LAND TENURE AND SOCIAL STATUS IN MEDIEVAL ITALY AS DEMONSTRATED BY THE CARTULARY OF FARFA

by Katherine Fischer Drew

This study of the relationship between land tenure and social status in Italy concentrates upon the period before the year 1125 and is based primarily on the Lombard and Carolingian legislation for Italy and upon the land charters preserved in the cartulary of the Monastery at Farfa.

The Farfa cartulary is an unusually full one, containing copies of more than thirteen hundred documents in the main cartulary (the Register) and condensations of some two thousand more in another volume called the Liber Largitorius. These documents cover a period from the seventh century to the early twelfth century, with the great bulk of them dating from the eleventh century.

There are very few Italian cartularies that contain many documents earlier than 962, when Italy became a part of the Roman Empire recreated by the German ruler Otto I. The scarcity of early charters was caused by the unsettled conditions that plagued Italy in the ninth and early tenth centuries. These conditions resulted partly from the fact that the Carolingian rulers who succeeded Charlemagne did not equal him in ability and partly from the fact that at the same time the peninsula was invaded from the northeast by Hungarians and from the west and south by Saracens. In the Lombard plain and to a certain extent in Tuscany, the bishoprics and monasteries were raided and often destroyed by Hungarians; in the central part of the peninsula and in the south, the Saracens were responsible for the destruction; some areas were devastated by Hungarians in one year and by Saracens in the next. These raids were not only destructive of life and property but they also were extraordinarily destructive of records that proved title to land. As a result, when peace was finally restored in the middle of the tenth century, it was frequently necessary to seek new charters confirming earlier grants, or to reconstruct the old charters by means of inquests where the responsible inhabitants of the community were called together and on oath testified who was rightfully the possessor of various parcels of land.

Mrs. Drew is Professor of History at Rice University. Part of the research for this paper was made possible by a grant from the American Philosophical Society in 1969.
In isolated instances, however, unusual care was taken to preserve written proof of lawful possession and in these cases the modern scholar has reliable (although very incomplete) evidence dating before the ninth century about certain kinds of land tenure and the status of the individuals who held various parcels of property. One of the best instances of such preservation was effected by the monks of the Monastery of Farfa. In the late ninth century, when Farfa could no longer hold out against Saracen attack, the abbot of the monastery divided the “treasures” of the monastery into three parts, intrusting one part to each of three groups of monks; these groups of monks were then sent to seek protection elsewhere. Among the “treasures” of the monastery was evidently the monastery’s collection of charters and, judging from the documents that have been preserved in the Farfa cartulary, at least one of the three groups managed to protect its share, and perhaps we even have two shares, or a portion of them.

The monastery of Farfa is located in the foothills of the Apennines on the Farfa tributary of the Tiber River. It is some thirty miles north of Rome in an area which in the later Middle Ages was a part of the Duchy of Rome. However, at the time of its foundation and throughout the early Middle Ages, Farfa lay within the Duchy of Spoleto and was not dominated by Rome; in fact, before the twelfth century the monastery successfully claimed jurisdictional independence of Rome.

Although the Monastery of Farfa claimed a fourth-century foundation, the earliest document in the monastery’s cartulary dates only from the time of its refounding in the late seventh century with a grant from the Lombard duke of Spoleto. This first document is a bull issued by Pope John VII in 705 confirming the grants made by the duke of Spoleto and recognizing the privileges of the monastery; namely, the monastery was guaranteed in its possessions and specifically exempted from episcopal or other clerical control, as well as from secular interference for the purpose of exacting military or financial aid. So far as judicial administration was concerned, however, we must conclude that since the bull does not specifically mention this and the duke’s petition says nothing about granting immunity, then Farfa and its possessions remained under the jurisdiction of the Lombard duke of Spoleto (or, in exceptional cases, of the Lombard king) for the purpose of maintaining the public peace and administering justice. A number of the later Farfa documents support this conclusion.

From the early eighth century to the early twelfth century there exist copies of a more or less continuous series of charters detailing gifts and privileges received by the monastery, recording judicial decisions favorable to the monastery, and reciting the terms upon which the monastery let out land to its various tenants, free and servile: a series of documents covering the years 705 to 1125. Farfa is almost unique in the amount of historical
evidence available to the student, and that this material has been preserved is due in very large part to the labors of an early twelfth-century monk, Gregory of Catino. Gregory, who had entered the monastery while still a child (he had been offered to the monastery together with a substantial gift of properties by his father, a nobleman of Sabina), was educated in the monastery. About the year 1092 he suggested to Abbot Berardo that he be allowed to restore the archives of the monastery and copy all the documents into a single book. By the time of his death about 1135, Gregory had completed the Register containing some 1,324 documents detailing gifts and privileges made to the monastery and reciting the essentials of certain court cases. In addition, he had also compiled a volume usually called Largitorius containing summaries of the agreements (some 2,155 in all) entered into by the monastery with its various free and servile tenants. And, as if this labor were not enough to fill the lifetime of one man, Gregory also composed a history or chronicle of the monastery, the Chronicon Farfense. These three works—the Register, the Largitorius, and the Chronicle—form one of the most extensive bodies of evidence available for the history of any medieval monastery.3

The documents in the Register are interesting from the standpoint of the jurisdictional conflict between Empire and papacy in the late eleventh and early twelfth centuries, since Farfa claimed jurisdictional independence of the papacy and the protection of the imperial immunity.4 The controversy would eventually be resolved in favor of the papacy as part of that clerical reform movement associated with the influence of Cluny. The “reformed” papacy of the eleventh century refused to acknowledge that any monastery could be immune from both episcopal and papal control. Since Farfa had long since successfully claimed immunity from episcopal control, the success of the reform movement was to bring Farfa under direct papal control.

This jurisdictional dispute over Farfa is interesting, of course, not only from the standpoint of imperial-papal relations, but also from the standpoint of the development of feudal institutions in Italy. For if Farfa had been able to maintain its independence of both episcopal and papal jurisdiction, then it could hardly have failed to come increasingly under feudal influence, since the Saxon and Franconian emperors consistently treated the ecclesiastical properties of Italy as virtually a part of the royal domain, to be used in making grants to guarantee the support of the emperor’s followers.

But before the victory of the papacy in the late eleventh century, the monastery played a crucial role in Italian politics, enjoying as it did the protection of the very powerful and virtually independent Lombard dukes of Spoleto. During the Lombard period the monastery was a kind of neutral meeting ground where Lombard kings and Roman popes could meet in an attempt to work out their ceaseless boundary quarrels, and in the Carolingi-
and Saxon periods the monastery continued to enjoy the same role in the struggles between Empire and papacy. That the cultural level of Farfa was considerably higher than that of Rome during this time made its influence all the greater.

But interesting as the study of the Farfa documents is for the political history of Italy, the documents are even more interesting for the study of Italian social and economic history. This is because the monastery attracted a very great many gifts—in the mid-ninth century it had the second largest monastic landholdings in Italy (second only to the Monastery of St. Sylvester at Nonantola)—and the careful preservation by Gregory of Catino of the terms on which the monastery let out its lands to tenants promises much information on a number of subjects in Italian social and economic history.

The Farfa documents make it quite clear that feudalism, at least in the usually recognized form, had not been established in Italy either by the Lombards or as a result of the Frankish conquest. There was no clear distinction between the social classes and there was no sharp definition of the kind of tenure whereby each social class might hold land. Accordingly, we find that men of the noble class (e.g., the dukes of Spoleto) might make extensive land grants to the monastery, but men of the ordinary freeman class (at least prior to the late tenth century) might make grants almost as extensive. And to indicate even more clearly the fluidity of social lines (again, at least prior to the late tenth century), men who describe themselves as coloni also make grants to the monastery—grants which indicate not only that the colonus might possess property but might also possess other coloni and slaves. Likewise the monastery might bestow land upon freemen, coloni, and even perhaps upon men described as slaves by what appears to be the same form of contract (the livello or emphyteusis discussed below).

For the most part there is little evidence of feudal tenure in the documents of the Farfa cartulary although the later charters (after the Saxon conquest) are couched in terms that are somewhat more feudal in tone than the earlier ones. The terms “benefice” and “fief” do not appear before the mid-tenth century; after that time the terms appear perhaps some half dozen times, including four instances where the monastery bestowed property in fief upon a grantee. But that the presence of the words “benefice” and “fief” do not imply feudalism (at least the usual variety) will emerge from the discussion below.

The most frequently used form of tenure employed by the monastery in receiving gifts as well as in making grants to individuals or corporations is known as “livello” or “emphyteusis.” The exact nature of this form of grant is not clear from the Farfa documents, but inasmuch as the charters recite no services or rents owed by these properties, it would seem that these grants in effect conveyed virtually unrestricted possession of the property con-
cerned. That such possession was not necessarily so complete as is implied here, however, is indicated by the appearance of numerous charters in the cartulary citing reversion of the *livello* grant to the monastery. Perhaps it should be understood that the grant was for a definite time, such as twenty-nine years, at the end of which the grant was to revert to the monastery. The twenty-nine year period does not actually appear very often in the documents, but grants for three lives or to the third degree appear frequently. Perhaps where no time period appears in the charters it was thus understood that the grant was for one life (i.e., twenty-nine years) unless three lives were specifically stated.\(^8\)

On the other hand, there is not much doubt that properties tended to pass out of control of the monastery (there are documents in the cartulary where court cases sought the invalidation of alienations made by certain abbots) and the *livello* grant without specific time limit may well have been the means of this development. In other words, properties held by *livello* may well have tended to become hereditary in the hands of the grantee’s descendants. And not only were these lands tending to become hereditary, they were in effect held in outright ownership inasmuch as the original grant was normally made in return for a nominal payment with no provision for continuing payments. Certainly the accumulation of property by means of the *livello* contract did not establish a feudal relationship between donor and grantee in the normal meaning of that phrase.

The Farfa documents illustrate a number of strains of social movement occurring in the tenth and eleventh centuries. At the level of the small cultivator, there is clearly an attempt to attract cultivators to undertake the improvement of lands that had passed partially or entirely out of production. The terms on which these lands were leased were extremely favorable. And since the amount of land involved is sometimes extensive, it is apparent that the monastery’s interest in obtaining competent direction of this underproducing property gave many an ambitious but poor freeman an opportunity to improve his economic condition considerably. Perhaps this economic movement upward as the result of obtaining favorable leases from the monastery eventually resulted in the social movement upward of the individual’s descendants. At any rate, with the exception of those individuals whose aristocratic social status depended upon the holding of office (e.g., the dukes of Spoleto), there is no indication of differing social levels among freemen before the mid-tenth century. From the late tenth century onward, however, the number of instances in which one or more of the parties to a contract described themselves as being “of noble birth” or enjoying some specific title such as “count” or “marquis” increases very sharply.

There is thus some strong evidence that the redistribution of landholdings that followed the restoration of order after the upheavals of the ninth
and early tenth centuries provided an opportunity for the accumulation of land whereby certain families of undistinguished origin gradually raised themselves above the ordinary freemen of the community and provided them with the opportunity to describe themselves as noble. In this process of social movement upward, the role played by such monasteries as that of Farfa must have been crucial. After the “times of trouble” were over, the corporate memory of the monastery provided just that kind of expert knowledge necessary to take advantage of the situation to reestablish title to lost properties (by court suit and inquest), processes not available to or difficult to obtain by the individual layman. At any rate, through successful claim to possession, extensive receipt of gifts, and purchase, the monasteries came in the tenth and eleventh centuries to control vast amounts of property which had to be organized in some fashion. Some of this property was leased to small individual cultivators who expected to work the soil themselves with the help of their families and a few dependents; but most of it was undoubtedly leased in large blocks to a rising aristocracy. The Italian aristocracy (which it should be noted was not yet a feudal aristocracy in the eleventh century) had its origins in the period of readjustment that followed the end of the invasions and the incorporation of Italy in the German-Roman Empire.

Another aspect of the changing Italian social and economic scene of the eleventh-twelfth centuries is illustrated by the Farfa documents, and this development also owes its explanation to the chaotic conditions prevailing in the ninth and early tenth centuries. This is the appearance of large numbers of castles and towers throughout the countryside. The castle was certainly not new to Italy in the ninth century, since fortified strongholds had been known there at least from the time of the Romans, and in the central part of Italy even from the time of the Etruscans. But the incidence of castles increased very markedly. As the Saracen threat grew worse in the ninth century, the charters began to recite instances where grants were made that included the right to construct a castle or tower on the property. After peace had been restored, interest in castle building continued and increased. The charters not only continued to cite castle-building privileges with increasing frequency, but legal controversy over the possession of castles already constructed became common. Even purchases and sales were involved, with the monastery (and its donors and grantees) buying and selling castles or fractions of castles in mountain passes, within the walls of a town, or at the crossing of a river.9

Admittedly there is no necessary connection between the appearance of castles and the rise of a rural aristocracy, but the presence of a castle on his estate must certainly have contributed to the prestige and the
influence of the property holder and in the course of time helped to justify his descendants in adding the appellation “noble” to their status.

The Farfa documents thus provide us with sound evidence of considerable social change in Italy at the close of the eleventh century. The class of freemen was becoming differentiated into a number of different social groups ranging from the small holder at the bottom of the economic scale to the large landholder now claiming noble status at the top. As social lines grew more fixed, interest in the possession of a castle or fortified place became more marked, perhaps partly as a necessity, but also almost surely as something of a status symbol.

These are but preliminary conclusions. The Farfa materials are so extensive as to justify prolonged further study.

NOTES

1. Numerous monasteries were founded or restored in the second half of the seventh century and the first three-quarters of the eighth century either by the Lombard dukes or kings, or with their approval and sponsorship. Thus, for example, the Monastery of Santa Maria Teodota (Pavia) was either founded or expanded by King Cunipert about 690; in 714 King Liutprand founded the Monastery known as Senator in Pavia (Pavia was the capital of the Lombard kingdom); in the late seventh century Farfa was restored by Duke Faroald of Spoleto; in the early eighth century, the Monastery of Montecassino was restored by the dukes of Benevento; in 752 King Aistulf founded a monastery at Nonantola (usually known by its dedication to St. Sylvester); about 757 King Desiderius founded a monastery at Brescia (dedicated variously to San Salvatore and St. Julia). Even earlier, the Lombard kings had allowed the Irish monk Columbanus to found a monastery at Bobbio. But these are only the most famous of the Lombard foundations or restorations; there are many others.


4. The monastery did not willingly give up its immunity. When Gregory of Catino wrote his Chronicle early in the twelfth century, he defended the immunity of the monastery against papal encroachments. Cf. Chronicon, Vol. II, p. 178. But the ultimate success of the papacy in extending its jurisdiction over Farfa may have been due as much to imperial default as to papal victory.

5. In the early charters, gifts were made by a wide variety of social classes, including coloni
(but not slaves) (cf. Docs. 3, 9, 23, 28, 39, 59, 65, 220, and 304). In the later charters, *coloni* do not appear, but an increasingly large number of persons "of noble birth" make gifts to the monastery (Docs. 420, 428, 447, 470, 471, etc.). Throughout also gifts are made by persons of clerical status—frequently retaining the usufruct (Docs. 812, 814, 815, 822, 834, etc.). Gifts are made also by women (always with the consent of their husbands or near male relatives) (cf. Docs. 355, 488, 490, 585, 587, etc.). Gifts were also made or received by persons living according to the Salic law (Docs. 309, 372, and 403) and the Roman law (Docs. 780 and 502).

6. The term *feudum* (Docs. 258, 443, 582, 1263, 1144, 1175, and 1196) seems to have no connection with land held in return for specific services, especially military (cf. also Docs. 764, 1157, and 1163). Vassals (*fideicommissi*) (Docs. 257, 342, 608, 666, 706, 750, 825, 880, 943, 1001, 1188, 642, 687, 1143, 1164, and 1322) are mentioned, but their status does not seem to have any direct connection with a particular type of landholding.

7. Lands were granted by the monastery according to a number of different formulae. In the early documents, the term *livello* appeared with some frequency (Docs. 102, 163, 354, 441, 443, 499, 652, 653, 654, 708, and 761). Throughout the entire period, lands were given to the monastery but their usufruct was retained by the donor during his lifetime and that of specified other persons (e.g., wife, sons, sister, etc.) (Docs. 39, 79, 85, 87, 88, 203, 240, 274, 500, 587, 823, 899, 1026, 1134, 1190, 1264, 1290, 1301, and 1309). At the end of this time, the grant presumably became absolute. Occasionally usufruct was compensated for by an annual payment (in money) to the monastery (Docs. 189, 202, 203, 893, and 1309).

8. Gifts made to the monastery were often made conditionally. The retention of the usufruct mentioned in the note above was one of these conditions. Another condition was to receive it back for three lives or for a charter of the third degree (for grants made to the monastery, see Docs. 332, 851, 855, and 1267; for grants made by the monastery, see Docs. 342, 434, 442, 509, 602, 623, 652, 658, 760, 779, 836, 839, 844, 851, 855, 1035, 1163, 1177, and 1267). Another condition was to give the land and receive it back as a *feudum* (Doc. 1263).

9. The monastery at all times sought and received the possession of castles, but this activity increased greatly in the tenth and eleventh centuries (Docs. 230, 266, 346, 419, 428, 447, 471, 474, 491, 492, etc.).