 to adopt this perspective, has convincingly shown how the new territorial lordships (*seigneuries banales*) were clearly different from previous forms of power in that political and jurisdictional rights were now formalized, and the newly defined local powers could henceforth be treated fully as forms of property in that they could be bought, sold, leased or inherited.⁶ Bisson has further refined Duby’s hypothesis, emphasizing the explosion of violence and coercion that accompanied the change in local power structures.⁷ Both authors have also stressed the importance of a Europe-wide analysis, pointing to the existence of different chronologies that reflected the evolving political situation in different regions of post-Carolingian Europe.

In general, Italian historiography has shown little interest in the first part of this debate, notwithstanding some (unsuccessful) attempts on the part of French and British scholars to

⁴ See, for example, Dominique Barthélemy, *The Serf, the Knight, and the Historian*, trans. Graham Robert Edwards (Ithaca, 2009); Stephen D. White, *Re-Thinking Kinship and Feudalism in Early Medieval Europe* (Aldershot, 2005).

⁵ See, for example, Florian Mazel, *Féodalités, 888–1180* (Paris, 2010), 233–98.

⁶ West, *Reframing the Feudal Revolution*.

⁷ Thomas N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, 2009).

export it south of the Alps.⁸ The profusion of studies concerning seigneurial power in Italy has traditionally focused on long-term developments, rather than on a search for sudden breaks and sharp turns, and the feudal revolution has been seen as a specifically French issue.⁹ It is only in the last few years that some studies have drawn particular attention to the decades around 1100 as marking a phase of significant intensification and crystallization of the local power structures. As Chris Wickham has shown, these power structures had previously been far less developed, not only in the countryside but even in the cities of the kingdom of Italy (*regnum Italiae*, corresponding to northern and central Italy).¹⁰

Some scholars have traced this accelerating change to the crisis of traditional public forms of power in the context of the civil wars linked with the Investiture Dispute, which broke out in the 1080s.¹¹ The ability of lords to coerce people in the countryside had been increasing slowly since the beginning of the tenth century, sometimes with direct royal consent. However, with the civil wars came the sudden collapse of the traditional framework of public power, and

⁸ See especially François Menant, *Campagnes lombardes du Moyen Âge: l'économie et la société rurales dans la région de Bergame, de Crémone et de Brescia du X^e au XIII^e siècle* (Rome, 1993), 580–601. For an Italian view of the debate, see Sandro Carocci, 'Signoria rurale e mutazione feudale: una discussione', *Storica*, viii (1997).

⁹ See, for example, Luigi Provero, *L'Italia dei poteri locali, secoli X–XII* (Rome, 1998).

¹⁰ On this capital shift, see especially Chris Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton, 2015).

¹¹ Maria Elena Cortese, *Signori, castelli, città: l'aristocrazia del territorio fiorentino, fra X e XII secolo* (Florence, 2007); Giovanna Bianchi and Simone M. Collavini, 'Risorse e competizione per le risorse nella Toscana dell'XI secolo', in Vito Loré (ed.), *Acquérir, prélever, contrôler: les ressources en compétition, 400–1100* (Turnhout, 2017); Alessio Fiore, 'Il tempo dei cambiamenti: le campagne dell'Italia centro-settentrionale intorno al 1100', *Storica*, lxi–lxii (2015). On the cities, see especially Chris Wickham, 'The "Feudal Revolution" and the Origins of Italian City Communes', *Transactions of the Royal Historical Society*, 6th ser., xxiv (2014).

lordly power in the countryside now extended over a larger population and became more formalized and comprehensive, while the countryside divided more or less homogeneously into blocks of territorial lordships (*signorie territoriali*).

In this article, I shall investigate the principal socio-political change of this period, namely, the crisis of royal and public structures and the rise of seigneurial powers in the kingdom of Italy as reflected in legitimization discourses regarding the exercise of local power. Research on political languages of the Italian countryside in the high Middle Ages is still under-explored in comparison with the wealth of studies on later periods.¹² However, a structural analysis of the various legitimization discourses used by political players in the countryside, and their complex interactions, can offer substantial information about the intensity and effectiveness of the shift in the overall social and political framework by exploring the connection between words and practices, actions and representations. We shall see that in Italy the end of the eleventh century marked a phase of crisis and change, not only within the socio-political sphere, but also within the sphere of political discourses. This process did not involve a clear-cut break with the past, but rather an intense acceleration of pre-existing trends, with a reconfiguration of the matrix of power, expressed, in its turn, by a transformation in the instruments of legitimization. For a lord, the fragmentation of power and the rising importance of local resources and local frameworks went hand in hand with a dynamic investment in legitimizing instruments that had their reference points within these same local frameworks. Legitimization was no longer sought through a relationship with a superior entity, the monarchy, but rather through relations with one's peers and subjects. What emerges is evidence of a strong connection between power relations and the discourses of power, and it is this

¹² A convenient guide is Andrea Gamberini, *La legittimità contesa: costruzione statale e culture politiche. Lombardia, secoli XII–XV* (Rome, 2016).

connection that needs to be discussed for a better understanding of rural society in the high Middle Ages.

I PUBLIC TRADITION: DIPLOMAS AND *PLACITA*

By way of introduction, we may take as our starting point a time when the monarchy was still solidly functioning as a source of legitimacy, namely, the tenth century. However, during the first decades of this century we perceive a certain weakening of central power in practice. Its difficulty in articulating locally efficient policies emerges clearly from a comparison between the actions of ninth-century kings, notably Louis II, and those of the following century.¹³ Nevertheless, despite the waning of its capacity for action, in other respects the central power maintained a dominant role. Royal and imperial diplomas, or grants, remained the key instruments for the legitimization of local prerogatives, and public power still stood as the undisputed model for the everyday exercise of power, which was embedded in the forms codified by tradition. A private lord's greatest ambition was to possess the rights of a count, and to obtain royal recognition of his asserted rights through a royal diploma.¹⁴ The exercise of local landed or jurisdictional power was therefore sanctioned by the diplomas issued by the royal or imperial chancery. It required legitimization from royal power, which was still perceived as an essential dispenser of legitimacy.¹⁵

¹³ Giuseppe Sergi, 'The Kingdom of Italy', in *The New Cambridge Medieval History*, 7 vols. (Cambridge, 1995–2005), iii, ed. Timothy Reuter, 348–51.

¹⁴ See, for example, *Gli atti privati milanesi e comaschi del secolo XI*, 4 vols. (Milan, 1933–69), i, ed. Giovanni Vittani and Cesare Manaresi, no. 74 (1015).

¹⁵ See Barbara H. Rosenwein, *Negotiating Space: Power, Restraint, and Privileges of Immunity in Early Medieval Europe* (Manchester, 1999), ch. 7; Barbara H. Rosenwein, 'The Family Politics of Berengar I, King of Italy, 888–924', *Speculum*, lxxi (1996).

A glance through the series of tenth-century Italian royal grants, in particular those issued by Berengar I, discloses increasing occurrences of confirmations of seignorial rights of jurisdiction and command (*districtus*) over men and territories. These rights were very often obtained by the beneficiaries, not directly from the king, but rather by donation or acquisition from those subjects who already held and exercised them.¹⁶ However, these instruments were not perceived as sufficient; the need was felt for a supplementary warranty which only the king could issue. Thus, about 916 the clerics of Santa Maria of Verona, after inheriting three villages (*villae*) near Trento, with *districtus*, bequeathed by Notker, the late bishop of Verona, appealed to Berengar I for a diploma confirming the rights they had acquired through the bishop's will.¹⁷

It is clear that in order to exercise local power, especially as connected with *districtus*, regal sanction was deemed necessary, and the key instrument for obtaining it was the diploma. This written royal grant thus certified the legitimacy of claims, in the eyes of both the subjects and the other local political actors. The most recent studies have emphasized that the diploma was the pivot and catalyst of social practices and rituals, strengthening the public image of the beneficiary.¹⁸ Although it rarely added anything qualitatively to the powers exercised by the

¹⁶ See, for example, *I diplomi di Berengario I*, ed. Luigi Schiaparelli (Rome, 1903), nos. 17 (897), 46 (904), 65 (906), 113 (916); 'I diplomi italiani di Lodovico III', nos. 4 (900), 7 (901), and 'I diplomi italiani di Rodolfo II', nos. 8–9 (924), both in *I diplomi italiani di Lodovico III e di Rodolfo II*, ed. Luigi Schiaparelli (Rome, 1910); 'I diplomi di Ugo e Lotario', in *I diplomi di Ugo e di Lotario, di Berengario II e di Adalberto*, ed. Luigi Schiaparelli (Rome, 1924), nos. 40 (935), 63 (942), 71 (943), 210–12 (949). For rigorous analysis of these diplomas, see Giovanni Tabacco, *The Struggle for Power in Medieval Italy: Structures of Political Rule*, trans. Rosalind Brown Jensen (Cambridge, 1989), 151–76.

¹⁷ *I diplomi di Berengario I*, ed. Schiaparelli, no. 113 (916). For a similar case, see no. 69 (911) (the abbey of Nonantola).

¹⁸ See especially the recent book by Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom, 840–987* (Turnhout, 2012).

grantee, but merely confirmed their validity, the moment of receiving a diploma offered the opportunity to stage a deeply legitimizing performance. The ceremony during which the diploma was issued was an important occasion when both the claims and prerogatives of the recipient and his social and political role were sanctioned by the other politically dominant actors.¹⁹ For this reason, when the possibility arose, the beneficiary preferred the granting of the diploma to take place within the political area in which he himself was active so that he could capitalize fully on its legitimizing effect. Alternatively, a trip to the capital of the kingdom, Pavia, also worked as an exercise in prestige, especially for major political actors. The organization of ceremonial practices relating to the document did not end here; they were probably followed by other, strictly local rituals, during which the text was read aloud and displayed to the lord's subjects, with the symbolic significance that would entail.

The sources in which these practices are mentioned are very few, at least for the kingdom of Italy. Descriptions of them only become common from the mid twelfth century, during a phase of recovery for central power under the Staufen dynasty.²⁰ An important exception, proving that these rituals dated further back, is a text from the year 879 preserved

¹⁹ On this, see especially Hagen Keller, 'Die Herrscherurkunden: Botschaften des Privilegierungsaktes — Botschaften des Privilegientextes', in *Comunicare e significare nell'alto medioevo* (Spoleto, 2005); Hagen Keller and Christoph Dartmann, 'Inszenierung von Ordnung und Konsens: Privileg und Statutenbuch in der symbolischen Kommunikation mittelalterlicher Rechtsgemeinschaften', in Gerd Althoff (ed.), *Zeichen — Rituale — Werte* (Münster, 2004), 201–23. A very good example which describes the ceremonial framework of the writing and issuing of a diploma is *Le carte cremonesi dei secoli VIII–XII*, ed. Ettore Falconi, 4 vols. (Cremona, 1979–88), iv, nos. 787–8 (1195).

²⁰ On these rituals, see Giuseppe Colucci, *Memorie storiche di Ripatransone* (Fermo, 1792), appendix, no. 14 (1253). For other examples, see *Regesta firmana*, ed. Marco Tabarrini, appendix, in Giovanni De Miniciis (ed.), *Cronache della città di Fermo* (Florence, 1870), no. 3 (1223).

in the archive of the monastery of Sant’Ambrogio in Milan.²¹ This document refers to a public ritual held in the village of Limonta during which two diplomas were read to the community. One, now lost, had been issued by Charles the Fat; the other, older but still extant document from 835, by Lothar. Both texts sanctioned possession by the abbot of six families of slaves (*mancipia*) with their landholdings. Abbot Leo read aloud the two documents, displaying them (*ostendens*) to the public, clearly in order to validate their authenticity but also to emphasize the profound symbolic meaning of the two documents upon which his local power rested. The reading was followed by a ritual during which he physically reconfirmed his possession of the slaves and their dwellings.²² The reading aloud took place in front of the men of Limonta, some of the bishop’s vassals, two vassals of a royal vassal, and representatives of the nearby communities: a socially diverse audience, yet strongly representative of local society.

The following year, the representatives of the nearby communities were called as witnesses on behalf of Abbot Leo in a dispute over the possession of Limonta between the monastery of Sant’Ambrogio and that of Reichenau.²³ It was therefore crucial that a public ceremony should be organized in order to gather local consensus around the abbot’s prerogatives, the diploma being the core element of this ceremony. The presence of two vassals of a royal vassal was certainly not simply coincidence, for they represented not only local interests, but also the same royal power that had issued the diploma in the first place; as local

²¹ *Codex Diplomaticus Langobardiae*, ed. G. Porro-Lambertenghi (Turin, 1873), no. 291 (879). See Ross Balzaretti, ‘The Monastery of Sant’Ambrogio and Dispute Settlement in Early Medieval Milan’, *Early Medieval Europe*, iii, 1 (1994), especially 5–6.

²² Abbot Leo (re)claimed ownership *per columnam de eadem casa et limite ostii seu ex predictis mancipiis per manus* (‘touching with his hands the entrances and the posts of their houses, and the slaves themselves’): *Codex Diplomaticus Langobardiae*, ed. Porro-Lambertenghi, col. 496.

²³ *I placiti del ‘regnum Italiae’*, ed. Cesare Manaresi, 3 vols. in 5 (Rome, 1955–60), i, Inquisitiones, no. 8 (880).

agents of the king, they therefore guaranteed its implementation and respect for its contents.²⁴ The material costs (as well as the non-material costs such as travel time and bargaining favours) that were incurred by the beneficiary in order to obtain the document were thus compensated by the opportunity it gave to stage a public solemn occasion during which his power was sanctioned and reaffirmed. This is evident when we consider that, on these occasions, *placita* (judicial sessions) were held, and, most importantly, royal diplomas were displayed. The solemn reading of a royal diploma, involving the physical display (*ostensio*) of the document, was the central event in such ceremonies.²⁵ The mere possession of a diploma was insufficient: it had to be displayed in a public and solemn context in order for it to be fully effective.²⁶

The *ostensio* was thus the means through which local prerogatives were reinforced against both rivals and restive subjects. The chronological data in our possession confirm that this practice was widespread during the first decades of the tenth century, fell into disuse during the turbulent reign of Berengar II (950–61), and came back into favour during the rule of the Ottonian dynasty, after the death of Berengar. This implies that the extensive use of diplomas in judicial contexts was associated with stable royal power. From the 1030s, the practice fell progressively into disuse while, concomitantly, the nature of the *placitum* changed.²⁷ It became

²⁴ As underlined by Balzaretti, ‘Monastery of Sant’Ambrogio and Dispute Settlement in Early Medieval Milan’, 6–7.

²⁵ On the tight connection between text and speech, with a focus on the use of documents as the basis for oral performances, see Patrick J. Geary, ‘Land, Language and Memory in Europe, 700–1100’, *Transactions of the Royal Historical Society*, 6th ser., ix (1999), 182–4.

²⁶ See, for example, *I placiti del ‘regnum Italiae’*, ed. Manaresi, i, nos. 91 (880), 113 (902), 118 (906), 136 (935); ii, nos. 148 (962), 152 (964), 164 (970).

²⁷ Swen Holger Brunsch, ‘The Authority of Documents in Early-Medieval Italian Pleas’, in Brenda Bolton and Christine Meek (eds.), *Aspects of Power and Authority in the Middle Ages* (Turnhout, 2007).

less and less an expression of royal justice and increasingly a form of protection exercised over regional powers who possessed public prerogatives, a context in which *placita* became less decisive instruments, only to disappear almost completely about 1100, along with the collapse of the traditional structures of royal power in the chaos created by the civil wars.²⁸

I shall return to this issue shortly. However, I should like to mention here that, although the sanction of local prerogatives by the central power was important, often these forms of dominion were exercised from the bottom up, through a varying blend of acquisitions, clientelism and abuses.²⁹ The cases in which a royal diploma created a seigneurial power from scratch by granting assets and prerogatives that had previously belonged to the central power must have been rare (although not absent).³⁰ However, what matters is that, even when local hegemony was constructed from below, the only way to confirm the acquired position was for it to be legitimized by the royal power.

A relatively late but significant eleventh-century example of this trend relates to the monastery of San Zeno in Verona. In the context of bitter local rivalry between the monastery and the powerful Boniface of Canossa (father of Matilda), the inhabitants of the village of Montecchio, in Veneto, a community of holders of allodial land chose to donate all their

²⁸ On these shifts, see Massimo Vallerani, 'Scritture e schemi rituali nella giustizia altomedievale', in *Scrivere e leggere nell'alto medioevo* (Spoleto, 2012), 149. *Placita* survived for some decades in north-eastern Italy, in Veneto: see Chris Wickham, 'Justice in the Kingdom of Italy in the Eleventh Century', in *La giustizia nell'alto medioevo, secoli IX–XI* (Spoleto, 1997).

²⁹ Such phenomena were well known in Italy as early as the Carolingian age, as exemplified by the Mantuan capitulary of 813: see, for example, Massimo Montanari, 'Conflitto sociale e protesta contadina nell'Italia altomedievale', *Annali dell'Istituto 'Alcide Cervi'*, xvi (1994).

³⁰ See, for example, *I diplomi di Berengario I*, ed. Schiaparelli, no. 18 (897) (the gift of the royal *curtis* (manor) of Sacco to the bishop of Padua); see also nos. 32 (900), 62 (905), 128 (920).

possessions to the abbot of San Zeno and recognize him as their lord.³¹ Seigneurial power was thus conferred from below, by the will of the members of the community (*homines*), at least formally. Even so, the monastery solicited an imperial diploma in order to validate this new state of affairs, and soon obtained from Henry III a privilege whereby the emperor granted the monastery *districtus* over the village. The former free landholders could now recognize the abbot as their lord, being themselves unable to grant him that jurisdiction which, as was the case for all communities of freemen, could only be bestowed by central power.³²

During the eleventh century, this system came under visible strain owing to the long absences of the German king-emperors, who were usually engaged north of the Alps in Germany, and entered a period of profound crisis with the unfolding of the Investiture Dispute. The outbreak of civil war in the 1080s between the emperor Henry IV and the Gregorian party under the military leadership of Matilda of Canossa led to a sharp and irreversible hastening of the collapse of the traditional Italian power structures.³³ The political crisis engendered

³¹ The donation of the men of Montecchio is published in Pierpaolo Brugnoli, 'Sala, Val Salaria, Montecchio e Fumane', *Studi storici veronesi*, xviii–xix (1968–9), appendix. See also Andrea Castagnetti, 'Arimanni e signori dall'età postcarolingia alla prima età comunale', in Gerhard Dilcher and Cinzio Violante (eds.), *Strutture e trasformazioni della signoria rurale nei secoli X–XIII* (Bologna, 1996), 261–3.

³² *Diplomata Heinrici III*, ed. Harry Bresslau and Paul Kehr, *Monumenta Germaniae Historica* (hereafter *MGH*), *Diplomata Regum et Imperatorum Germaniae*, v (Hanover, 1926–31), no. 357 (1055). In the same diploma, the emperor confirmed the abbot's ownership of Montecchio (recording the gift made by the villagers) and granted him jurisdictional rights (*districtus*) over the locality. See also the case of the bishop of Padua in the rural area of Saccisica: *ibid.*, no. 352 (1055). For a discussion of this case, see Gérard Rippe, *Padoue et son contado, X^e–XIII^e siècle: société et pouvoirs* (Rome, 2003), 179–84; Giovanni Tabacco, *I liberi del re nell'Italia carolingia e postcarolingia* (Spoleto, 1966), 159.

³³ For a discussion of these issues, with a focus on the changing role of royal power within this framework, see Alessio Fiore, 'Changing Strategies of Imperial Power in the Kingdom of Italy,

widespread disruption of the local order, and, more generally, a weakening of the main power clusters, which were reshaped at a patrimonial level through a reduction in their areas of control.³⁴ The pontifical schism resulted in the designation of rival bishops by the emperor and the pope, which in turn led to episcopal vacancies and crises in relationships of loyalty with the local aristocracies. Individual villages, now fortified (and called *castra*, ‘castles’, in our sources), became the focus of local politics. The owners of *castra*, with the help of their armed followings, built up coercive forms of control, with a strong military character, over the surrounding territories, acquiring a new autonomy from the superior powers.³⁵ In this period of upheaval, royal power and prestige reached their nadir owing to the ideological crisis in the emperor’s relationship with the papacy as well as the heavy military setbacks he experienced. More widely, this situation led to an overall delegitimization of traditional political leadership and its associated practices of power.³⁶ It is clear that, in a society in which age-old equilibria founded on the centrality of royal power had collapsed, while new structures, in which local practices and power relationships were decisive, were emerging, a diploma was no longer sufficient to legitimize power; at times it was useless.

1080–c.1125’, in Steffen Patzold (ed.), *Konflikt und Wandel um 1100 Europa im Zeitalter von mutation féodale und Investiturstreit* (forthcoming).

³⁴ See Fiore, ‘Il tempo dei cambiamenti’. On the military history of this conflict, see David J. Hay, *The Military Leadership of Matilda of Canossa, 1046–1115* (Manchester, 2008), 59–197.

³⁵ The bibliography on these issues is enormous. A useful guide is Luigi Provero, ‘Forty Years of Rural History for the Italian Middle Ages’, in Isabel Alfonso (ed.), *The Rural History of Medieval European Societies: Trends and Perspectives* (Turnhout, 2007).

³⁶ Wickham, *Sleepwalking into a New World*.

For a better understanding of these dynamics, a brief overview of the text known as the *placitum* of Garfagnolo is helpful.³⁷ This *placitum* concerns a conflict between the monastery of San Prospero of Reggio Emilia and the men referred to as the *homines de Vallibus* ('men of the Valleys') for the possession of the assets situated in the *curtis* (manor) of Nasseto. These judicial proceedings clearly demonstrate the crisis of the legitimization and juridical value of royal documentation. During the first phase of the trial, in which the monastery outlined its case against the *homines de Vallibus*, it failed to take advantage of the imperial diplomas it had been issued by Charlemagne and Otto I, but rather chose to rely on oaths sworn by three men of the *curtis* of Nasseto. It was therefore owing to these local oath-takers that a provisional initial judgment in favour of the monastery was reached. After an objection was raised by the *homines de Vallibus*, who were willing to produce their own oath-takers, the monastery decided to resort to its diplomas in order to reinforce its position. The documents were therefore used merely to strengthen the legitimacy of the claim in this case, and were peripheral to the procedural strategy adopted by the monastery. Yet, in the eyes of Matilda's officers, who were experts in legal and judicial procedures appointed to resolve the conflict, even this was not conclusive. The diplomas were not perceived as decisive in reconciling the contradiction between the human sources of legitimization, that is, between the oath-takers of the monastery and those produced by the *homines de Vallibus*. In the face of these opposing symmetrical claims from below, it was not the diplomas that were used to shift the balance in favour of one side or the other, but rather a judicial duel between two champions, which proves that by this

³⁷ *I placiti del 'regnum Italiae'*, ed. Manaresi, iii, no. 478 (1098). On this important text, see Francesca Santoni, 'Fra *lex* e *pugna*: il placito di Garfagnolo (1098)', *Scrineum rivista*, ii (2004).

point these documents lacked weight in the view of both the judges and, more widely, the society they represented.³⁸

The crisis of royal power, and of everything derived from it, as a dispenser of publicly recognized rights is even more obvious in the contemporaneous terminal crisis of the *placitum* both as a juridical institution and as a documentary form.³⁹ In the last two decades of eleventh century and the first decade of twelfth, the new local (seigneurial and communal) powers almost always preferred, from early on, to abandon traditional pleas in favour of more informal judicial practices, showing how the practices of power that were intimately tied to royal and public tradition had lost their influence among local political actors. On the face of it, this was a moment when the crisis was particularly severe. However, it was also a time when features that would come to characterize the Italian political scene during the first half of the twelfth century began to take shape, albeit only loosely since royal power was remote and inefficient, and was perceived as an effective dispenser of rights and legitimacy only sporadically, when the king was in Italy on important military ventures.

This is the scenario that emerges from quantitative data relating to imperial and royal diplomas addressed to Italian beneficiaries between 1106, on Henry V's accession to power, and 1152, on the death of Conrad III. Almost all the known diplomas dating from the two decades of Henry's reign as emperor from 1106 to 1125 were issued in 1116 or 1117, when he

³⁸ The (extreme) case of Garfagnolo is not unique: another important and similar judiciary text is *Gli atti del comune di Milano nel secolo XII e XIII*, ed. C. Manaresi (Milan, 1919), no. 5 (1140). On this document, see Gabriella Rossetti, 'Le istituzioni comunali a Milano nel XII secolo', in *Milano nell'alto medioevo* (Spoleto, 1986), 92–3.

³⁹ On this capital shift, see especially Wickham, 'Justice in the Kingdom of Italy in the Eleventh Century'.

was leading a massive, ambitious expedition in the peninsula.⁴⁰ Similarly, from the period of his successor, Lothar III (1125–37), about forty diplomas survive, nine of which were issued in 1132–3, during his expedition to Rome to receive the imperial crown, and thirty in 1136–7, when he led a great campaign aimed at permanently reasserting imperial power in Italy.⁴¹ After the failure of this campaign, Lothar's successor, Conrad III (emperor from 1138 to 1152), neglected to travel to Italy to obtain the imperial crown. Only about twenty diplomas addressed to Italian beneficiaries survive from this period. These beneficiaries were almost exclusively important political actors, with ancient ties to royal power, who could afford to send agents to Nuremberg, Regensburg or Würzburg in order to request a diploma. Among them were important royal monasteries such as Farfa, in northern Lazio, and Nonantola, in Emilia; old, pre-eminent aristocratic families such as the counts of Biandrate and the marquesses of Monferrato; and rich episcopal sees such as Pisa and Ascoli.⁴² Given that overall there is much more documentation dating from this period, diplomas are even less numerous proportionately than they were at the beginning of the eleventh century. This quantitative proportional decrease

⁴⁰ There is as yet no complete edition of Henry V's diplomas in *Monumenta Germaniae Historica*. A partial one (by Matthias Thiel) is available at <<http://www.mgh.de/ddhv/toc.html>> (accessed 29 Oct. 2016). This work in progress should be integrated with *Die Kaiserurkunden des X., XI. und XII. Jahrhunderts: nebst einem Beiträge zu den Regesten und zur Kritik der Kaiserurkunden dieser Zeit*, ed. Karl Friedrich Stumpf, 3 vols. (Innsbruck, 1865–83), iii, 253–74.

⁴¹ *Diplomata Lotharii III*, ed. Emil von Ottenthal and Hans Hirsch, *MGH, Diplomata Regum et Imperatorum Germaniae*, viii (Berlin, 1927), 70–83, 143–202. On the campaign made in 1136–7 and the reactions of political society in central Italy, see Alessio Fiore, *Signori e sudditi: strutture e pratiche del potere signorile in area umbro-marchigiana, secoli XI–XIII* (Spoleto, 2010), 51–4.

⁴² See *Diplomata Conradi III*, ed. Friedrich Hausmann, *MGH, Diplomata Regum et Imperatorum Germaniae*, ix (Vienna, 1969), no. 16 (1138) (abbot of Farfa); no. 32 (1139) (archbishop of Pisa); no. 51 (1140) (counts of Biandrate); no. 272 (1149–52) (marquesses of Monferrato); no. 226 (1150) (bishop of Ascoli); no. 227 (1150) (abbot of Nonantola).

occurred in parallel with a rise in the social and political profile of the beneficiaries. The crisis in imperial legitimacy associated with the worst phase of the Investiture Dispute was now over, and it was all the more reasonable for some of the Italian political actors, particularly those more ideologically tied to the monarchy, to invest in diplomas. Nevertheless, the detachment from central power of local society was widespread; a large part of political society in the kingdom, either through necessity or from choice, now lay outside the traditional circles of royal legitimization.

All of this was taking place while the localization of power was reaching its peak. The crisis of royal power created new opportunities for different actors such as secular and religious lords, cities and large rural communities, who were all intent on building autonomous areas of dominion. However, their prerogatives were particularly fragile since relationships between the local powers were fluid and dynamic, and often conflictual, especially during this phase of shift.⁴³ Against this backdrop, all elements of political society in the kingdom of Italy were inevitably obliged to seek other routes to legitimacy and consensus in order to confirm their prerogatives. These routes were not entirely new, but in a political context profoundly reshaped by the weakening of royal power, their importance for the strategies of legitimization available to the political players changed dramatically.

II NEW APPROACHES TO LEGITIMIZATION

Horizontal Agreements

In order to verify the increased usage of these alternative paths to legitimization by the socio-political actors during the period following 1080, we turn our attention towards forms of legitimization other than those stemming from relations with central power. Firstly, I shall

⁴³ For a useful overview, see Provero, *L'Italia dei poteri locali*.

analyse horizontal legitimization strategies; in other words, those based on the relationships which local lords maintained with their peers.⁴⁴ Since there is such an abundance of documentation characterized by profound regional differences, I shall focus on the area with which I am most familiar: that of central Italy comprising Umbria and Marche.⁴⁵

Before we examine this specific context, however, we need to consider how more recent studies have described the wider Italian social landscape in this regard. I take as a starting point François Menant's synthesis of Italian feudalism during the high Middle Ages, in which he refers to the special importance of the decades around 1100 for the evolution of feudal structures.⁴⁶ This phase is recognized as a redefining moment, a turning point prior to which there had existed a series of networks which had taken the king as their point of convergence. With the new situation, the old networks were dismantled and reassembled according to models that lacked any public or royal element in their design.⁴⁷ The aim was to seal alliances or create bonds of dependence between the political actors within a given territory. With the collapse of the royal power structure, the seigneurial class was forced to seek new arrangements tied to the legitimacy that local power relationships could offer. This took place within a context that now presents documentary traditions peculiar to each individual area. In recent times, the march of Tuscany has perhaps been the most closely studied from this point of view. Researchers have shown that, as early as the first half of the eleventh century, the custom of contracting written

⁴⁴ I use the word 'horizontal' here to label the system of relationship between relative equals within the aristocratic group.

⁴⁵ For an extended account, see Fiore, *Signori e sudditi*, 131–50.

⁴⁶ François Menant, 'La Féodalité italienne entre XI^e et XII^e siècles', in *Il feudalesimo nell'alto medioevo* (Spoleto, 2000).

⁴⁷ Giovanni Tabacco, 'Il regno italico nei secoli IX–XI', in *Ordinamenti militari in Occidente nell'alto medioevo* (Spoleto, 1968), 781–3.

mutual aid pacts (*de placito et besonio*, ‘concerning judicial assembly and need’), often military in nature, was spreading rapidly in the region. These agreements not only betray a growing sense of insecurity and an increasing militarization of conflicts, but also a rising awareness on the part of the aristocracy that relationships with neighbours and peers were becoming progressively more strategic in order to maintain or enhance local power.⁴⁸ When, about 1070, the power of Tuscany began to wane, the volume of these documents increased sharply and remained high until the first decades of the twelfth century.⁴⁹

These studies seem to corroborate my initial assumptions, but we shall now return to the area comprising Umbria and Marche in order to examine in detail how relationships between the local political actors were structured, both in practice and from the documentary point of view, and, more specifically, to observe the repercussions of the crisis of central power for these structures.

Firstly, we turn to the *convenientiae*: pacts registered in short solemn documents (*brevia*) between two parties, often of high social status (at least according to the documentary sources of the region), in which they defined their relationship, made mutual commitments and established obligations. The *brevia* of Umbria and Marche seem to have fulfilled a similar social function to that expressed by the Tuscan *brevia de placito et besonio*.⁵⁰ A typical example is a document dated 1075 in which the Aldonenses, a small group of aristocrats from

⁴⁸ Piero Brancoli Busdraghi, ‘Patti di assistenza giudiziaria e militare in Toscana fra XI e XII secolo’, in *Nobiltà e ceti dirigenti in Toscana nei secoli XI–XIII: strutture e concetti* (Florence, 1982). See also Amleto Spicciani, ‘Concessioni livellarie, impegni militari non vassallatici e castelli: un feudalesimo informale, secoli X–XI’, in *Il feudalesimo nell’alto medioevo*; Cortese, *Signori, castelli, città*, 113–52.

⁴⁹ Brancoli Busdraghi, ‘Patti di assistenza giudiziaria e militare in Toscana’.

⁵⁰ On this topic, see Fiore, *Signori e sudditi*, 148–51. On the *convenientia*, see A. J. Kosto, ‘The *Convenientia* in the Early Middle Ages’, *Medieval Studies*, lx (1998).

southern Marche, pledged to refrain from attacking the castle of Civitanova, which belonged to the bishop of Fermo, while the bishop promised to uphold and guarantee the customary rights of the Aldonenses over the inhabitants of the area.⁵¹ It is therefore no coincidence that the use of such documents gathered momentum in the 1080s, with the start of the civil wars.⁵²

In all likelihood, we are seeing not merely the recording of procedures that had previously been oral, but also a sharp increase in their number. The crisis of central power, which was both practical and ideological, compelled political actors spasmodically to pursue new strategies for the legitimization and consolidation of local power. Seeking relationships with other members of the aristocratic and seigneurial group was clearly the preferred course of action. Local hegemony was no longer sanctioned by a central power; rather, it now depended upon other actors in the local arena to recognize such claims. It was these other actors, who were all potentially either allies or adversaries, whom every lord had to make a deal with or to compete with in order to safeguard his own position. What had been merely an option now became fundamental. The imperial pinnacle of society, deprived of its prestige and authority in the eyes of its subjects, was no longer able to provide them with legitimacy through the benefits that it conferred, such as diplomas.

Through the *convenientiae* the lords regulated a wide range of political and economic issues.⁵³ The purpose of these pacts was to address a set of widely differing problems, from the recording of alliances to the division of estates, and from the definition of boundaries to the

⁵¹ *Liber Iurium dell'episcopato e della città di Fermo, 977–1266: codice 1030 dell'Archivio storico comunale di Fermo*, ed. Delio Pacini, Giuseppe Avarucci and Ugo Paoli, 3 vols. (Ancona, 1996), i, no. 84 (1075).

⁵² Fiore, *Signori e sudditi*, 48.

⁵³ Kosto, 'Convenientia in the Early Middle Ages'.

recognition of prerogatives over land or men.⁵⁴ Many of these *convenientiae* concerned the rights of landlords over their dependants who resided in an area under the political control of another lord.⁵⁵ Many dealt with two further issues: those of relations between lords who exercised power over the same rural locality, or between lords who controlled two adjacent areas. For example, the agreement that regulated relations between the bishop of Fermo and the lords who owned two thirds of the castle of Servigliano falls under the former category.⁵⁶ The pacts agreed in 1115 between the abbot of Farfa and the powerful Rapizoni family, according to which the two parties established mutual areas of influence and concluded a compact of military assistance relating to the area south of Todi, in Umbria, can be assigned to the latter category.⁵⁷ These were situations that had to be defined with great accuracy in order

⁵⁴ For some cases from Umbria and Marche, see *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, nos. 43 (1086), 274 and 65 (1108), 284 (1117), 51 (1146); *Il regesto di Farfa*, ed. Gregorio di Catino, 5 vols. (Rome, 1879–1914), iv, no. 900 (1059); v, no. 1067 (1082); *Le carte dell'abbazia di S. Croce di Sassovivo*, ed. Giorgio Cencetti *et al.*, 8 vols. (Florence, 1973–89), i, nos. 28–9 (1084), 56 (1086), 139 (1101); ii, nos. 117 (1143), 167 (1153); *Le carte dell'abbazia di Chiaravalle di Fiastra*, ed. Attilio De Luca, 8 vols. (Spoleto, 1997–2014), i, no. 13 (1098).

⁵⁵ See *Le carte dell'abbazia di S. Croce di Sassovivo*, ed. Cencetti, i, no. 56 (1086) (territory of Foligno); see also ii, no. 117 (1143). For similar texts, see *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, no. 242 (1066) (Fermo); *Le carte dell'abbazia di Chiaravalle di Fiastra*, ed. De Luca, i, no. 13 (1098) (Camerino).

⁵⁶ *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, nos. 65 and 274 (1108). For the pact between the abbot of San Vittore delle Chiuse and Count Bucco regarding the castle of Pietrafitta, near Camerino, see *Le carte del monastero di S. Vittore delle Chiuse sul Sentino*, ed. Romualdo Sassi (Milan, 1962), nos. 88–9 (1105). For another example, in Umbria, see *Le carte dell'archivio di San Pietro di Perugia*, ed. Tommaso Leccisotti and Costanzo Tabarelli (Milan, 1950), no. 15 (1130) (castle of Monte Vergnano).

⁵⁷ *Il regesto di Farfa*, ed. Gregorio di Catino, v, no. 1182 (1115). For another example, from Marche, see the agreement between the bishop of Fermo and a group of local lords: *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, no. 29 (1108). See also the

to avoid outbreaks or intensification of conflict. Frequently, regardless of the specific content of the pacts, these agreements reflect the outcome of a dispute, in that they bear witness to the moment in which the parties resolved their disagreements and redefined their relations in regard to a particular issue.⁵⁸ In other cases, these pacts were enacted either out of a need to confirm in writing practices that had previously been subject only to verbal agreement, or to solemnize the conditions of a pact.

Convenientiae should therefore be regarded as a typical expression of a leaderless society lacking an operational centre of power recognized by each political actor. The inability of royal power to maintain a stable and effective presence compelled these actors to resort to bilateral agreements. Society in the region came to be structured as a series of autonomous territorial lordships that revolved around a plurality of more important clusters of power (comital families, bishoprics, large monasteries). Yet none of these managed to achieve the level of hegemony that might have led to their being recognized as guarantors of order. Even the Guarneri family, entrusted with the duchy of Spoleto and the march of Ancona at the end of the eleventh century, were unable to establish themselves at the top of society in the region, but were reduced to being one among many clusters of power in a fragmented political scene.⁵⁹ In such a situation, in order to safeguard his prerogatives, each territorial lord was obliged to conclude pacts with the other forces operating in the area in which he had interests. The effective exercise of power depended on his ability to maintain relations with the other political

pact between the church of San Mariano of Gubbio, in northern Umbria, and the family of Marchiones: *Codice diplomatico di Gubbio dal 900 al 1200*, ed. Pio Cenci, *Archivio per la storia ecclesiastica dell'Umbria*, ii (1915), no. 67 (1097).

⁵⁸ Like the pacts, now lost, between the abbey of Farfa and the Gualcherii, issued after a long and bloody conflict, recorded in *Il regesto di Farfa*, ed. Gregorio di Catino, v, no. 1213 (c.1099–c.1119).

⁵⁹ On the Guarnerii and the expansion of their wide territorial lordship in south central Marche, see Fiore, *Signori e sudditi*, 49–55.

and social actors by delineating their respective areas of authority. *Convenientiae* thus became instruments for the organization and regulation of the political and social framework, and were essential to the avoidance of a state of perennial conflict.⁶⁰

We now turn to relationships of vassalage and benefice, in which sphere important changes took place in the decades around 1100.⁶¹ Traditionally, in Umbria and Marche the concession of land to loyal subjects did not occur through feudal means, but rather through emphyteusis (long-term leases). While these texts have mostly survived, particularly (though not exclusively) in the rich cartularies of the abbey of Farfa and the bishopric of Fermo, for the period until about 1080 no pacts of loyalty or military deeds connected to these concessions are known. In all probability these pacts were contracted verbally and through ritual, and the rare traces of these practices are either indirect or come from narrative sources.⁶² However, during the last few years of the eleventh century, things changed. Oaths of fealty taken on the occasion of concessions in emphyteusis began to be recorded in specially drawn-up charters and were periodically renewed. By virtue of their being completely unrelated to possession of land, documents of this type have only rarely been preserved in ecclesiastical archives, but it is undeniable that, from this point, words and practices connected with oaths of fealty started

⁶⁰ On the organization and self-regulation of the seigneurial world, see especially Dominique Barthélemy, *L'Ordre seigneurial, XI^e–XII^e siècle* (Paris, 1990); Provero, *L'Italia dei poteri locali*, 151–82.

⁶¹ For an extended account of this process, see Fiore, *Signori e sudditi*, 132–48.

⁶² For references to vassals, *fideles* (men bound by an oath of fealty) and land granted in benefice, see *Il regesto di Farfa*, ed. Gregorio di Catino, iv, nos. 682 (c.1030), 780 (1045); *Le carte dell'abbazia di S. Croce di Sassovivo*, ed. Cencetti, i, no. 29 (1084). For narratives, see *Die Briefe des Petrus Damiani*, ed. Kurt Reindel, *MGH, Epistolae: die Briefe der deutschen Kaiserzeit*, 4 vols. (Munich, 1990), ii, no. 80 (1060).

to be recorded in special documents.⁶³ This is fully consistent with our data on the political crisis. This was not a mere innovation in documentary practices, but rather a change (similar to the contemporaneous proliferation of *convenientiae*) connected to the increased relevance of pacts and oaths of fealty for the social actors concerned. These actors felt the need to confirm in writing the existence of the ties between them, which had previously been confined to the oral sphere. In all likelihood, this was because these particular ties were perceived by the people involved to be more significant. If previously the role of these pacts and oaths in defining the social and political status of the key players had been secondary when compared to a diploma (or to the text of a favourable *placitum*), it was now crucial, and transcribing these pacts on specific charters was an act of caution which not only safeguarded continued recognition of them, but added solemnity to the moment of entering into or renewing the agreement through the use of the parchment. A symbolic aspect thus accompanied the more pragmatic side. The act of writing another document enriched and rendered more significant the social practices revolving around the oaths of fealty.

One example of these practices is the registration of oaths of fealty to the bishop of Ravenna by a group of local lords, all *fideles* (men bound by an oath of fealty) of the bishop, who held in emphyteusis half of the Massa Osimana, a large seigneurial complex comprising several castles situated near Osimo, in the north of Marche.⁶⁴ A document dated 1126 refers to

⁶³ See *Le carte dell'abbazia di Chiaravalle di Fiastra*, ed. De Luca, i, no. 13 (1098); *Il regesto di Farfa*, ed. Gregorio di Catino, v, no. 1196 (1099–1119); Pompeo Compagnoni, *Memorie storico-critiche della chiesa e de' vescovi di Osimo*, 5 vols. (Rome, 1783), v, no. 5b (1126); *Le carte dell'archivio di San Pietro di Perugia*, ed. Leccisotti and Tabarelli, no. 15 (1130); *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, no. 280 (1137).

⁶⁴ For two of these leases, see Compagnoni, *Memorie storico-critiche della chiesa e de' vescovi di Osimo*, v, nos. 5a (1124), 6 (1147).

acts of subjection by the local lords on the occasion of the periodical visitations of the bishop.⁶⁵ The act of writing a document not only certified what had occurred, but also served to reinforce, for the time being, the complex of rituals and ceremonies that composed the event. Similarly, the act of writing a charter of fidelity (*charta fidelitatis*) entailed that the oath-taker's signature (*signum*) would be put on the document, an action imbued with deep symbolic meaning.

During the decades around 1100, in the area of Umbria and Marche, the decline of royal power and of the concomitant documentary forms was thus accompanied by a massive increase in the number of documents that registered pacts and bonds of fidelity. It is possible to hypothesize not only a tendency to put into writing practices that had previously been relegated to the domain of orality and ritual, but also an increase in relationships of this type, as the sharp rise in indirect references to agreements and relationships of fidelity shows.⁶⁶ We therefore see not merely a change in the documentation, through the promotion of pre-existing practices, but also a significant increase in the use of these practices within a society that considered these agreements and vassalic networks as ways to guarantee the order and security which the royal centre was no longer able to protect.

Despite its peculiar documentary praxis, therefore, this particular geographical area confirms the evidence emerging from wider studies relating to other regions of the kingdom.

⁶⁵ *Ibid.*, v, no. 5b (c. 1125). This text is discussed in Fiore, *Signori e sudditi*, 136–9, 393–4. For a different interpretation of this document, see Andrea Castagnetti, 'Feudalità e società comunale, II, Capitanei a Milano e a Ravenna fra XI e XII secolo', in C. Violante and M. L. Ceccarelli Lemut (eds.), *La signoria rurale in Italia nel medioevo* (Pisa, 2005), 179–80.

⁶⁶ From before 1070, see, for example, *Il regesto di Farfa*, ed. Gregorio di Catino, iv, no. 682 (c. 1030) (territories of Perugia and Todi); no. 780 (1045) (near Spoleto). From after 1070, see *Documenti per la storia della città di Arezzo nel medio evo*, ed. U. Pasqui, 2 vols. (Florence, 1899–1937), i, no. 289 (1098) (near Città di Castello); *Le carte dell'abbazia di S. Croce di Sassovivo*, ed. Cencetti, i, nos. 29 (1084), 127 (1100), 159 (1105) (Umbria); *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, no. 28 (1097) (near Fermo).

Legitimacy had to be sought in reciprocal recognition with other political actors, in consensus among peers. However, this was insufficient: in the face of the termination of traditional mechanisms of legitimization, extensive recourse to relations with peers was vital, but it was not decisive. With the closure of the vertical legitimization process, lower-level political actors not only sought to foster relatively horizontal relationships, but also came to rely heavily on relationships with their subjects. Thus, legitimacy was also constructed from below, through association with those who were subject to the power exercised by territorial lords. We shall see how this was accomplished in the next section.

Pacts with Subjects and Oaths of Local Custom

The pacts and relationships entered into and maintained between peers were not in themselves sufficient to legitimize the local hegemony of a local lord. Unable now to appeal to the monarch at the top, lords were also compelled to reconstruct their own hegemony through relationships with their subjects. There was therefore a shift from legitimization from the top down, expressed through the royal diploma, to legitimization from the bottom up, mostly exemplified by pacts, including *sacramenta*, the registration of oaths taken in the presence of their lord by peasants acting as jurors (*iurati*, or *sacramentales*) according to local custom.⁶⁷ Unlike the convention of the past, these subjects now had to affirm their subordinate status in public ceremonies whose contents were meticulously recorded in written texts. As in the case of feudal

⁶⁷ On the explosion of such texts in this period, see Paolo Cammarosano, 'Comunità rurali e signori', *Rivista storica del Lazio*, xxi (2005–6), 7–10, who connects it to the redefinition of the fabric of local power. On the Italian pacts and franchises, see the important study by François Menant, 'Les Chartes de franchise de l'Italie communale: un tour d'horizon et quelques études de cas', in Monique Bourin and Pascual Martínez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales, XI^e–XIV^e siècles: réalités et représentations paysannes* (Paris, 2004).

and para-feudal relations, these customs were not created *de novo*, but were rather an, albeit more robust, extension of pre-existing social and documentary practices.

It is possible to identify two partially overlapping types of document. The first comprises the pacts between a territorial lord and his subjects. A typical example is the (double) charter of Biandrate, in Lombardy, which defines the mutual obligation of the counts of Biandrate and their subjects, both knights and peasants. The second type relates to the documents that registered statements given according to local custom by oath-takers followed by a pledge on the part of the lord, present at the ceremony in person or acting through an agent, to uphold and guarantee them. The latter documents recorded oral rules that regulated relations between the lords and local communities. One of the earliest examples of this second type is the so-called charter of Tenda, in Liguria, but similar documents are well attested in all the kingdom's territories up to the end of the twelfth century, and in certain areas even after this date.⁶⁸

Clearly, much more than a mere writing up of pre-existing custom may lie behind these ceremonies and documents. In some cases it is evident that any reference to custom was no more than a device to sanction the redefinition of local rules by making them look like a pact.⁶⁹ Charters of franchise, by contrast, that is, free concessions granted by the lord to his subjects,

⁶⁸ Alessio Fiore, 'Giurare la consuetudine: pratiche sociali e memoria del potere nelle campagne dell'Italia centro-settentrionale, secoli XI–XIII', *Reti medievali rivista*, xiii, 2 (2012).

⁶⁹ One example of this is from Moriano, near Lucca: see Alessio Fiore, '*Bonus et malus usus*: potere, consenso e coercizione nelle campagne signorili dell'Italia centro-settentrionale, secoli XI–XII', *Quaderni storici*, xlv, 134 (2010). On Moriano more generally, see Chris Wickham, *Community and Clientele in Twelfth-Century Tuscany: The Origins of the Rural Commune in the Plain of Lucca* (Oxford, 1998).

are almost completely absent.⁷⁰ These texts, which were later common in France, were quite rare in the territories of the kingdom of Italy.⁷¹ As has already been mentioned, pacts with local communities and ceremonies that were focused around the public manifestation of custom were far from being a novelty; in fact, they consolidated documentary and social practices, in particular within communities of freemen, who were traditionally directly dependent on royal power and thus were governed by public officers.⁷²

The earliest pacts between communities and lords date back to the first decades of the tenth century, in Cerea and Trentino, and similar texts are sporadically attested until the last quarter of the eleventh century.⁷³ But it is with the local customary *sacramenta* that we clearly see how, from the mid eleventh century, ancient practices previously confined to the domain of orality and ritual started to be recorded in documents. Both the diploma granted by Henry IV to the Pisans and the Ligurian texts that settled customary law in the mid eleventh century show that oaths of custom were established practice in those localities that belonged directly

⁷⁰ François Menant, 'Pourquoi les chartes de franchise italiennes n'ont-elles pas de préambules?', in Monique Bourin and Pascual Martinez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales, XI^e–XIV^e siècles: les mots, les temps, les lieux* (Paris, 2007).

⁷¹ See, for example, Luigi Provero, *Le parole dei sudditi: azioni e scritture della politica contadina nel Duecento* (Spoleto, 2012), 5–12.

⁷² Fiore, 'Bonus et malus usus'.

⁷³ For the pact between the archdean of the chapter of Verona and the freemen (*liberi homines*) of Cerea (923), see Andrea Castagnetti, *Fra i vassalli: marchesi, conti, 'capitanei', cittadini e rurali. Dalla documentazione del Capitolo della cattedrale di Verona, secoli 10 – metà 12* (Verona, 1999), no. 4. For the pact between the men of Inzago and the abbot of Sant' Ambrogio, see *Gli atti privati milanesi e comaschi del secolo XI*, i, ed. Vittani and Manaresi, no. 75 (1015). For the charter of franchise granted by the bishop of Luni to the men of Trebbiano, see *Il regesto del codice Pelavicino*, ed. Michele Lupo Gentile (Genoa, 1912), no. 488 (1039).

to the monarchy, especially on the occasion of a general *placitum*, which was held up to three times a year until the collapse of royal power at the end of the eleventh century.⁷⁴ During the *placitum*, on request of the royal official, a college composed of three jurors, usually chosen from among freemen who held allodial land, declared in the presence of the local assembly the norms and customs that regulated the functioning of the village society.

An analysis of pacts and oaths of custom reveals that during the first decades of the eleventh century such documents were extremely rare. The cases of Inzago, a village near Milan, and Montaldo, a locality not far from Asti, in Piedmont, are two good examples.⁷⁵ However, by the mid eleventh century the act of registering agreements in written texts seems to have become more common. The charter of Tenda, an acknowledgement by the local lords (the counts of Ventimiglia) of the local custom registered on the basis of verbal depositions by local jurors, can also be traced to this period.⁷⁶ The texts which illustrate the cases of Sacco and Montecchio, as well as the convention agreed between the abbot of Nonantola and the people (*populus*) of the same village, all belong to this time frame.⁷⁷ This last document, dated

⁷⁴ On this, see Fiore, 'Giurare la consuetudine'.

⁷⁵ See *Gli atti privati milanesi e comaschi del secolo XI*, ed. Vittani and Manaresi, no. 75 (1015) (Inzago); *Le più antiche carte dello Archivio capitolare di Asti*, ed. Ferdinando Gabotto (Pinerolo, 1904), no. 162 (1029) (Montaldo).

⁷⁶ Maria C. Daviso, 'La carta di Tenda', *Bollettino della Deputazione Subalpina di Storia Patria*, xlvii (1949); for the text, see the appendix, 142–3. On the oral origin of a large section of this text, see Provero, *Le parole dei sudditi*, 27–8.

⁷⁷ Among these documents, see the pact between the abbot of Nonantola and the people of the village, in Lodovico Antonio Muratori, *Antiquitates Italicae Medii Aevi: sive, Dissertationes de Moribus, Ritibus, Religione, Reimene, Magistratibus, Legibus, Studiis Literarum, Artibus, Lingus, Militis, Nummis, Principibus, Libertate, Servitute, Foederibus, Aliisque Faciem et Mores Italici Populi Referentibus post Declinationem Rom. Imp. ad Annum usque MD*, 6 vols. (Milan, 1738–42), iii, col. 241 (1058). For a good commentary on the text, see Paolo Cammarosano, *Le campagne nell'età comunale, metà sec. XI – metà sec. XIV* (Turin, 1974), 34–6. See also the pact between the bishop

1058, is an intricate text in which the two parties established their mutual obligations; seigneurial power was recognized by the subjects, yet its claims were specified in great detail and its limits well defined.

Texts of this type were clearly transcriptions of existing local ceremonial practices, and were increasingly important during a phase in which deepening rivalry between the political actors went hand in hand with a growing inability on the part of royal power to intervene. Moreover, such practices were probably more frequent than ceremonies connected to relations of vassalage or performed within the aristocratic milieu more widely. Local rituals were useful to legitimize and consolidate seigneurial power against a background of conflict, but the acquisition of a royal diploma was still the ideal; it remained the only way to guarantee legitimacy. Here, too, the period after 1080 saw a steady rise in the processes that were already in use. All those procedures, both customary and documentary, that had previously been merely optional (important though they may have been) had now become essential. This translated into a proliferation of the relevant documentation. While, until the last quarter of the eleventh century, pacts and registrations of oaths of custom were very unusual in rural areas, in the years immediately following, they became increasingly common.⁷⁸ In addition to these texts, there

of Bergamo and the men of Calusco, in *Le pergamene degli archivi di Bergamo, aa. 1059–1100*, ed. Mariarosa Cortesi and Alessandro Pratesi (Bergamo, 2000), no. 37 (1068).

⁷⁸ On the detailed agreements between the bishop of Padua and the men of the rural area of Saccisica, see *Codice diplomatico padovano dal secolo sesto a tutto l'undecimo: preceduto da una dissertazione sulle condizioni della città e del territorio di Padova in que' tempi e da un glossario latino-barbaro e volgare*, ed. Andrea Gloria, 2 vols. (Venice, 1877), i, nos. 261 and 261b (1079), 261c and 262 (1080). For the pact between the bishop of Tortona, in Piedmont, and the rural community of Bagnolo, in Piedmont, see *Le carte dell'archivio comunale di Voghera fino al 1300*, ed. Armando Tallone (Pinerolo, 1918), no. 2 (1090). For the charter of franchise granted to the men of Monte Leone by the bishop of Luni, in north-west Tuscany, see *Il regesto del codice Pelavicino*, ed. Gentile, no. 267 (1096). For the agreements between Matilda of Canossa and two different rural

are a large number of direct and indirect references in our sources to agreements or to registrations of oaths of local custom.⁷⁹ The trend during the period between 980 and 1120 is very clear: there were a few isolated texts, relating to three or four cases, until the middle of the eleventh century; from about 1050 there was an increase amounting to half a dozen texts

communities, see *Die Urkunden und Briefe der Markgräfin Mathilde von Tuszien*, ed. Elke Goez and Werner Goez, *MGH, Laienfürsten- und Dynastienurkunden der Kaiserzeit*, 2 (Hanover, 1998), nos. 109 (1108), 132 (1114). For the pact between the abbey of San Sisto and the men of Guastalla, in Emilia, see *Codex Diplomaticus Cremonae*, ed. Lorenzo Astegiano, 2 vols. (Turin, 1895–8), ii, no. 63 (1105). For the pact of 1103 between the bishop of Pavia, in Lombardy, and the men of Casorate, near Pavia, confirmed in 1118, see Archivio Storico Diocesano di Pavia, Mensa vescovile, cart. 20, b. 74. For the agreements between the abbot of Farfa and the men of Stablamone, south of Todi, in Umbria, see *Il regesto di Farfa*, ed. Gregorio di Catino, v, no. 1180 (1113). For two charters of franchise granted by the bishop of Fermo, in Marche, see *Liber Iurium dell'episcopato e della città di Fermo*, ed. Pacini, Avarucci and Paoli, i, nos. 35 (1115) (Montolmo) and 15 (1116) (Poggio San Giuliano). For the pact between the bishop of Asti and his men of Vico, in southern Piedmont, see *Il libro verde della chiesa di Asti*, ed. Carlo Alessandria, 2 vols. (Pinerolo, 1904–7), ii, no. 23 (1118). For other cases, see Andrea Castagnetti, *Le comunità rurali dalla soggezione signorile alla giurisdizione del comune cittadino* (Verona, 1983), 23–32; for the text, see appendix, no. 14 (1091), 101–2; *Carte dell'Archivio arcivescovile di Pisa: fondo Arcivescovile, 2, 1101–1150*, ed. Silio P. P. Scalfati (Pisa, 2006), no. 56 (1120); Cammarosano, *Le campagne nell'età comunale*, 36–7; Giancarlo Andenna, 'Formazione, strutture e processi di riconoscimento giuridico delle signorie rurali tra Lombardia e Piemonte orientale, secoli XI–XIII', in Dilcher and Violante (eds.), *Strutture e trasformazioni della signoria rurale*, 154–8 (Biandrate); Archivio Storico del Comune di Todi, fondo Trinci, famiglia, no. 1 (c.1100); on this text, see Fiore, *Signori e sudditi*, 248–50, where it is partially published.

⁷⁹ See, for example, the charter of franchise granted by the bishop of Fermo to the community of Agello about 1086, and that granted by the abbot of Farfa to the men of Offida, both in southern Marche: Fiore, *Signori e sudditi*, 250–3.

produced within thirty years; and after 1080 there was a significant expansion, with over twenty texts by 1120.⁸⁰

Clearly, there was a point in the early 1080s when these pacts started to be commonly recorded in writing, but these years did not mark the start of the making and recording of agreements between lords and peasants. What changed was the record-keeping habits of political and social players, and the sources also suggest a sharp increase in the overall volume of such agreements. This was an inevitable consequence of their increased significance in building local legitimization. Although the process did not entail the creation *ex novo* of ceremonies and texts, but rather elaborated on pre-existing social and documentary practices, the importance of such practices in legitimizing the exercise of local power was now transformed. Public rituals that had acted merely as an accessory when compared to the mandate and recognition dispensed by royal power, now became essential.

This was not a change without consequences for the relationship between a lord and his local community. Since consensus among the lord's subjects was essential to the exercise of local hegemony, the community's negotiating power with the lord grew accordingly. As we have seen, the long conflict at the top triggered a plethora of local disputes, generating a particularly unstable political climate in which spiritual sanction, confiscation and military action all combined to cast doubt on the existing power structures. The lords had to fight for survival in an environment in which the old ties and the traditional bonds of fidelity were disappearing. From the military point of view, the support of the rural community was critical for the lord, not only in order to secure his possessions, but for any hope of expanding the area

⁸⁰ Numbers are approximate because the charter of Tenda dates from between 1041 and 1080: see Laurent Ripart, 'Le Comté de Vintimille a-t-il relevé des marquis arduinides? Une relecture de la chartre de Tende', in Alain Venturini (ed.), *Le Comté de Vintimille et la famille comtale* (Menton, 1998), 147–6, who prefers a late date but does not give a compelling argument.

under his control. This explains the relevance in these texts of the military service provided by communities, to the extent that in some cases, such as in the oath of Antignano, this was a central concern.⁸¹ The new balance in the relationship between the lord and his subjects therefore had to be formalized, and the recording of local customs in *sacramenta* was probably intended to draw attention to the newly acquired significance of these practices. These documents, with their powerful symbolism, bore testament to the political status which these communities, and these ceremonies, had now attained.⁸² The mere act of writing a document was necessary, not only to certify rights, but also to emphasize the gravity of those actions and practices which were based on the relationship between lord and subjects in a way not dissimilar to the pacts and oaths that bound the lords together.

III THE LANGUAGE OF VIOLENCE AND ITS ROLE

In the previous sections we have explored the importance of pacts with peers and subjects as instruments of legitimization of the local power of lords. However, this emphasis on the contractual and pact-based dimension of seigneurial power should not obscure another central, perhaps more problematic, structural element of legitimization: that of the use of often brutal force against other political players, especially peasant subjects.⁸³

⁸¹ Archivio Storico del Comune di Todi, fondo Trinci, famiglia, no. 1 (c.1100). But see also the texts relating to Tenda and Guastalla mentioned above (nn. 76, 78, 80).

⁸² On the great symbolic value of written text in judicial contexts in these years, see Giuseppe Sergi, 'L'esercizio del potere giudiziario dei signori territoriali', in *La giustizia nell'alto medioevo*, 336.

⁸³ On violence as legitimization discourse in twelfth-century Tuscany, see Simone M. Collavini, 'Sviluppo signorile e nuove strategie onomastiche: qualche riflessione sulla percezione e la rappresentazione della violenza in Toscana nel XII secolo', in Silio P. P. Scalfati and Alessandra Veronese (eds.), *Studi di storia offerti a Michele Luzzati* (Pisa, 2008). On this key topic, see Bisson,

This use of force was not new in the Italian countryside. Documents from Carolingian Italy (774–888) show that during that period violence was often part and parcel of conflict settlement and was a decisive factor in structuring social and power relationships.⁸⁴ What was new for the later period around the year 1100 was its degree of pervasiveness in the politics of the countryside. With the outbreak of the civil wars in the 1080s, local warfare became endemic in Italy for the first time. All our sources (documents, narratives, collections of letters) show a steep rise in the use of military force as an instrument of conflict resolution. The texts frequently mention casualties among aristocrats and their armed retinues within the framework of an increasingly militarized struggle for local power, and we also read of cold-blooded killing following surrender, the murder of enemies and degrading practices inflicted on the defeated and their families.⁸⁵ The peasants were very often targets and victims in these local wars.

This new attitude towards conduct in war was not restricted to secular lords, but was characteristic of all autonomous political players, such as bishops, abbots, urban proto-

Crisis of the Twelfth Century; Gadi Algazi, 'The Social Use of Private War: Some Late Medieval Views Reviewed', *Tel Aviver Jahrbuch für deutsche Geschichte*, xx (1993).

⁸⁴ Giuseppe Albertoni, 'Law and the Peasant: Rural Society and Justice in Carolingian Italy', *Early Medieval Europe*, xviii, 4 (2010).

⁸⁵ See, for example, *Il regesto del codice Pelavicino*, ed. Gentile, no. 50 (1124); *Il regesto di Farfa*, ed. Gregorio di Catino, v, nos. 1275 (1098), 1213 (1099–1119); *Anonymi Novocomensis Cumanus: sive, Poema de Bello et Excidio Urbis Comensis ab Anno MCXVIII usque ad MCXXVII*, ed. Giuseppe Maria Stampa (Milan, 1724), 413–56; *Das Register Gregors VII*, ed. Erich Caspar, 2 vols. (Berlin, 1920–3), i, sect. vii, 9 (1079); *Annales Ceccanenses*, ed. Georg Heinrich Perz, *MGH, Scriptores*, 19 (Hanover, 1866), 282. For a broad discussion including the central issue of the representativeness of the sources, see Alessio Fiore, 'I rituali della violenza: forza e prevaricazione nell'esperienza del potere signorile nelle campagne (Italia centro-settentrionale, secoli XI–XII)', *Società e storia*, cxlix (2015).

communes and the (few) independent rural communities.⁸⁶ In narrating the life of Giovanni, the abbot of Subiaco (fl. 1068–1121), the anonymous author of the *Chronicon Sublacense* devoted only a few lines to his pious deeds and the reform of monastic discipline, but several pages to his wars. In these troubled times, for the monk, being a good abbot implied being above all a *fortis proelior* ('strong warrior').⁸⁷ A capability for autonomous military action became perhaps the most relevant prerequisite of political superiority. This trend underlines the importance of pacts between political actors to safeguard their position and to consolidate their dominance locally, and helps us to understand the upsurge in written agreements between lords.

While keeping this structural framework in mind, I shall now focus on a different form of violence, that of lords against their peasant subjects. From the 1080s the new violence as a factor in the relationship between lords (and, more broadly, between autonomous political players) went hand in hand with a new brutality towards their subjects. The exercise of power and that of violence now seem to have been deeply interconnected in a way that was very different from the past. The routine exercise of repression and brutality on the part of lords, of direct, unmediated coercive force towards their subjects (or, at least, visible reminders of its possibility), acquired a central position both in social practice and also in the ideology of power. Violence was used to impose additional dues and other burdens on the peasants, but also to demonstrate the new power relations, or to redefine the old ones.

A notorious example of this trend relates to the plea of the freemen of Casciavola, near Pisa, against the lords of San Casciano, who tried to impose their rule on the village, exploiting the crisis in public power in the late eleventh century:

⁸⁶ For an overview, see Alessio Fiore, 'Les Châteaux et la compétition pour le contrôle des ressources économiques: Italie du centre et du nord, 900–1120', in Loré, *Acquérir, prélever, contrôler*.

⁸⁷ *Chronicon Sublacense*, ed. Raffaello Morghen (Bologna, 1927), 12–18.

After public power collapsed and justice was dead in our land . . . they started to take our possessions, and to mock us, and to beat our women with sticks in their childbirth beds, to beat our sons and throw them in the manure, to steal our animals, to destroy the kitchen garden

and so on.⁸⁸ Although this is an unusually detailed account, the case is far from unique. The list of brutalities recorded in our sources is long and shocking: beatings with sticks and whips; the systematic rape of peasant women by the retainers of the lord of the village; torture, blindings and other severe corporal punishments; hangings and (more rarely) cold-blooded killing, as well as a number of degrading acts inflicted on their subjects under the approving eyes of the lords and their knights.⁸⁹ These practices were momentous, both for the people who enacted them and for those who underwent them. They remained in the collective memory for many years, sometimes for decades, and shaped this memory; and they can often be seen as symbolic acts performed in public to convey a message about the new power relations. Even the beating of women during childbirth was probably not a meaningless episode, but a brutal rite to demonstrate the lord's absolute power over the villagers even before they were born.

⁸⁸ *Lettere originali del medioevo latino, VII–XI sec., I, Italia*, ed. Armando Petrucci *et al.*, 2 vols. (Pisa, 2004–7), i, no. 18 (1098–1106).

⁸⁹ See, for example, *Il regesto di Farfa*, ed. Gregorio di Catino, v, no. 1213 (1099–1119); Paolo Cammarosano, *La famiglia dei Berardenghi: contributo alla storia della società senese nei secoli XI–XIII* (Spoleto, 1974), 140–1 (c.1075); *Documenti per la storia della città di Arezzo nel medio evo*, ed. Pasqui, i, nos. 201 (c.1070), 311 (c.1115); Archivio Capitolare di Treviso, *Rotoli senza data, sec. XII, Breve recordationis, 1100–1135*, in Gerolamo Biscaro, 'La polizia campestre negli statuti del comune di Treviso', *Rivista italiana per le scienze giuridiche*, xxxiii (1902), 51; *Regesta Chartarum Pistoriensium, II, Vescovado, secoli XI e XII*, ed. Natale Rauty (Pistoia, 1974), no. 21 (1132). For an important discussion of these texts, see Paolo Cammarosano, 'Carte di querela nell'Italia dei secoli X–XIII', *Frühmittelalterliche Studien*, xxxvi (2002).

It is important to note that the physical administration of violence was not limited to the lord's retainers. In this period, for the lords the use of force on the peasants (and on the weak as a whole) was not something to conceal; on the contrary, it was something to be proud of and a central part of aristocratic social self-representation. Even higher-ranking aristocrats, both secular and ecclesiastical, were not afraid to sully their own hands with violence. For example, the bishop of Alba, in southern Piedmont, beat one of his peasants to death in public for a minor infraction.⁹⁰

This leads us to the key issue of the role of brutality against the weak (in stark contrast to the traditional martial virtues) as an element of aristocratic behaviour. One important way to get a glimpse of the centrality of violence in a lord's self-representation is through a study of Italian aristocratic names in this period. This offers a vivid picture of the increasing role of brutality as a marker of political and social superiority.⁹¹ From the 1070s there was a rapid proliferation of nicknames associated with violence, brutality, war and other nefarious activities among aristocrats. In our sources we come across epithets that were often so potent as to supersede the original baptismal name of a lord, such as Appillaterra (Seizes Land), Manducavillano (Eats Peasant), Malvicino (Bad Neighbour), Avultrone (Vulture), Guerra (War) and Sforza (Rapes). We do not know whether these nicknames were chosen by the bearer or given to him by his peers, but often they became true family names within a very few generations, as the cases of Malaspina (Bad Thorn) and Pelavicino (Flays Neighbour) show. This trend in the use of epithets started among the higher ranks of the aristocracy, among counts and marquesses, in the 1070s, reached the lesser aristocracy around 1100, and spread among knights and lordly retainers before 1150. Moreover, these apparently shameful epithets were

⁹⁰ *Il 'Rigestum communis Albe'*, ed. E. Milano (Pinerolo, 1903), no. 179 (c.1200).

⁹¹ On this topic, see especially Collavini, 'Sviluppo signorile e nuove strategie onomastiche'. See also Fiore, 'I rituali della violenza'.

not perceived as such, but were borne with pride in formal documents and even in royal diplomas. Analysis of them shows clearly that the positive value attributed to violence and brutality against peasants (and the use of force more generally) was common among princes, lords and even ordinary knights. The exercise of violence created a sharp cleavage between the upper echelons and the peasants; the former performed it, the latter experienced it on their bodies.

So what was the relationship between pacts and violence in the political culture of the Italian countryside? We should think of them, not as alternative and mutually exclusive legitimization strategies, but as complementary. In the same locality, a lord could make agreements with his subjects and also use force to impose new dues and to expand his sphere of dominance, as happened in the case of Casciavola mentioned above.⁹² A vivid, though quite late, example is offered by Terracina, in Latium, a lordship of the powerful Frangipane family. Over a period of two decades during the second half of twelfth century, these lords concluded three pacts with the community. However, these pacts did not prevent the systematic use of brutality and coercion in the lords' pursuit of expanding seigneurial power and overcoming local resistance.⁹³ The rhetoric of pact, reciprocity and good custom, which is prominent in many of our sources, conceals habitual violence and brutality, and we can be sure that violence was the third pillar, after good relationships with peers and subjects, on which the legitimacy of local power was built, and probably the option that most accorded with the aristocratic world-view. The language of violence should be seen as a decisive corrective to the discourses

⁹² *Lettere originali del medioevo latino*, ed. Petrucci *et al.*, i, no. 18 (c.1098–c.1106).

⁹³ Sandro Carocci, 'La signoria rurale nel Lazio, secoli XII e XIII', in Amleto Spicciati and Cinzio Violante (eds.), *La signoria rurale nel medioevo italiano* (Pisa, 1997). See also the case of Diano, in southern Piedmont, during the second half of the twelfth century: *Il 'Rigestum communis Albe'*, ed. Milano, no. 179 (c.1200).

of pact, reciprocity and custom used in the lord's relationship with his subjects. It made it impossible for subjects to forget their inferior condition, and it reaffirmed and normalized aristocratic dominion over the countryside in the eyes of peasant society.⁹⁴

CONCLUSION: THE RETURN OF THE KING, AND BEYOND

The repercussions of the crisis of royal power after 1080 for the strategies of legitimization that have been discussed above were clearly not conclusive. While the mid twelfth century represented the peak of the fragmentation of power, and also of the localization of legitimizing strategies,⁹⁵ after 1150 the trend towards territorial recomposition that would characterize the subsequent centuries steadily took hold. The main actors in this process were the monarchy (from the reign of Frederick Barbarossa), the territorial principalities and the city communes. Even though in the end the last prevailed, until at least the twelfth century the struggle was unresolved, and the reconstruction of a strong central power was always possible. Under Frederick and his son Henry VI a serious attempt to build a monarchical power similar to what was taking place in the rest of Europe at the time is evident.⁹⁶ Unsurprisingly this coincided with a renewal of royal power as an instrument for the legitimization of local power: as the

⁹⁴ For important reflections on this topic, see Gadi Algazi, “‘Sich selbst Vergessen’ im späten Mittelalter: Denkfiguren und soziale Konfigurationen”, in Otto G. Oexle (ed.), *Memoria als Kultur* (Göttingen, 1995); Gadi Algazi, ‘Feigned Reciprocities: Lords, Peasants, and the Afterlife of Late Medieval Social Strategies’, in Gadi Algazi, Valentin Groebner and Bernhard Jussen (eds.), *Negotiating the Gift: Pre-Modern Figurations of Exchange* (Göttingen, 2003).

⁹⁵ On the mid twelfth century as the peak of political fragmentation in Italy, see Sandro Carocci, ‘Signoria rurale, prelievo signorile e società contadina, sec. XI–XIII: la ricerca italiana’, in Bourin and Martinez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales: les mots, les temps, les lieux*.

⁹⁶ Bisson, *Crisis of the Twelfth Century*.

empire once again became a stable presence on the Italian political scene, the diplomas issued by the imperial court revived as an attractive instrument for legitimization, at least until the end of Frederick II's reign in 1250.⁹⁷

However, the reappearance of a central power on the political scene was accompanied by an intensification of the local processes of territorial recomposition and hierarchization promoted by the city communes and, to a lesser extent, by the principalities, which looked up to the monarchy as a model, albeit within an often competitive and even conflictual relationship.⁹⁸ Despite their activity on a lesser scale, the intermediate powers, the communes and principalities, found a vital source of inspiration for their actions in the policies implemented by the monarchy.⁹⁹ Communal institutions tried to gain control of their respective diocesan areas by creating *contadi* (rural territories) subject to their power. They did so not by

⁹⁷ On these processes, see Alessio Fiore, 'Assetti istituzionali e linguaggi politici: il potere imperiale nel regno d'Italia tra gli accordi di Venezia e la morte di Enrico VI (1177–1197)', *Rivista storica italiana*, cxxii (2010).

⁹⁸ See especially Renato Bordone, 'L'influenza culturale e istituzionale nel regno d'Italia', in Alfred Haverkamp (ed.), *Friedrich Barbarossa: Handlungsspielräume und Wirkungsweisen des staufischen Kaisers* (Sigmaringen, 1992). On the model offered by the imperial power for the territorial policies of city communes, see Andrea Degrandi, 'La riflessione teorica sul rapporto città-contado nello scontro tra Federico Barbarossa e i comuni italiani', *Bullettino dell'Istituto storico italiano per il medioevo*, cvi, 2 (2004).

⁹⁹ Vercelli and Pisa are good examples of these trends. They are discussed in, respectively, Andrea Degrandi, 'Definizioni teoriche e prassi di governo nella politica territoriale del comune di Vercelli, secolo XII', in *Vercelli nel secolo XII* (Vercelli, 2005); Alma Poloni, 'Comune cittadino e comunità rurali nelle campagne pisane, seconda metà XII – inizio XIV secolo', *Archivio storico italiano*, clxvi (2008), 3–20. Two examples of territorial recomposition by principalities (those of the marquesses of Saluzzo and the counts of Aldobrandeschi) are discussed in Luigi Provero, *Dai marchesi del Vasto ai primi marchesi di Saluzzo: sviluppi signorili entro quadri pubblici, secoli XI–XII* (Turin, 1992); Simone M. Collavini, '*Honorabilis domus et spetiosissimus comitatus*': gli Aldobrandeschi da 'conti' a 'principi territoriali', secoli IX–XIII (Pisa, 1998).

eliminating local powers rooted in the countryside (or at least, at this stage, not systematically), but mainly by subduing them through pacts or feudal agreements. In this framework, relationships with the city communes were thus essential for the legitimization of seigneurial power in the rural areas. The relationships with other political actors in the territory and the pacts contracted with subjects remained important to the rural lords, but it was the relationship with those who had now become the main players in the political game that acquired a decisive role.¹⁰⁰ Thus, communal or princely power often became the guarantor of local powers, not only by providing legitimacy but also by sustaining it, both against the claims of other powers (primarily other communes) and against those of subject rural communities seeking autonomy or looser forms of domination.¹⁰¹ Communes and princes did not abandon the contractual forms of the previous decades, but rather reabsorbed them in a modified version according to a hierarchical principle which they sought to reaffirm with the help of learned law.¹⁰² A detailed discussion of these trends would take us too far from the dynamics that have been the focus of this article, but it is worth noting that the framework outlined above did not constitute a final system but simply a significant phase within a long and complex process, which would not attain a more stable structure until the end of the Middle Ages.¹⁰³

Returning to the main elements that have emerged from my investigation, and to their implications, I need to outline the reasons why the case of Italy is important in the debate about

¹⁰⁰ This may explain the less pact-based nature of thirteenth-century franchises (noted by Provero, *Le parole dei sudditi*, 5–32) in comparison with the twelfth-century texts; on which, see Fiore, ‘*Bonus et malus usus*’.

¹⁰¹ For a short overview, focused on Umbria and Marche, see Fiore, *Signori e sudditi*, 168–82.

¹⁰² On this process, see Attilio Stella, ‘The *Liber Ardizonis*: Reshaping the *Libri Feudorum* in the Thirteenth Century’, *Studi medievali*, lviii, 1 (2017).

¹⁰³ On the late Middle Ages, see, for example, Andrea Gamberini, *La città assediata: poteri e identità politiche a Reggio in età viscontea* (Rome, 2003).

the ‘feudal revolution’ and about the nature of seigneurial power in medieval Europe. The first thing to note is that the evidence discussed here is fully consistent with the model of the feudal revolution which the latest studies on Italy have situated in the decades around 1100.¹⁰⁴ We might debate the appropriateness of this notion as a label for the socio-political change that occurred in Italy during this period, but there is no doubt that this rapid change did actually take place, and analysis of political discourses offers a privileged standpoint from which to observe it.¹⁰⁵

We have seen that researchers have either emphasized the role of violence and coercion in the construction of seigneurial power (notably Pierre Bonnassie and Thomas Bisson) or marginalized its importance (in the case of Italian research) by accentuating the significance of pact and reciprocity.¹⁰⁶ However, my discussion here has pointed to a more complex and apparently contradictory situation. While violence played a central role, not only in building territorial lordship but also in its social reproduction, after the collapse of royal power the lords had to rely on those same subjects who had been the object of their violence to legitimize, through pacts, their new local powers. Their recourse to violence against their subjects allowed the lords to consolidate their superior status and extend their prerogatives, but could not create legitimacy. In the absence of effective royal power, they were compelled to turn to the very people whom they were coercing to legitimize their dominance. Mutual acknowledgement

¹⁰⁴ See especially Wickham, *Sleepwalking into a New World*; Fiore, ‘Il tempo dei cambiamenti’. On southern Italy, with a similar chronology, see Sandro Carocci, *Signorie di Mezzogiorno* (Rome, 2014).

¹⁰⁵ For a useful discussion concerning the concept of ‘feudal revolution’ and its intellectual baggage, see West, *Reframing the Feudal Revolution*, 259–63.

¹⁰⁶ Pierre Bonnassie, *La Catalogne du milieu du X^e à la fin du XI^e siècle: croissance et mutations d’une société*, 2 vols. (Toulouse, 1975–6); Bisson, *Crisis of the Twelfth Century*. For Italian research, see Provero, *L’Italia dei poteri locali*.

between lords, although important, was not perceived to be sufficient; full legitimacy was provided by the subjects to their lords, from the bottom up.

The position in which this put the lords' subjects, although forced upon them, was looked upon favourably by them, for they welcomed its implied recognition of their active political role and the consequent room for manoeuvre in their relationship with their lords. They could now use the language of pact to soften the harshness of lordship. However, the limits implicitly placed upon the lords by the language of pact and reciprocity were clearly perceived by the lords, and they were periodically pushed to use violence to reassert their absolute superiority in the eyes of their subjects.

From this perspective, violence and pact were the two ends of a single spectrum in the relationship between lords and peasants. As such, they appear to have been deeply interconnected, and cannot be fully comprehended if discussed separately. This problematic and counter-intuitive interaction was a peculiarity of the Italian political landscape, not only in the decades around 1100, but for the whole of the twelfth century.¹⁰⁷ It appears inextricably bound up with the relatively rapid 'revolutionary' spreading of territorial lordship in Italy during the civil wars within an acephalous political framework.

In the socio-political context of other regions such as northern France and eastern Iberia, different paths towards territorial lordship produced different forms of practical and symbolic interaction between lords and peasants yet to be fully investigated from this perspective for a better understanding of society in the high Middle Ages.¹⁰⁸ The analysis of political languages

¹⁰⁷ On the use of the idea of interaction to discuss the relationship between lords and peasants, see Gadi Algazi, 'Some Problems with Reciprocity', *Endoxa, Series Filosóficas*, xv (2002).

¹⁰⁸ See, for example, Thomas N. Bisson, *Tormented Voices: Power, Crisis, and Humanity in Rural Catalonia, 1140–1200* (Cambridge, Mass., 1998); West, *Reframing the Feudal Revolution*.

is an important heuristic instrument, but it can be exploited to its full potential, as yet untapped, only when it is coupled with an intensive analysis of social, economic and power interactions.

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