1 Introduction

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In the early decades of the thirteenth century, monks and Penitents, dedicated by profession of vows to varying degrees of detachment from the world, began to appear in a variety of stipendiary, term-bound offices in the urban governments of central and northern Italy. Such integration of men of the Church, regular and secular, in government or administration was not unusual in the medieval world. Prelates played major roles in secular politics and jurisdiction, and monk- (later friar-) confessors and chaplains were much sought after in the courts of royalty and nobility alike. The presence in the city offices of central and northern Italian governments of men of religion – the Penitents, monks and other *viri religiosi* on whom this book focuses – was not, however, a comparably conventional practice. During the twelfth century, communal leaders sought with varying degrees of energy and success to extract themselves from ecclesiastical and imperial jurisdiction. By the year 1200, laymen, often of some wealth, staffed the emerging administrations of their increasingly autonomous governments. Lay notaries, legally empowered to draw up *instrumenta*, were producing the texts which shaped and expressed communal identity. A process of differentiation seems to have been set in train. Yet, a few decades later, many of those same tasks were being assigned to Penitents, *conversi*, and monks, if not yet to members of the new orders of friars. And as the chapters in this volume demonstrate, some of the offices these religious assumed were to remain largely in their hands for several decades and, in some cases, a great deal longer.

The papers published here are designed to document and analyse this practice comparatively, juxtaposing urban and regional case studies with the perspectives of some of the ecclesiastical entities. The authors of chapters on urban cases in Part I have thus been asked to tackle a series of questions, beginning with an attempt to establish the extent of this employment of professional religious in secular, governmental offices.

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When did it begin and why? How common was it? What role did economic and financial concerns, the need for trust, or levels of expertise play? What were the benefits or disadvantages for the parties involved? What bearing might individual status or membership of a particular order or religious house have on the offices held? Why, when they struggled so hard for autonomy, did city elites turn to men bound to orders whose reach stretched beyond the boundaries of their often disputed territories? And what of relations with bishops, Mendicant friars or the other religious communities directly involved? In Part II, other writers tackle these same questions from the perspective of ecclesiastics, exploring the factors which may have drawn them to office or at least led them to accept the tasks assigned by city administrations. The final, brief Part III then widens the scope beyond the north and centre of Italy to investigate the same questions in regions where urban communities were arguably less dominant: southern Italy, Sardinia and England.

In the contributions which have emerged, no single case has the sources to answer all of the questions with which this undertaking began, and some of the material unearthed has pointed towards apparently contradictory emphases, one of the challenges, and joys, of comparative history. Yet, placed together, those differences and similarities point to a number of common problems and common solutions. They demonstrate, for example, the flexibility of clerical and religious roles in the context of lay politics and institutions, while occasionally suggesting features determined by the norms of religious orders. For a historian of the Church, the combined case studies present a way of investigating variation and difference rather than the unifying trends necessarily preferred in histories written from an order-based perspective. For political historians, they introduce an alternative view of mechanisms of power, a new way to trace practices across urban and political divides and yet acknowledge the importance of contingency and context.

Historiographical context

This is the first volume to attempt this sort of comparative discussion of the employment of religious outside the cloister in the Italian Middle Ages, but in its engagement with this topic it is, of course, not without precedents. In 1978, Richard Trexler published a seminal article on religious as office-holders in Florence, arguing that the clergy provided a guarantee of the quality of government.[1] His account was based on characteristically in-depth familiarity with the archives of Florence and supplied a framework for analysis based on the different functions or uses

[1] Trexler, 'Honor Among Thieves'.

of the clergy: on the one hand, 'binding' men together by providing 'crucial links in the governmental process' and, on the other hand, 'preserving', by keeping the fiscal and diplomatic records of the government in a safe place. Professed religious were engaged 'at certain key trust points in the governmental process where lay officiation would either have compromised secrecy (voting and distribution of taxes) or engendered suspicion (central communal bursars)'.[2] Men of the Church were not employed because they were individually holy, but because, he contended, they incorporated 'the official charisma of the Church', and thereby endowed the government of the city (which otherwise 'lacked a charismatic head') with trust, respect and fear.[3] For Trexler, the alternative, the 'institutional secularization of government', in which men of the Church had no role, was feasible in the Middle Ages 'only where kingdoms or republics had sacral kings or princes'.[4] Otherwise, 'uncompromised outsiders' were essential to government (as they still were, he wrote, in institutions such as the Supreme Court of the modern USA). But Trexler explicitly eschewed writing a history of the phenomenon. Although he hypothesised that the employment of *religiosi* may have become more frequent at the end of the Middle Ages, he was mainly concerned with structures and had no space to do more than outline how these might have changed over time, observing that 'only further research [could] determine how extensive and durable these roles were'.[5] Nor did he attempt to differentiate the ideas or motives of the religious engaged. While he noted the orders and houses from which those employed in Florence came, including the considerable presence of Cistercians and the Camaldolese, he did not investigate the reasons, or question why one order might replace another, or whether it made a difference to employ monks or *conversi*, friars or members of the Humiliati, secular clergy or lay Penitents. His angle was that of the Florentine urban elite, setting aside any consideration of negotiation between the parties involved. He hypothesised that many among that elite 'would just as soon have done without them' (an acknowledgement of the undoubted anticlericalism identified by earlier scholars), but also that their presence made people behave differently because they would 'hesitate to strike a Minister'. Above all, and understandably, Trexler limited his discussion to Florence: he had no space for more than cursory comparative information, present in passing references to the Florentine *contado*, Siena and Milan.[6]

As a consideration of the employment of religious in office, Trexler's study was in turn not without precedents.[7] His paper followed a long

[2] *Ibid.*, p. 328. [3] *Ibid.*, p. 318. [4] *Ibid.*, p. 319. [5] *Ibid.*, pp. 328 and 334, n. 63.
[6] *Ibid.*, pp. 320, 322. [7] As Trexler himself acknowledged, p. 332, n. 11.

tradition of incidental references to the employment of professed religious in government or administrative positions and, in particular, brief allusions by urban historians deeply knowledgeable, as he was, about a specific city. Thus, to name only modern historians, his conclusions about the 'trust function' of religious were a more anthropological, articulated and forceful statement of a case already sketched by writers on other areas such as Kamp, Bowsky and da Campagnola, or those working on particular orders, such as the much earlier investigation of the Humiliati by Zanoni.[8] There have also been further insights into the phenomenon since Trexler wrote.[9] And the shape of the field has been transformed, for example, by studies of literacy and the production of texts. The administrative implications of the equation of *clericus-litteratus* were brilliantly exposed by investigation of the English royal records of Michael Clanchy, who must have been working at much the same time as Trexler.[10] Hagen Keller and his research group's investigation of *pragmatische Schriftlichkeit* in northern Italy has tracked the wider political, juridical and cultural implications of the *Verschriftlichungsprozeß*, the expansion and new uses of writing and written documents in law, communal administration, commercial accounting, and ecclesiastical and social organisation from the eleventh century onwards, a process in which the early communes were major players (as were the monastic orders).[11]

[8] N. Kamp, *Istituzioni comunali in Viterbo nel medioevo* (Viterbo: Agnesotti, 1963); W. Bowsky, *The Finance of the Commune of Siena, 1287–1355* (Oxford: Clarendon Press, 1970); S. da Campagnola, 'Gli ordini religiosi e la civiltà comunale in Umbria', in *Storia e arte in Umbria nell'età comunale*, 2 vols. (Perugia: Facoltà di Lettere e Filosofia, 1971), vol. II, pp. 469–532; L. Zanoni, *Gli Umiliati nel loro rapporto con l'eresia, l'industria della lana ed i comuni nei secoli XII e XIII, sulla scorta di documenti inediti* (Milan: Hoepli, 1911), pp. 203–43. On Zanoni's approach, see F. Andrews, 'Living Like the Laity? The Negotiation of Religious Status in the Cities of Late Medieval Italy', *Transactions of the Royal Historical Society* 20 (2010), pp. 27–55, at pp. 46–7, 49. Numerous early modern historians also touched on the subject; for example, G. Tiraboschi, *Vetera Humiliatorum Monumenta*, 3 vols. (Milan: Giuseppe Galeazzi, 1768–9), vol. I, pp. 169–77.

[9] Notably, L. Chiappa Mauri, 'L'economia cistercense tra normativa e prassi: alcune riflessioni', in *Gli spazi economici della Chiesa nell'Occidente mediterraneo (secoli XII–metà XIV)* (Pistoia: Centro italiano di studi di storia e d'arte, 1999), pp. 63–88; *Opera: carattere e ruolo delle fabbriche fino all'inizio dell'eta moderna*, ed. M. Haines, L. Ricetti (Florence: Olschki, 1996); A. Vauchez, *Ordini Mendicanti e Società italiana. XIII–XV secolo* (Milan: Mondadori, 1990). Several contributors to the present volume have also made previous approaches to the topic: Brolis, Casagrande, Caby and Grillo. References to these and other studies are provided in the essays below.

[10] The first edition of M.T. Clanchy, *From Memory to Written Record: England 1066–1307*, was published in 1979.

[11] 'Der Verschriftlichungsprozeß und seine Träger in Oberitalien (11.–13.Jahrhundert.)', a project led by Hagen Keller from 1986 to 1999 as part of the Sonderforschungsbereich 'Träger, Felder, Formen pragmatischer Schriftlichkeit im Mittelalter'. See the summary and list of publications (www.uni-muenster.de/Geschichte/MittelalterSchriftlichkeit/).

Yet, while the regular employment of outsiders as the chief magistrate or *podestà* of an Italian city government has been an object of mainstream research (brought centre stage by an important collection of essays edited by Jean-Claude Maire Vigueur), the comparable role of *viri religiosi* in the secular offices of the communes has remained more or less in shadow.[12] The range of evidence already in print thus hints at, but does not convey, the potential of this data for our understanding of the features of the interface between religious and secular, cleric and lay. My own earlier essay on Siena was an attempt to track just one case, arguing that the attitudes of the parties involved may have been more flexible than Trexler envisaged.[13] Intermittently from the late 1250s, this, the 'other' major Tuscan city, asked monks from the Cistercian house at San Galgano, about a day's ride south-west of the city, to serve as communal treasurers, living apart from their community, for months or even years at a time. They received a regular stipend and their activities were subject to the discretion and scrutiny of the supreme secular magistrate, the *podestà*. The removal of monks from the exclusive jurisdiction of the ecclesiastical courts was apparently supported and approved by the Cistercian prior; indeed, the first, perhaps reluctant appointee appears to have been instructed by his community, if not encouraged, to take up office. By contrast, much evidence for the Church in this period points to a strong impulse towards a separate and autonomous institutional identity, free of secular obligations, as defined under the reforming banner of *libertas ecclesie*.[14] The Cistercian hierarchy certainly promoted its autonomy of action, reiterated in the decisions of its General Chapter.[15] In the case of Siena any paradox may be resolved by evidence for the (quasi-) membership of the Galgano monks in the citizen body, a point underlined by the social make-up of their community, largely drawn from the same Sienese elite, who held the political offices of the commune. There were benefits to the remotely located abbey in the form of protection and influence, but

[12] *I podestà dell'Italia comunale*, ed. J.-C. Maire Vigueur, 2 vols. (Rome: Istituto storico italiano per il Medio Evo / École française de Rome, 2000).
[13] Andrews, 'Regular Observance and Communal Life'.
[14] On the redefinition of the earlier monastic idea of *libertas ecclesie* for the universal Church, see B. Szabò-Bechstein, '"Libertas ecclesiae" vom 12. bis zur Mitte des 13. Jahrhunderts. Verbreitung und Wandel des Begriffs seit seiner Prägung durch Gregor VII.', in *Die abendländische Freiheit vom 10. zum 14. Jahrhundert. Der Wirkungsammenhang von Idee und Wirklichkeit im europäischen Vergleich*, ed. J. Fried (Sigmaringen: Thorbecke, 1991), pp. 147–75.
[15] See *Twelfth-Century Statutes from the Cistercian General Chapter*, ed. C. Waddell (Brecht, Belgium: Commentarii Cistercenses, 2002), and *Statuta capitulorum generalium ordinis Cisterciensis ab anno 1116 AD ad annum 1786*, ed. J.M. Canivez, 8 vols. (Louvain: Bureaux de la Revue, 1933–9).

this also brought political implications: when the dominant faction changed in 1262, the statutes were revised and the office of treasurer reverted to laymen, only for the statute to be reversed in 1276, after which religious remained in office more or less continuously. The evidence of this one case therefore furnishes a preliminary template against which to begin to trace the history of this practice and the contours limiting the pragmatic (and ideological) separation of *viri religiosi*. Professed religious were not simply employed at the will of city elites; they also adopted strategies that led them to direct involvement in what we might now term 'public' administration. Religious personnel in the commune were the product of experimentation and negotiation.

But were the strategies and attitudes of the different parties the same in Perugia or Verona, Naples or Sardinia? Did political change always affect office-holding? In very rough terms, ignoring local variants and some significant exceptions, the political forms of urban government in the north and centre of Italy after 1200 can be characterised as dominated by *podestà*, often outsiders, until the middle decades of the thirteenth century; by the faction of the *popolo*, citizens of non-noble origins (though often led by nobles) from the 1240/50s onwards; and by signorial, increasingly dynastic forms of government from some point between the late thirteenth century and the fifteenth. So, were the same mechanisms repeated in large cities and small, whether podestarial, *popolare* or signorial in political form, whether dominated by pro- or antipapal factions? And if not, why not? If the clergy were, in Trexler's words, perhaps 'distasteful to many . . .[yet] structurally necessary to government because of the absence of personal charisma and noble honor in the representative elements of the commune', why was this not always the case?[16]

As all historians of medieval (and modern) Italy know, its history has usually and inevitably been written in fragments: even thematic studies tend to be selective, focusing on a particular locality or region. Very rarely do they attempt broader comparisons, often because the abundance of sources still makes this unrealistic for a single scholar, as it was for Trexler. The original idea behind this collection of essays was thus to allow space for in-depth analysis of specific examples, taking advantage of the knowledge of an array of experts to document and compare a broad range of offices and to match this by examining the approach of specific religious orders. The availability of experts therefore to some extent dictates the coverage here, but critical space is also provided for

[16] Trexler, 'Honor Among Thieves', p. 319.

contexts and comparisons beyond central and northern Italy, across political topographies. In one sense, although few of the contributors cite him explicitly, the chapters pick up where Trexler left off, seeking to insert the 'history' he eschewed.[17] The resulting contributions are accordingly organised into three parts. After an opening chapter on the all-important context of relations between bishops and the early communes, Part I consists of close studies of cities or regions in the centre and north of Italy, giving a brief account of the political contexts, administrative apparatus, extant sources and then the details of office-holding by religious. Venice, so often set apart as the exception in modern historiography, is included here because its case both closely parallels practice elsewhere and, in the differences, underscores the contingent nature of that practice. Milan and Florence, so often the focus of monographic studies, are excluded to allow the focus to fall elsewhere, but both are picked up in passing in Part II, as are occasional examples from elsewhere.[18] This second part of the volume then investigates the same phenomena from the perspective of orders and ecclesiastics. The final, short Part III offers counterbalances by moving outside the centre and north of Italy, ending far beyond the world of Roman law and notaries, in that of seals and royal officials, through a case study of abbots and the English Crown.

The eagle-eyed reader of the contents page will immediately spot that Cremona is afforded two chapters: this is no accident. Cremona was the archetype for Tabacco's diagnosis of 'institutional synthesis', as he termed the features of the communes which arose in competition with the bishop and came to share public power and influence.[19] It is thus a fitting starting point for this volume. Moreover, the surviving documentation for the government of the city is relatively full, has been well published, and for the thirteenth century covers both religious houses and city offices, a less frequent combination than might be wished. This was surely the reason why Cremona became the central case study for Luigi Zanoni over a century ago, in his pioneering account of the employment of the Humiliati in city offices, outlining a socio-economic and instrumental interpretation which still, a century later, resonates in the

[17] See above, p. 3.
[18] These are also discussed in my forthcoming monograph, as are a further sample of regions, cities and quasi-cities, and other ecclesiastical perspectives.
[19] G. Tabacco, 'La sintesi istituzionale di vescovo e citta in Italia e il suo superamento nella *res publica* comunale', appendix to Tabacco, *Egemonie sociali e strutture del potere nel Medioevo italiano* (Turin: Einaudi, 1974), in English, trans. R. Brown Jensen, as *The Struggle for Power in Medieval Italy: Structures of Political Rule* (Cambridge University Press, 1989). See also below, pp. 27–9, 39, 268, 354.

footnotes here. Exploring the two aspects of this particular commune's history – that of relations with the bishop and the later employment of religious in office – is therefore important to the whole project.

The chapters speak for themselves and there is no space to do them all justice in an introduction, but some of the ways they relate to each are worth outlining. The Epilogue closing the volume also pulls together some initial conclusions and points to remaining and new questions raised by these studies. As already implied, Chapter 2 stands alone in the volume in its concentration on the emerging relations between bishop and commune, first in Cremona and then, in comparative vein, in Piacenza, Padua and Orvieto. Contextualising an issue only briefly touched on in later essays, Edward Coleman lays out the workings of the 'institutional synthesis' proposed by Tabacco, which underlies most assumptions about Church and secular power in the period. He thus begins with uses of space to demonstrate the intertwining of ecclesiastical and secular affairs in both the twelfth and thirteenth centuries and the 'simultaneity' of bishop and commune, pointing out that the early commune, short of public authority, needed the bishop to acquire both legal standing and credibility. Bishops who, once the commune emerged in Cremona, came from the ruling elite of the city, continued to play a pivotal role as figureheads, while their dioceses acted as templates for the expansion of the urban *contado*. Brief comparison with work on other cities leads him to emphasise how cooperation was 'underpinned by . . . social ties' and to note the influence of episcopal practices on communal administration. For Coleman, 'the commune's secular consolidation and the bishop's spiritual consolidation [were] two sides of the same coin'.

Part I is then organised topographically, beginning with communes in the centre of the Po valley, north of the Apennines. It thus opens with my own account (Chapter 3) of the situation in Parma, a city with a strong tradition of normative sources in the thirteenth century, which allow us to track some of the reasons put forward by communal legislators to explain or justify the employment of large numbers of Penitents and (later and less frequently), of Humiliati and Cistercians in supervising and regulating food supplies, building works, financial offices and the production of salt, a production essential to the Parma economy and hotly contested with its neighbour, Piacenza. Office-holding by Penitents is first described in statutes dating to the early 1230s, which also document possible mechanisms for their introduction to this role. The dates point to various potential triggers: tension with the bishop, the revivalism which led to the Alleluia or 'Great Devotion' of 1233, or perhaps particular difficulties with food supply. This chapter, like most of those in the volume, thus focuses mainly on beginnings, but the same statute

tradition shows that the practice expanded vastly in mid century (in keeping with the explosion of administrative offices and then the emergence of the *popolo*) and was largely, though not entirely, obsolete by the early fourteenth century, in tandem with the emergence of rule by individual lords. Documents detailing those religious who actually held office in Parma survive only from a few short years (1269–76), but the happy circumstance that some of those involved are recorded with surnames points to their origins among the same elite which staffed both lay communal offices and the secular Church in Parma. Records from the houses themselves, meanwhile, show that some of the Humiliati in the city, for example, originated from outside the territory, suggesting a possible route for the introduction of the practice, alongside those more usually acknowledged by historians, such as the exchange of *podestà*.

One of the reasons for starting with Parma is that it lies close to two other cases examined here – Piacenza and Cremona – and all three lay within the sphere of influence of the Cistercian abbey of Chiaravalle della Colomba and its daughter houses. The fragmentary evidence available allows the possibility that the timing of the employment of Cistercians in office in one city (Parma) may have been conditioned by engagement in another (Piacenza), though in the third (Cremona) the Cistercians seem not to have been involved at all. In other words, the nature of monastic networks may lie behind some secular administrative choices.

It may not, however, have been the Cistercians who were the driving force towards appointing religious officials in this particular region. Caterina Bruschi's rich study of Piacenza (Chapter 4) leads her to concentrate above all on the arrival of the Mendicants in the 1220s, marking a 'new attitude towards religious communities in urban environments', men who came to operate right at the heart of communal politics, allowing it to function (a point Trexler might appreciate). She argues, importantly, that, coupled with the friars' familiar role as implementers of papal directives, the emergence of religious officials was 'a consequence of the wider political aims of the papacy'. She thus submits that a lack of documentation in Piacenza may be a product of ambivalence about papal intervention. While deeply aware of the difficulties of identifying strategies in communal practices (as against '*ad hoc*' deliberations), Bruschi also emphasises, in a mild revision to Trexler's model, that the tasks assigned to *religiosi* combined or bridged the judicial and economic, using individuals with appropriate professional skills in the religious orders.[20] She observes both a 'fashion' for trusting religious officials where

[20] A theme taken up more vigorously by Day; see below, p. 267.

communal money was involved and, like several of the authors here, that these roles were never restricted to religious (despite, as evident elsewhere, use of exclusive language). The Piacenza statutes of the fourteenth century, like those of Parma, also allow her to trace their gradual exclusion.

Christoph Weber's examination (Chapter 5) of the abundant sources for Cremona is, in the interests of space, limited to the thirteenth century, but expands considerably beyond Zanoni's account, beginning by establishing an important context in the ways both regular and secular clergy were engaged on behalf of the whole community, a sense of social responsibility their driving force. As in most other cities studied here, the religious affiliation of some of those employed in public offices in Cremona cannot now be determined, but where it can, several important points arise, including the recruitment of some whose personal origins were not local: for example, a Humiliatus serving as *massarius* (overseer) on the bridge over the river Po in 1263 came from Lodi, an important centre for that order, about 48 km north-west, towards Milan. Local family was not a precondition of office. Cremona also, like Piacenza and Parma, has evidence for a communal *tubator* (herald) alternating with religious as proctors of the commune in legal transactions (here selling the goods of the banished), a new angle on the perception of religious as communal representatives. The plentiful sources for Cremona also allow Weber to document religious accepting official duties close to their community's house, reflecting perhaps a way of thinking close to that often found in statutes on infrastructure projects, where tasks such as canal or road maintenance were assigned to the residents of the areas through which they passed.[21] Finally, Weber's chapter illustrates the overlapping webs of ecclesiastical networks. The tensions he identifies between the Cremona clergy and commune might seem, once again, to explain the attraction of turning to the Humiliati, a new order less obviously entangled in local ecclesiastical politics than the secular clergy under the bishop. In 1266, however, the vicar of the absentee bishop was a member of this very order. Was this new proximity one reason why, towards the end of the century, the commune employed men who appear to have been Pied Friars, members of an order whose very right to exist had been denied at the Council of Lyons in 1274?[22]

In the next chapter, Pierpaolo Bonacini, who focuses on Modena, again emphasises, like Bruschi, the prominence of the Mendicant friars as a determinant of their participation in municipal affairs. He begins

[21] See below, pp. 56, 120, 138, 338, 356.
[22] On the suppression of the Pied Friars, see F. Andrews, 'Il secondo concilio di Lione (1274), gli Agostiniani e gli ordini soppressi', *Analecta Augustiniana* 70 (2007), pp. 159–85.