

The relationship between the bishop and the cathedral chapter in light of institutional changes in the communal era: Two examples from the Istrian Peninsula

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Abstract. The second half of the 12th and the 13th century witnessed great institutional changes in Istrian towns due to the formation of communal government. This process, well-known in the Italian environment, included a certain degree of conflicts of interest with the local bishops. Two examples from Istria, namely the cities of Trieste and Poreč (Parenzo), lend themselves to interesting research. The bishops of Trieste, who held the public authority within the city walls from the mid-10th century onwards, presented a direct obstacle to the commune on its way towards complete autonomy. On the other hand, the bishops in Poreč understood the territory of the city district as the bishopric's property. Their aspirations, which were based on the forged *Privilegium Eufasianum*, also included fiscal and juridical powers and thus posed a problem for the communal development. Communes finally overcame both specific local situations; however, it is interesting to note that the reactions of the cathedral chapters differed greatly. Members of the chapter in Poreč stood by the bishop in his fight against the commune, which was backed by the power of Venice. Their counterparts in Trieste, though not so actively involved in the shift of the public power in the city, can eventually be regarded as the commune's allies. The reasons for such different responses can be found not only in the practical, financial aspects, but also in the different relations within the bishopric in the previous centuries. Although cathedral chapters were not directly involved in the conflict and in the institutional changes *per se*, research into the relationship between chapters and bishops can provide an insight into bishoprics' internal mechanisms that set the foundations for the late medieval and early modern period.

Keywords: Istria; Middle Ages; cathedral chapter; commune; bishop.

[es] La relación entre el obispo y el cabildo catedralicio a la luz de los cambios institucionales en la era comunal: dos ejemplos de la península de Istria

Resumen. La segunda mitad de los siglos XII y XIII presenta grandes cambios institucionales en las ciudades de Istria debido a la formación del gobierno comunal. Este proceso, bien conocido en el medio italiano, incluyó un cierto grado de conflicto de intereses con el obispo local. Dos ejemplos de Istria, las ciudades de Trieste y Poreč (Parenzo), son por sí mismas un importante campo para la investigación. Los obispos de Trieste que habían mantenido el poder público dentro de las murallas de la ciudad desde mediados del siglo X se convirtieron en un obstáculo directo para la comuna en su camino hacia una total autonomía. Por otro lado, los obispos en Poreč percibieron el territorio del término de la ciudad como propiedad del obispado. Sus aspiraciones, que estaban basadas en un documento falsificado, el *Privilegium Eufasianum*, también incluían poderes jurídicos y fiscales, resultando de este modo un

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problema para el desarrollo comunal. Las comunas finalmente superaron ambas situaciones locales específicas, pero lo que es interesante son las diferentes reacciones de los cabildos catedralicios. Miembros del cabildo de Poreč apoyaron al obispo en su lucha contra la comuna, la cual era respaldada por el poder de Venecia. Sus colegas en Trieste, aunque no estuvieron involucrados activamente en el giro del poder público en la ciudad, pueden ser vistos al final como aliados de la comuna. Las razones para estas respuestas diferentes pueden encontrarse no solo en aspectos prácticos o financieros, sino también en las diferentes relaciones dentro del obispado en las centurias previas. Aunque los cabildos catedralicios no estuvieron envueltos directamente en el conflicto y en los cambios institucionales *per se*, la investigación de las relaciones entre los cabildos y los obispos a la luz de estos sucesos puede ofrecer una visión de los mecanismos internos del obispado que establezca las bases para la Baja Edad Media y la temprana Edad Moderna.

Palabras clave: Istria; Edad Media; cabildo catedralicio; comuna; obispo.

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1. Introduction²

To explore the relationship between the bishop and the cathedral chapter, a college of canons whose responsibilities included the celebration of liturgy and assisting the bishop in administrative matters and helming the bishopric, this subject matter must be addressed from different viewpoints. Institutional changes of a secular nature in the city, i.e. the development of communes, will be taken into consideration, along with the socio-political ones. To this end, all three players must be presented and their interrelations and impact examined, i.e. the commune, the bishopric with the bishop at its helm, as well as the cathedral chapter. Owing to the specific circumstances that influenced the communal development and the bishop's position in the city, the cases of Trieste and Poreč will be singled out as prime examples.

Originally structured as a county, Istria was ruled by Duke John, a Frankish vassal mentioned in the minutes of the Placitum of Riziano³, and was part of the Franks' Italic Kingdom. Being part of the March of Friuli, it was subsequently integrated into the Duchy of Bavaria, along with the March of Verona. From 976 onwards, Istria was part of the Duchy of Carinthia⁴. Under Bavarian and Carinthian dukes Istria was ruled by counts whose position became hereditary at the turn of the 10th and 11th

² Abbreviations: ASVe = Archivio di Stato di Venezia; BAP = Biskupijski arhiv u Poreču; CDI = *Codice diplomatico istriano*; MGH = *Monumenta Germaniae Historica*; RI = *Regesta Imperii*.

³ Krahwinkler, ... *in loco qui dicitur Risiano*..., p. 32.

⁴ Benussi, *Nel medio evo* I, pp. 326-328; Vergottini, *Lineamenti storici* I, p. 44.

century⁵. At the time it was most probably already a margravate, with Ulric I from the house of Weimar Orlamünde being the first documented margrave⁶; however, despite its subjugation to the Duchy of Carinthia, administratively speaking, it still belonged to the Italic part of the empire. It was only after the second half of the 11th century that it was regarded as belonging to the empire's German part; nevertheless, even at a later point it was occasionally still considered as part of Italy⁷.

By means of a document issued by Henry IV in 1077 the authority in Friuli⁸ was granted to Sieghard, Patriarch of Aquileia, as was subsequently the margravial authority in Istria⁹. However, almost a century and a half had to pass for the patriarchs of Aquileia to exercise margravial authority in Istria; namely, at the end of the 11th and throughout the 12th century it was at the hands of the house of Weimar-Orlamünde, who were followed by the Eppensteins, the Spanheims, and, eventually, by the Counts of Andechs, under whose rule Istrian coastal cities partly transitioned into the communal era. Communal development and the subjugation to Venice were among the reasons behind Istria's division into the coastal western part and the interior, where a separate province came into being under the Counts of Gorizia, former advocates of the Bishopric of Poreč, who were granted a ministerial fief there.

2. The pre-communal era and communal development: a general survey of the situation on Istria's western coast

When discussing the infancy of autonomy in Istrian cities, one has to take into account the tradition of late antiquity or that of Byzantium, which was preserved in cities in the course of the High Middle Ages in a certain degree of the municipal self-government. This holds true particularly for an official referred to as a *locopositus*, an elected representative of the civic community that probably originated from the ranks of the local elite¹⁰ and was in Koper first mentioned in 932¹¹.

The presence of a *locopositus* does not imply that the impact of the new structure of authority was not noticeable at the level of civic administration. *Scabini*, a new office that replaced Byzantine *iudices* and is associated with judicature in German lands, were in Istrian cities present from the first half of the 10th century onwards¹² and originated –similarly to a *locopositus* that is in some instances described as the first among the *scabini*¹³– from the ranks of the municipal community¹⁴.

If the *locopositi* and *scabini* had a significant effect mostly in the 10th and the first half of the 11th century, the situation was different in the second half of the 11th

⁵ Benussi, *Nel medio evo* I, pp. 338-339; Vergottini, *Lineamenti storici* I, p. 45.

⁶ *Ibidem*, p. 45.

⁷ *Ibidem*, p. 48.

⁸ MGH D H IV no. 293.

⁹ *Ibidem*, no. 295; concurrently, the patriarch became a margrave in Carniola, see *ibidem*, no. 296.

¹⁰ Mayer, "La costituzione" p. 418.

¹¹ CDI I, no. 70.

¹² Mayer, "La costituzione" pp. 425-29; Vergottini, *Lineamenti storici* I, p. 72; *idem*, "Per la revisione", pp. 54-55.

¹³ Vergottini, "Il locoposito nei documenti istriani", p. 196.

¹⁴ This is attested by a mention of a Triestine *scabinus* by the name of *Andrea*, who is mentioned in an agreement between Istrians and Venetians in 933, which mentions his father as well, a citizen of Trieste, see CDI I, no. 71.

and in the early 12th century. *Iudices*, judges, were in charge of the judicature in that period. This is an analogy with the period of Byzantine rule and most probably an elected office, with the official originating from the members of the city's local elite¹⁵.

If the title of officials in charge of adjudication was merely substituted, the situation with the *locopositi* was a different one; they were gradually pushed to the margins of the civic administrative organization. In the 10th century they were mentioned as first among the members of the municipal community; however, this period saw their authority diminish in comparison with the new officials helming the city, i.e. the gastalds, who at the local level represented the margrave's authority in cities where these held the public authority. A gastald first appeared in Istria in the mid-12th century¹⁶. The gastalds were responsible, first and foremost, for matters of fiscal and judicial nature – they were not authorized to adjudicate in matters of penal law – and for representing cities in external affairs¹⁷.

In Istria, the second half of the 12th century was a period of “the crystallisation of individuality in specific cities”¹⁸, and a period that saw communities begin to develop. If compared to the situation in Italian cities, which must have impacted the conditions in Istria, the development came a good half century later; however, it never reached a stage that would imply a city's full autonomy. This is mostly a consequence of the restitution of margravian authority by the patriarchs of Aquileia, which took place in the first half of the 13th century, as well as the subjugation to Venetian overlordship in the second half of the 13th century, which will be addressed in the further course of the article at hand.

The reasons for organizing the municipal community as a commune are to be sought on the local and, first and foremost, on the regional level. In other words, with the introduction of an institution whose goal and *modus operandi* was autonomy, elements of cities' independence, to which attention was drawn already for the period of the High Middle Ages, reached their next stage. The first factor leading to the emergence of communes in this period was the need for cities to take well-organized action in matters of external policy, particularly as regards Venice, to whom Istrian cities swore an oath of protection and fealty, *fidelites*, in the mid-12th century¹⁹.

The fact that the Istrian margraviate came under the authority of the patriarchs of Aquileia, who were not only physically closer to the Istrian peninsula but also held authority in Friuli, signified a change of the political situation in Istria, which resulted in a conflict between the Aquileian patriarchs Wolfgar (Istrian margrave 1209-1218) and Berthold (1218-1251) with Istrian communes.

During his two-decade authority in Istria, Patriarch Wolfgar's attempts were directed mostly at specific cities. In the period of Patriarch Berthold there were a few attempts to reconstitute the margravian authority that were aimed at the very heart of the city's communal organization and autonomy. In doing so, he sought to secure the support of the imperial crown, to whom patriarchs' strong authority as margraves was of great interest, as was the possible position of a territorial prince²⁰.

¹⁵ Mayer, “La costituzione”, p. 429.

¹⁶ This does not apply to Trieste, where the gastald is first mentioned in 1139.

¹⁷ Vergottini, “Per la revisione”, p. 66.

¹⁸ Ivetić, “Ai limiti d'Italia: L'Istria dei comuni”, p. 77.

¹⁹ Vergottini, *Lineamenti storici* I, p. 86; “Documenta”, pp. 5-6; CDI I, no. 137.

²⁰ Vergottini, *Lineamenti storici* I, p. 116.

A few events occurred in Istria in the mid-13th century that had a direct impact on significant political changes occurring in this peninsula in the second half of the 13th century. The patriarchs of Aquileia began to lose their influence in the margraviate –Berthold’s successor Gregorio de Montelongo failed to carry on with his predecessor’s stern restoration policy. Following a centuries-long period of members of German aristocracy in the role of a patriarch, the first Italian one did not have the emperor’s support. Moreover, his death was followed by a four-year period that saw Philip of Spanheim not be confirmed as patriarch despite having been elected. Eventually, when the latter died, Raimond della Torre became patriarch.

The most important factor that is worthy of attention is Venice. Contacts between Istrian cities and Venice, as well as agreements concluded between them can be traced back to the first half of the 10th century. However, along with the diminished margravian authority, the entrance of Venice in municipal communities and the support of specific civic factions, which were pro-Venetian and favourably disposed towards the subordination to Venice, were at that time an important aspect²¹. Each city had its own variation of transitioning under Venetian overlordship, which was impacted by internal conditions of each respective city, as well by as a broader political situation.

3. The Poreč commune and the bishopric

The institutional and political development that is presented here took place in Poreč as well, a city on the western shore of the Istrian peninsula. Having been referred to as a *civitas* back in the Roman period, Poreč saw the first Christian community being organized as a bishopric in the 5th century. The bishops of Poreč were important and one of the greatest feudal lords; their estates extended from Istria’s western shore to its interior. Concurrently, they held estates in the Poreč ager and district, which they tenanted out.

When exploring the relationship between the municipal community, future commune, and the bishop of Poreč, one must (re)define the initial stages of communal development in the city of Poreč. This is important for further understanding of the position of cathedral chapter. The traditionally accepted timeline of the commune’s development dates it back to the period immediately before 1194, when rectors and the commune were first mentioned in an adjudication made by the Istrian margrave Berthold III of Andechs²². The further course of development is outlined at the mention of consuls in an agreement with Venice in 1205²³ and in 1225, when consuls were mentioned in an agreement reached with Adalpero, Bishop of Poreč²⁴. The Poreč *podestate* was first mentioned in the mid-13th century²⁵. In my opinion this interpretation is plausible only if the afore-mentioned rectors and consuls are considered as communal officials, although they are not identified as such in the sources. In

²¹ Ivetić, “Ai limiti d’Italia”, p. 78.

²² “...Americum gastaldionem, Joannem de Bertoldo, Tolomesium, et Joannem Maleosse Rectores civitatis Parentinae et procuratores communis dictae civitatis...”, CDI I, no. 186.

²³ CDI II, no. 201.

²⁴ *Ibidem*, no. 240.

²⁵ *Ibidem*, no. 285.

fact, rectors in 1194 and consuls in 1205 or 1225 were not mentioned with reference to the commune; they are mentioned with reference to the city, *civitas*. It is therefore possible that these individuals were not communal officials, but that they were prominent representatives or members of the municipal community²⁶.

At this point I suggest an alternative interpretation, which dates the key stage of communal development to the first half of the 13th century, not to the second half of the 12th century or, at least, introduces a belated transition between the initial stages of the commune's development.

The first document presented in the outline of municipal structures is an adjudication regarding levy payable to the bishop of Poreč that was made by the margrave in 1194. As previously stated, the city was represented by three *rectores civitatis Parentinae*, who were concurrently also *procuratores communis dictae civitatis*. I believe that the duality of their office –city rectors and communal procurators– speaks in favour of the thesis that the title of rector is not associated with the commune but rather with the city. Gastald Americus, a margravial official in Poreč, was mentioned before them. The margrave adjudicated between the Bishopric of Poreč and *commune predictae civitatis*. In this adjudication the Poreč commune is mentioned several times; it had land that was owned by the bishop, it was mentioned as the party that was to pay the imposed levy, as the party that was exempt from paying levy that had not been paid up to that point or any fines imposed by the bishop due to the non-payment of the imposed levy.

The second document is an oath of fealty taken by Poreč to Venice in 1205. Four *consules Parentine civitatis*, who swore fealty with the consent of the politically active *populus* of Poreč, are mentioned as main players and representatives of the city.

The third document presented in this context dates back to 1225 and identifies land of the Bishopric of Poreč in the Poreč district. An agreement was reached between the bishop, the chapter, the gastald, two citizens of Poreč, whose function is not defined, as well as three *consules dictae civitatis* and the entire commune.

This string of rectors and consuls, identified with the descriptor municipal, was interrupted only by the adjudication made by Margrave and Patriarch Berthold in the 1246 dispute between the bishop and the commune, concerning the exploitation of a wooded area near Poreč. This was the first time that the commune was represented by an official in a dispute. In fact, the first Poreč *podestate* was not mentioned until the second half of the 13th century, in 1259. He was mentioned in a request to confirm the elected *podestate* before the patriarch²⁷.

It can be gathered from the here presented development that the commune experienced its key stage of development in the second quarter or in the mid-13th century. It is my opinion that in the first half of the 13th century the commune was still not strong or well-formed enough to oppose in any shape of form to the bishop's land rights in the Poreč district or that it had no reason for doing so²⁸. What is more, according to the adjudication made by the Istrian Margrave Berthold III

²⁶ As it has been pointed out in Wickham, *Sleepwalking into a New World*, pp. 14-15.

²⁷ "Documenta", p. 67.

²⁸ This is based on an analysis of the problems of the relationship between bishops and communes in 12th century Italy, see Pellegrini, *Vescovo e città*, pp. 33-41; Coleman, "Bishop and Comune", pp. 28-33, who offers a new perspective on the already established explanation of relations in Tabacco, "Vescovi e communi in Italia", pp. 253-282.

of Andechs in 1194²⁹ where he stipulated the imposed levy, it was the commune that used the land – *possidet, tenet et habet ab ecclesia parentina*, i.e. is its direct holder, in contrast with the bishop, who is an indirect holder and merely collects levy associated with it.

4. The Triestine commune and the bishopric

Trieste was the only city that was not under the authority of Istrian margraves or counts from the mid-10th century onwards; namely, in 948 the then bishop had been granted the public authority over the entire city and three miles around it by Italic king Lothair II³⁰. Lack of sources does not allow for more detailed research of the implementation of the public authority by bishops in the subsequent centuries; we can make use merely of specific indications, such as mention of a *locopositus* in 1115, when this is both a municipal official and bishop's advocate in one person, which allows for the possibility that this official, who was elected in other cities, originated from the bishop's circle of influence or was even appointed by him³¹. Unlike other Istrian cities, where the office of gastald gained prominence in the 12th century and was a representative of the margraval authority on the local level, a gastald in Trieste was the bishop's official and was first mentioned in 1139³².

²⁹ CDI I, no. 186.

³⁰ A document attesting to this bestowal is preserved in several transcripts, the oldest of which dates back to the mid-14th century; this is a notary's transcript of a privilege issued by Emperor Frederick II to Conrad, Bishop of Trieste, in 1230 and contains the text of Lothair's deed in the form of a transumpt (ASVe, Miscellanea atti diplomatici e privati, b. 2, n. 93). This document was previously misdated to 848 and attributed to King Lothair I (see Ughelli, Fernando, *Italia sacra* V, column 502; see also Cuscito, "La formazione dei poteri", p. 131). There were doubts regarding its genuineness due to its content and comparison with similar contemporaneous bestowals by Italic kings and, subsequently, those issued by the Ottonians. The first reason behind this originates from the mention of the position of count palatine (see Rieger, "Die Immunitätsprivilegien", pp. 43-45), which makes this Triestine document the oldest one ascribing this competence to the bishop; the next document is that issued by Otto I for the bishop in Parma in 962 (MGH D O I., no. 242). The second reason is associated with the confirmation of territories and privileges to the Bishopric of Trieste by King Henry III in 1029, which does not clearly list bishop's competence in terms of exercising the public authority (Manaresi, "Alle origini dei poteri", pp. 314-319).

Doubts about its genuineness can be refuted with a few arguments. The formulary of the Triestine document has the same arenga as one of the preserved documents from the year 950 for canons of St Gaudentius of Novara, by means of which they were granted several estates by Lothair II (*I diplomi di Ugo*, no. XVI: *Si sanctis ac Venerabilis (locis) digna conferimus munera, anime nostre proficuum esse non ambiguus [...]*). This is an adaptation of an older document, by means of which Lothair II granted three territories to a certain Hebert, whose dying wish was that the afore-mentioned canons are given these territories after his death. This unpreserved document probably served as a model for the Triestine document which was issued two years before the document for canons in Novara and had several features in common (Schiaparelli, "I diplomi dei re d'Italia", p. 225; *I diplomi di Ugo*, p. 276). A comparison with contemporary documents issued by Lothair II speaks in favour of the document's genuineness because the place of issue, i.e. Pavia, tallies with the king's itinerary that year; additionally, the recognition line in the Triestine document corresponds with those seen in other documents. In July of that same year the king was in Lucca; however, in August he issued a few documents in Pavia, one of which was intended for the Bishopric of Trieste. *Odelricus cancellarius ad vicem Bruningi episcopi et archicancellarii* are mentioned in a document issued in July 948, which corresponds to the mention of people in charge of issuing the Triestine document. A document from late August mentions once again *Bruningus episcopus et archicapellani* (*I diplomi di Ugo*, no. X, XIII).

³¹ CDI I, no. 124: *Advocato meo Woldorico Locoposito*.

³² *Ibidem*, no. 133.

No documents are preserved from the period when the municipal community in Trieste was yet to be organized as a commune that would demonstrate the state of affairs in that period, barring the above-mentioned instance, when the *locopositus* and the advocate of the Triestine church were identical; consequently, the bishop's implementation of the public authority cannot be explored *per se*. This can be done merely in the later period, in relation to the commune as an institution that finally reached autonomy and became the public authority holder in the city. The question of the public authority of Triestine bishops is thus, in fact, the question of the relations between Triestine bishops and the commune, which eventually –following a century and a half of coexistence– led to the commune's dominance and to bishop's diminished competence, rendering him responsible for his primary, i.e. ecclesiastical-administrative level.

The Triestine commune was first mentioned in the afore-mentioned document dating back to 1139. In this document, the gastald and three judges outlined the delimitation of an area in the proximity of Trieste. This land was used by the commune and by the lords of Duino from the eponymous castle to the north-west of Trieste. What does this tell us about the first indication regarding the existence of the Triestine commune and its relationship with the bishop? In a document dating back to 1139 the commune appears in its primary developmental stage, i.e. without officials whose names are known. In addition to that, the commune did not demonstrate any tendencies for any form of authority. This had more to do with regulating the use of pastures and wooded areas near the city of Trieste. Such a distinctly utilitarian and organizational side of the commune as a community of citizens that strove to regulate day-to-day life of its members and city dwellers is typical particularly of the first stage of the commune's development. At that point the commune was yet to take over the public authority.

As compared to the situation elsewhere in the Istrian peninsula, the mention of the Triestine commune in 1139 is the first reference to any Istrian commune; in fact, this is the only mention in the first half of the 12th century. Elsewhere the process of forming the commune was an attempt to remove the city from the count's authority in order to reach a certain degree of autonomy. In Trieste the attitude towards the bishop as the public authority holder was most probably a different one. This is hinted at by analogies with similar examples from cities in northern and central Italy, where bishops were also *de iure* authority holders and where the communal development occurred sooner and, to a certain extent, with the bishop's cooperation³³. Due to poor coverage with archival materials it is not possible to trace bishop's and gastald's activities in the implementation of the public authority in the second half of the 12th century. The oath of fealty from 1202, concluded by the citizens of Trieste with Venice, is of key importance in this regard³⁴. This document does not mention then-current Bishop Gebhard; gastald Vital is mentioned as the citizens' leader and as a representative of the city and he was followed once again by three judges.

³³ Tabacco, "Vescovi e communi", pp. 278-281; Bordone, "I poteri di tipo comitale", pp. 115-117.

³⁴ CDI II, no. 195; for a more recent transcript see Bottazzi, "Trieste e Venezia", p. 52, cat. 6.1. This document is exceptionally important also due to a long list of citizens, featuring as many as 346 names, on the basis of which one can draw conclusions about the number of people living in the city, their professions, as well as about the language that prevailed in the city, i.e. the Romance language, as opposed to the Slavic language, which is pointed out with a few names.

Although the Triestine commune was mentioned as the first among Istrian ones, the subsequent decades of the 12th century and the early 13th century bring discrepancies between the development of the Triestine commune and the other ones. The second half of the 12th century is in Istrian cities marked by increased autonomy and development of different communal offices, which was for the most part caused by the physical absence of Istrian margraves and their weak power in the province. On the other hand, in Trieste we do not see further stages of communal development and do not come across them until the first half of the 13th century. Additionally, at the time we can observe a more important role of the gastald in Trieste, combined with three judges that appear in sources alongside him, than in other Istrian cities, where certain communal offices were already in place. These discrepancies, which are interconnected, as well as a slower communal development and gastald's longer-lasting competence, can be explained by way of the bishop's role as the municipal lord. Conditions that left their mark on the communal development in other Istrian cities in the second half of the 12th century were not possible in Trieste because the bishop, being the public authority holder, was present in the city at all times.

Furthermore, the presence of a *podestata* in Trieste does not imply that the commune reached autonomy. A *podestata* was first mentioned in 1216; however, it can be assumed that this was somebody from the bishop's immediate vicinity. Namely, there is a possibility that the afore-mentioned *podestata* is identical with the gastald that appeared at the bishop's side a few years later, in 1233³⁵. In this case the afore-mentioned *podestata* was not only a local, but also someone from the bishop's circle of influence³⁶. The fact that the *podestata* was first mentioned in a document by means of which the bishop regulated ecclesiastical-administrative matters, which places the *podestata* once again near the bishop, speaks in favour of this hypothesis as well. Additionally, we do not have any other mentions of communal officials from the first two decades of the 13th century that would speak in favour of the development of the commune's autonomy.

Further autonomy-related development of the commune occurred in the 1230s. A key step in this regard represents the situation that can be gathered from the document about the oath of fealty and regulation of commercial relations between Venice and Trieste in 1233³⁷. Representatives of the commune are mentioned at the head of the city, namely three rectors, and the office of the Triestine *podestata* is mentioned on several occasions in the text. I believe that this document does not represent "a victory of the Triestine commune over the bishop" –as maintained in the most frequent interpretation of the agreement with Venetians– but that this document indicates new competence and a more autonomous position of the commune as a representative body of the municipal community, which does not *de facto* imply that the commune took over the public authority from the bishop.

This is attested by gastald's and bishop's jurisdiction over the city's inhabitants, as evident from the adjudication made in a dispute regarding the sale of wine in 1237³⁸. One of the parties appealed against the adjudication before the Triestine gastald and three judges; in the concluding part of the document Bishop Ulric de Portis

³⁵ CDI II, no. 450.

³⁶ Vergottini, "Comune e vescovo", pp. 366-367.

³⁷ CDI II, no. 256.

³⁸ *Ibidem*, no. 268.

(1234-1253) is mentioned as the appellate instance, by whom the appeal will be decided upon. Not only does the document feature a repeated mention of the Triestine gastald and three judges, which were previously already described as individuals associated with the bishop rather than with the commune, but also demonstrates the dynamic of implementing civil judicature, which was at the time at the hands of the bishop, whose authority was recognized by a certain part of citizens who solved their disputes before him or the gastald.

In any case, the period of increasing competence of the fully formed commune was problematic and posed a certain threat to the bishop. In this context can be interpreted the confirmation of privileges and deeds of donation by Emperor Frederick II, which was obtained in 1230. Following the explicit wish of Bishop Conrad, this confirmation includes, in the form of a transumpt, the text of a document issued by Lothair II in the mid-10th century, by means of which the bishops obtained the public authority over the city³⁹. Bishop Conrad (1214-1231), member of the Ghibelin Party and opponent of communal autonomy, belonged to the influential circle of the Aquileian patriarch Berthold, who at the time acted against communes in Istrian cities as well. The document was issued when Bishop Conrad, along with the patriarch, accompanied the emperor on his journey to southern Italy⁴⁰.

With respect to the presented information, I refer to the second quarter of the 13th century as a period that saw the commune but also bishops –who were still holders of the public authority but faced different obstacles, such as double elections⁴¹ or financial strain– seek balance, power and authority⁴². Their financial difficulties that resulted from the financial aid extended to the patriarch of Aquileia in the conflict with Meinhard IV Count of Gorizia are attested by the *narratio* of a document by means of which the bulk of the bishop's public competence was sold to the commune in 1253⁴³. Retrospectively, this document can help us reconstruct the competence at the hands of the bishops. Bishop Ulric, alongside whom the office of the *podestate* is mentioned several times as well, sold the following competence to three consuls representing the commune: income from olive oil, wine and craft, appellate court for civil law and blood court of first instance (appellate instance for blood court remained at the hands of the gastald and his judges, who were bound by the city statute), autonomy in elections of city consuls, as well as the production of the all-encompassing city statute, including blood court. Due to this extent of competence the document at hand is in the literature referred to as a “Magna Carta” for the autonomy of the Triestine commune⁴⁴.

The sources do not provide any information about the implementation of competence that the bishop retained after 1253. Bishop Harlung enfeoffed rights to the commune in 1257 in the presence of the then Triestine gastald Hevrmut, whereupon

³⁹ R I V, 1, 1, no. 1827.

⁴⁰ Cuscito, “Chiese e organizzazione”, p. 103; Vergottini, “Comune e vescovo”, p. 31.

⁴¹ The afore-mentioned bishop Ulric de Portis was elected in 1233; however, he did not arrive in Trieste until January 1234 and was not ordained until a good three years later, in the autumn of 1237. In the interim, the Bishopric of Trieste was helmed by counterbishop John (see Babudri, *Nuovo sillabo*, pp. 194-196).

⁴² The difficult financial situation of the Bishopric of Trieste is attested by a document issued in 1240 about the decision made by the patriarch of Grado in the role of papal emissary, concerning the debt of the bishop of Trieste that made it difficult for him to make a certain payment (CDI II, no. 272).

⁴³ CDI II, no. 290.

⁴⁴ Vergottini, “Comune e vescovo”, pp. 371-373.

this bishop's official was no longer mentioned in the sources, neither in terms of implementing his competence nor as a witness in the bishop's proximity, taking care of feudal or ecclesiastical-administrative matters. However, the office of gastald was undoubtedly in existence up to 1295, when his competence was sold to the commune by Bishop Brissa de Toppo as the central part of his remaining rights⁴⁵. Considering the text of the sale in 1253, the transfer of this competence implied that bishop's official was no longer in charge of blood court. Additionally, the bishop handed over to the commune also any other possible rights associated with exercising the public authority that he held over the city's inhabitants. He was left merely with the right to mint coins, collect tithe and grant fiefs. The *narratio* of the document provides additional explanation of the circumstances that led to this sale. It was the result of a difficult situation throughout Istria, particularly in the area of Trieste and in the Bishopric of Trieste, as well of the severe material damage, which probably refers to the war against Venetians, in which Trieste took part.

In the transfer of the public authority from the bishop to the commune we cannot regard both players as two separate, opposing poles. The mention of Mark Ranfi as a Triestine rector raises questions about the social circles and families from which stemmed communal officials. Members of the Triestine Ranfi family found among communal officials can be traced back to the mid-13th century and onwards; John Ranfo (*Iohanni Rampho*) is mentioned as one of the consuls when bishop's competence was sold to the commune in 1253. Let us bear in mind that it was only with this document that the Triestine commune obtained the right to choose its own communal officials and, considering analogies with Italian examples, one can draw the conclusion that this member of the Ranfi family was appointed to the position of a consul by the bishop of Trieste. This is hardly surprising because, being their vassals, the Ranfi family was positioned close to the bishop⁴⁶. Additionally, Andrew Ramfi (*Andreae Ramffi*) was mentioned when bishop's competence was enfeoffed to the commune in 1257, while Mark Ranfi was referred to as a Triestine rector in the previously addressed mention and in the afore-mentioned patriarch's letter in 1290. This implies that in the second half of the 13th century important official posts in the commune were taken up by people close to the bishop, while the *podestate's* office was, as a rule, taken up by foreigners, which is indicative of the political situation in the city at the time.

5. Cathedral chapters in Istria: a brief outline of their development

All "our priests and deacons"⁴⁷ who got a deed of donation from the Bishop of Poreč Sigimbald (1014-1017) are mentioned as recipients of a fishing area near the Church of St Andrew in the Bishopric of Poreč in 1014. This leads to two conclusions. Firstly, the clergy already formed a community that received the bishop's deed of donation –this being the only example of its kind in 11th-century Istria– and, secondly, that this community had its own means at its disposal.

The 12th century brings about first mentions of positions amongst canons. In 1114, they were mentioned as witnesses for the first time in the Bishopric of Poreč,

⁴⁵ CDI II, no. 460.

⁴⁶ Marco Ranfo is mentioned as the bishop's vassal in 1288, see CDI II, no. 421.

⁴⁷ "Concedo omnibus nostris sacerdotibus atque diaconibus..." , CDI I, no. 88.

when a small church near the city was granted to S. Niccolo del Lido Monastery in Venice by Berthold, Bishop of Poreč (1114-1120). Along with priests and deacons, the document brings first mentions of Archdeacon Artuik, Archpresbyter Andrew and Custos Andrew⁴⁸. In 1174, the adjudication made in the matter of two monasteries paying the annual levy to the Bishopric of Poreč includes mentions of Archdeacon Adalram and Archpresbyter Albin⁴⁹, while Archpresbyter Grimald⁵⁰ is mentioned alongside Peter, Bishop of Poreč, when the latter issued a security charter to the inhabitants of Vrsar in 1191.

Contemporaneously with the emergence of roles within the cathedral chapter in Poreč, these appeared in Trieste as well. In 1142, when Detemar, Bishop of Trieste, confirmed an estate to S. Giorgio Maggiore Monastery in Venice, a Triestine dean by the name of Natal⁵¹ was mentioned by his side; a good three decades later, in 1173, Archdeacon Turpin was mentioned as a witness when Bishop Vernard granted tithes to canons in Piran⁵².

An interesting turn of events took place in the Bishopric of Koper. Members of the cathedral chapter are mentioned immediately after its establishment in 1177: in 1186 Archdeacon Bernard and Treasurer Venerius⁵³ are mentioned among other priests and deacons, ten in total, when land for the bishop's mensa was bestowed by the Koper commune. This raises the question of the development of the Koper cathedral chapter, which cannot have happened *ex nihilo* or immediately after the bishopric's establishment. It was most probably founded on a congregation of clergymen that tended to the Koper parish during their operation under the Bishopric of Trieste. They were mentioned as early as in 1082 as witnesses when the ecclesiastical-administrative affairs involving the parish in Izola and that in Koper were regulated by the then bishop of Trieste (1080-1082) –ten clergymen were mentioned along with the parish priest⁵⁴.

Members of the Novigrad and Pula⁵⁵ cathedral chapter were first mentioned only in the 13th century. In 1216, in a tithe-related agreement reached with Andrew, son of Giroldi, the Pula chapter was represented by Archdeacon Vitus and two other canons from Pula, namely Maxim and Wicher⁵⁶. A Novigrad archdeacon by the name of Katul was mentioned in 1230, when the rector of St Martin's Monastery was appointed⁵⁷. It is my opinion that –if compared to the situation in Poreč, Trieste or Koper– in the case of the cathedral chapter in Novigrad and Pula it cannot be argued that the division of roles within the congregation of canons was delayed, but rather

⁴⁸ “...Arthuico archidiacono, Archipresbitero Andrea, Leonis presbiter, Andreas custos, Allericus diaconus...”, *ibidem*, no. 122

⁴⁹ “...Albinus archipresbiterum, Adalramus arhidiaconus...”, *ibidem*, no. 154

⁵⁰ “...arhipresbiter Grimaldus...”, *ibidem*, no. 179

⁵¹ *Ibidem*, no. 134.

⁵² *Ibidem*, no. 152.

⁵³ “...Benradus archidiaconus (...) Venerius diaconus thesaurarius...”, *Ibidem*, no. 172.

⁵⁴ “...Basilio meo Plebano, et Johanni presbitero, et Andreae et Floriano et alio Johanni presbiteris, sed et Bertaldo et alio Bertaldo et Lazaro et Johanni diaconibus, sed et Pradeo et Juliano et Ripaldo Subdiaconibus...”, *Ibidem*, no. 114.

⁵⁵ In 1199 merely “many clergymen” were mentioned; they accompanied Ubald, Bishop of Pula, when an agreement was reached with the inhabitants of Planja, see “Documenta”, p. 20.

⁵⁶ “...Vitus polense archidiaconus, presbiterus Maximus, presbiterus Wicher et omnibus canonicis Polae...”, CDI II, no. 218.

⁵⁷ *Ibidem*, no. 248: “...Catulus archidiaconus...”

that its mention in the first half of the 13th century is a consequence of fewer preserved 12th-century documents and that, at least in Pula, specific positions within the chapter had existed a few decades earlier.

Let us focus on the third aspect of the presentation of cathedral chapters in Istria, namely the chapter as an independent entity in agreements, concerning mostly ecclesiastical-administrative affairs in the bishopric and their possessions. In 1204 the Triestine chapter, represented by Dean Dominic, Custos Dominic, and Priest Ludo, tenanted out land near Trieste that was to be turned into a vineyard⁵⁸. The chapter's land was five years later an object of dispute with a certain Oger and Eliza⁵⁹. In 1224 the chapter, helmed by Dean Dominic, granted a fief as an investment⁶⁰; such cases can be observed throughout the 13th century⁶¹.

Two instances of the Poreč chapter as an independent institution are attested in the 13th century; in 1260 the chapter was one of the parties in a dispute with Emeralda over a certain piece of real estate⁶², in 1285 the Poreč chapter authorized Bishop Boniface to take over a loan⁶³. Additionally, Dean Peter granted tithes to a certain Albin and Elicha in 1202 on behalf of canons in Koper⁶⁴. In 1265 the Koper cathedral chapter confirmed quarters to S. Michele Monastery on Murano⁶⁵.

The presented cases raise the question of the origin of individual chapters' property that the communities of canons had at their disposal and the origin of means for prebends. Generally speaking, it can be said that fixed assets originated from the bishop's mensa and that they were separated from it in the process of the cathedral chapter's institutionalization, thus securing the operation of the chapter. The subsequent bestowals came to a large extent from the bishop as well; I have already mentioned the bestowal of the Poreč canons in the first half of the 11th century. In this regard mention must be made also of the falsification of Euphrasius' privilege in the second half of the 12th century. Additionally, the construction of the chapter house in the immediate proximity of the bishop's complex, which began in the mid-13th century, bears witness to the degree of organization and to the assets of the Poreč chapter⁶⁶.

Along with the example of Poreč, Triestine canons⁶⁷ are also worth mention in this regard. In the second half of the 12th century they were granted tithes by Bishop Bernard on two occasions from some of the bishopric's immovables; the community of canons was referred to as *fratribus ecclesie canonicorum* or *canonicis et confratribus tergestine ecclesie*⁶⁸. Additionally, a few deeds of donation and confirmation documents are preserved, by means of which Triestine bishops bestowed or con-

⁵⁸ *Ibidem*, no. 199.

⁵⁹ *Ibidem*, no. 208.

⁶⁰ *Ibidem*, no. 236.

⁶¹ See "Regesto", pp. 370-380.

⁶² BAP, *Iurium episcopatum liber I*, ff. 82v-83r.

⁶³ CDI II, no. 416.

⁶⁴ CDI I, no. 193.

⁶⁵ CDI II, no. 340.

⁶⁶ Prelog, *Poreč*, p. 213.

⁶⁷ The reason why activities of the Triestine chapter can be traced back to this extent, contrary to that of Poreč, is not that canons in Trieste were better off, it lies in the fact that the Triestine chapter archives are preserved and documents kept there cover the period of the 12th century and onwards, see Tissi, Franca, *Le pergamenie*.

⁶⁸ In 1152 (CDI I, no. 140) and 1171 (*Ibidem*, no. 149).

firmed financial means and assets to canons⁶⁹, as are a few confirmation documents issued by popes⁷⁰. An example of a different origin of property comes from Trieste; in 1115 a certain married couple bequeathed their property to Triestine canons⁷¹. Data about Triestine canons tenanted out estates from the first half of the 13th century onwards are preserved as well⁷².

Canons' respective origin and possible familial ties are not easily deduced from the sources. The reason behind this lies in the non-use of canons' last names in documents from the 13th century; this trend changed towards the end of the 13th and in the early 14th century. Available sources allow for an analysis of the situation in the Bishopric of Trieste. Based on a cross-comparison of the names of canons and other citizens of Trieste, a number of canons can be linked with families that held important positions in the communal structures and in the public life in Trieste. Archdeacon Justus Ade (1310)⁷³ came from a prominent Triestine family that produced not only notaries and vicedomini but also communal judges; Almericus, son of Bartholomeo Ade (1337)⁷⁴, Gregorio Ade (1338)⁷⁵ and Henrico Ade (1350)⁷⁶, to name only a few up to the mid-14th century. Similarly, two members of the chapter, namely Gremón, i.e. Joannes (1325)⁷⁷ and Matheo (1333)⁷⁸, who bear the same last name as Peter Gremón, who is in 1328 mentioned as a witness in communal business transactions that were concluded in the communal palace⁷⁹, subsequently, he was mentioned as a judge in Trieste (1334)⁸⁰. Another important Triestine family, namely the Bonomos, had representatives in the public and ecclesiastical sphere, to mention only canon Bonomo de Bonomis (1325)⁸¹, as well as judges Dominicus quondam domini Bonomis (1328)⁸² and Quagliatus quondam domini Bonomi (1334)⁸³. Gaspardo de Munaris⁸⁴ was mentioned among representatives present at the renewal of peace with the Counts of Gorizia in 1338, as was Simone de Munariis (1327) among canons⁸⁵. A member of this family is seen also alongside the bishop in 1316, taking care of the bishopric's ecclesiastical-administrative matters⁸⁶.

⁶⁹ For instance, in 1204, when Gebard, Bishop of Trieste, confirmed bestowals by his predecessor Bishop Benard to the chapter (*Ibidem*, no. 199); in 1216 Bishop Conrad relinquished a share of wine to the canons (*Ibidem*, no. 217); Leonard, bishop elect, confirmed tithe granted by Bishop Conrad to the chapter in 1233 (*Ibidem*, no. 258), etc.

⁷⁰ For instance, in 1221 Pope Honorius III confirmed Bishop Conrad's donation of tithe to the Triestine chapter (*Ibidem*, no. 229); in 1233 Pope Gregory IX confirmed Bishop Conrad's donation to the chapter (*Ibidem*, no. 257).

⁷¹ "Regesto", pp. 324-325.

⁷² See, for instance *Ibidem*, no. 21, pp. 371-372, on behalf of the canons dean B. tenanted out land under the obligation of tillage and annual payment of tithes and quarters.

⁷³ CDI III, no. 532.

⁷⁴ *Ibidem*, no. 669.

⁷⁵ *Ibidem*, no. 671.

⁷⁶ *Ibidem*, no. 732.

⁷⁷ *Ibidem*, no. 590.

⁷⁸ *Ibidem*, no. 635.

⁷⁹ *Ibidem*, no. 611.

⁸⁰ *Ibidem*, no. 644.

⁸¹ *Ibidem*, no. 590.

⁸² *Ibidem*, no. 611.

⁸³ *Ibidem*, no. 644.

⁸⁴ "Regesto", no. 94, pp. 252-253.

⁸⁵ CDI III, no. 599.

⁸⁶ *Ibidem*, no. 556.

6. Commonalities between the commune, the bishop, and the cathedral chapter: a comparison of the examples of Poreč and Trieste

In this chapter I would like to bring together all three presented protagonists: the commune, the bishopric with bishop as its head and the cathedral chapter. A document that cannot be ignored when discussing the relations between the municipal community, future commune, the bishop, and the cathedral chapter in Poreč is Adalpero's (1219-1243)⁸⁷ renewal of Euphrasius' privilege from 1222⁸⁸. This is a falsified document, named after Bishop Euphrasius, who was active in Poreč in the mid-6th century⁸⁹, by means of which the bishop was thought to have secured assets for himself and for the cathedral chapter. It says in its key part that all citizens of Poreč and all residing on or working the Church's land must pay quarters to the bishop, as had been done by their ancestors, and have land at their disposal. Additionally, the text of the privilege stipulates which tithe and territories belong to the canons and how many times a year the bishop is obliged to regale them. The text of this document is preserved as a transumpt in the renewal issued by bishop Adalpero. It was proven beforehand that this is a falsification and not an attempt made by Bishop Euphrasius to gain resources for the construction of a grand episcopal structure that is dated to the period of his operation⁹⁰.

A brief digression is required to include this document in the discussion; namely, several analyses of this privilege failed to provide a satisfactory answer to the question of its dating and mode or circumstances of its coming into being. The second half of the 12th century is mentioned as one of possibilities in terms of dating, whereby the placitum in 1194 represents the *terminus ante quem* for the production of this falsification. This thesis builds upon the afore-mentioned information from Berthold's adjudication that Bishop Peter had to present documents, by means of which he substantiated his claims before the margrave⁹¹. However, Euphrasius' privilege was not explicitly mentioned as one of them. In fact, it was not first mentioned until 1222; this occurred in Adalpero's confirmation, which induced historians to come up with another possible dating, namely the period of Bishop Adalpero, who is believed to have covered up the falsification with his confirmation⁹². The interpretation that is generally accepted in historiography but unconvincingly substantiated builds merely on the premise that the first decades of the 13th century saw the commune's organized policy against the bishop and its encroachment on bishop's land rights in the city's immediate proximity. However, it is my opinion that the commune—as previously demonstrated—was, institutionally speaking, not strong or developed enough in the first two decades of the 13th century for us to regard it as being an element of defiance to the bishop's estates in the Poreč district. In fact, no documents regulating the relations between the bishop and the municipal community from this period address any conflict that would have any reference to the content of

⁸⁷ Babudri, "I vescovi di Parenzo", pp. 222-223.

⁸⁸ CDI II, no. 231.

⁸⁹ Babudri, "I vescovi di Parenzo", pp. 187-195.

⁹⁰ Benussi, "Privilegio Eufrasiano", pp. 49-86.

⁹¹ Mayer, "La costituzione municipale", p. 435.

⁹² Vergottini, *Lineamenti storici I*, p. 55; Cusin, "Il Privilegio Eufrasiano", p. 79; the dating to the first half of the 13th century is not in line with other findings presented in his article. They will be brought up later on and speak in favour of dating the privilege to the second half of the 12th century.

Euphrasius' privilege. In other words, contemporary problems and agreements were not addressed in the privilege; neither levy (1194) nor land boundaries (1225) were defined in detail, which would be expected in the event of a falsification in the early 13th century. In addition to that, in the first half of the 13th century bishops had Berthold's adjudication at their hands, which states that the territories in question were held by the bishopric, with the commune having them at its disposal. The reception of this ruling in the second half of the 13th century, when the actual dispute between the bishop and the representatives of the commune took place, demonstrates that in the scope of defence of their competence this ruling was at least as important as or even more important than Euphrasius' privilege, as will be shown in the further course of this article.

To this we should add reasons originating in the wording of the privilege itself, as well as in the text of the document by means of which the privilege was renewed by Adalpero. Had the privilege's production been impacted by poor relations with the municipal community or the commune, rights exercised by users of the bishopric's land would not have been pointed out, nor would they have been protected by means of a sanction formula if the bishop's successors had not complied with the provisions. As a matter of fact, that part of the privilege that concerns land relations and the imposed levy appears to be, first and foremost, a concession to citizens, rather than the protection of the bishop's rights⁹³.

That the falsification did not come into being with Adalpero's renewal is indicated by the afore-mentioned reasons for Adalpero's deed. These reasons demonstrate, first and foremost, the bishop's relationship with the cathedral chapter, not with the commune. Although Bishop Adalpero explained his intent with the words that he decided to renew the privilege due to its age and was led by his wish to prevent the Church in Poreč or the cathedral chapter itself from being deprived of their rights –potentially, this section could be understood in the context of the relations with the commune– the text brings about a few points in support of the thesis about the confirmation of the privilege with regard to the cathedral chapter. Namely, alongside Euphrasius' privilege, the renewal document contains Adalpero's provisions that complement the privilege. These are related solely to the chapter, i.e. to the number of its members and their accommodation, as well as to prebends. Explicitly and repeatedly, the bishop renewed that part of the privilege which secures the chapter's income through citizens. The sanction formula speaks in favour of this as well; if citizens do not meet the stipulations, the bishop is entitled to one half as an auctor, while the other half goes to the chapter. What is more, Adalpero's renewal was at the same time confirmed also by Berthold, Patriarch of Aquileia, who referred to this document in his confirmation as "the chapter's privilege" or *privilegium ipsius capituli*. It follows from the foregoing that Bishop Adalpero decided to renew the privilege in order to regulate the relations with the cathedral chapter mostly from the point of view of its financial situation, rather than from that of the conflict with the commune.

In Poreč, the second half of the 13th century was a turbulent period. It was characterized by individual (mostly Venetian) *podestates*' attempts to obtain tithes as-

⁹³ Partly building on Cusin, "Il Privilegio Eufrasiano", pp. 46-47, where the author draws attention to a different possibility for the interpretation and perception of the evolution from the originally intended purpose –i.e. to placate the inhabitants of Poreč in the first half of the 13th century– to the codification of obligations at the end of the century.

sociated with the Poreč district that belonged to the bishop. The 90s saw the worst aggravation of the relations, when Bishop Boniface sought to increase tithes and met resistance from the representatives of the commune, who were subsequently subject to excommunication, as well as from citizens, tenants on the bishopric's land. Consequently, several social groups in the city were at opposite poles; namely, groups that abode by the bishop's decision about the excommunication and ban on performing divine service and those that did not.

The former included members of the cathedral chapter, who are in a memorandum written by Bishop Boniface, who was at the time exiled, mentioned as those that complied with the bishop's imposed interdict, and the latter consisted not only of representatives of the commune and tenants on the bishopric's land but also of Minorites, who defied the bishop and conducted divine service in the presence of excommunicated communal officials.⁹⁴ Furthermore, there is sufficient evidence that proves that even members of the commune thought of members of cathedral chapter as on the bishop's side⁹⁵.

Concurrently, the commune in the cathedral chapter engaged in a collaboration in Trieste. A preserved document dating back to 1292 attests that an agreement was reached between these two institutions⁹⁶, which brings about three important points. Firstly, the agreement was concluded to preserve peace in the city⁹⁷, and, secondly, in the event of damage caused to either party, either by an external or internal factor, the other party would offer assistance and share any expenses incurred⁹⁸. The third point regulates joint activities that must be conducted openly and in accord with the other party⁹⁹.

The year 1305 brings another indication of the collaboration; by restituting Muhovo Castle (Montecavo), the commune sought to ratify the sale of the gastald's office and the final relinquishment of rights associated with exercising the public authority by the bishop of Trieste Rudolfo Pedrezzani. According to the document, the commune stipulated as one of the conditions in the process of returning the castle to the bishop that after his death the estate be transferred to the Triestine chapter¹⁰⁰.

These two examples of relations in the cities of Trieste and Poreč raise several questions. Firstly, what impacted the relationship between the bishop and the cathedral chapter? Secondly, how was the relationship impacted by the commune's institutional development? Thirdly, how important were social circles gathered around respective players and possible family ties? And lastly, to summarize these starting points for research, the fourth question: can we speak about a few different, opposite

⁹⁴ BAP, *Iurium episcopaliū Liber I*, ff. 146r-148r.

⁹⁵ *Ibidem*, f. 133.

⁹⁶ CDI I, no. 439.

⁹⁷ "...ad ipsorum omnium difensionem, et infrascriptorum unitam societatem, contra quaslibet personas impedire, vel negligere volentes Ecclesiam, Capitulum, et civitatem Tergesti, praedicto, et quamlibet Canonicorum dictae Ecclesiae, ac civium civitatis praedictae....".

⁹⁸ "Quod si contingat eidem Ecclesiae capitulo, et civitati, vel alicui praedictorum, impedimentum, molestiam, gravamen, ac damnum, per quemcumque, vel quoscumque inferri, vel fieri, se se ad invicem adjuvabunt, et manutenebunt toto posse, facientes expensas communiter; pro rata bonorum".

⁹⁹ "Et quod neutra partium tractabit, nec tractare faciet, neque litteras mittet, vel recipiet absque requisitione, vel consensu alterius partis, super eorum communibus negotiis".

¹⁰⁰ "...et si promittere volebat sub obligatione bonorum Ecclesie Tergestine quod dictum Castrum post suum obitum veniret ad manus Capituli et libertatem ejusdem Capituli".

poles or social groups in the city or were these merely two sides of the same coin, i.e. entities that collaborated and complemented each other, which eventually formed a conglomerate that is referred to as a municipal community?

7. In lieu of a conclusion: canons and the bishopric in the breakdown of institutional changes

The relationship between the bishop and the cathedral chapter in Trieste and Poreč can be characterized by way of different starting points. Firstly, it can be seen as being typical of the 12th and 13th century or the period following the Gregorian reforms. Bishops used different ways to secure means for the cathedral chapter and to provide for the bishop's mensa and prebends. Falsifying Euphrasius' privilege, as was the case in Poreč in the second half of the 12th century, is a particularly interesting example thereof; in doing so, the bishop secured benefits not only for himself but also for the cathedral chapter. Bishop Adalpero's renewal of the privilege in 1222 –which is due to several bestowals on the chapter referred to as “the chapter's privilege”– can be understood in this context.

In the case of Trieste, where more instances of bestowals by the bishop can be traced, this is common practice in this period; meanwhile, the case of Poreč is particularly interesting due to the period to which it is dated, i.e. the first half of the 13th century, and its simultaneousness with the communal development. Why did this renewal take place in 1222 and why is it directed specifically at the chapter? The answer to this question can be found in institutional changes that swept through the city in the first half of the 13th century, with the formation or further development of the Poreč commune. It is possible that in view of the changed relationships between different social groups in the city the bishop sought to gain an ally in the cathedral chapter. This would also explain the chapter's position in the second half of the 13th century, to be more exact in the 90s, when the bishop and the commune engaged in a dispute. The fact that Poreč submitted to Venice, which implied the presence of a Venetian *podestato* and his entourage in the city from 1267 onwards, is worthy of mention as well. Generally speaking, tensions can be seen between the secular and the ecclesiastical realm in the city in the second half of the 13th century, particularly after the subjugation to Venice, which eventually, i.e. in the period of Bishop Boniface, resulted in the afore-mentioned dispute and the excommunication of representatives of the commune. The socio-political situation in the city had an impact on canons as well; unfortunately, due to the mode of writing their names in sources we do not have any information about possible familial bonds either with members of the commune or with the bishop's circle of influence in the city. However, on the basis of other indications, we can come to the conclusion that there were fewer points of contact between the commune and canons already under the leadership of the Venetian *podestato*.

By contrast, canons in Trieste formed connections with the Triestine commune. The reasons behind this ought to be sought in institutional changes in the second half of or in the late 13th century, i.e. in the bishop's decreased public authority and in the commune's growing autonomy. These radical changes eventually resulted in the Triestine commune's full autonomy –this was the only commune in Istria with such degree of independence and canons decided to establish links with the commune as

a more powerful political player in the city. It is noteworthy that in the first half of the 14th century familial bonds can be identified among members of the chapter and communal officials, mostly judges; we can assume that the situation was similar in the late 13th century. It is also worth mention that the city of Trieste did not submit to Venice, unlike Poreč, where the Venetian-oriented civic faction eventually prevailed. In my opinion, this non-submission, the political stability and the presence of members of the same families in the communal structure were more important than the question of to whom the city submitted.

This is also of key importance in the clarification of the question of what the association of the Triestine chapter with the commune, in fact, signified and if this can be regarded as absence of links with the bishop. I believe that in Trieste –unlike Poreč– in a city that enjoyed immunity and autonomy for more than four centuries, regardless of the fact if autonomy was held by the bishop or the commune, the interlacement of the secular and ecclesiastical sphere was much more intense. In other words, in Trieste these were two sides of the same coin. In Poreč, on the other hand, the citizens' division into factions was much more prominent, which eventually led to the city's subjugation to Venice.

The chapter's position, that of canons and the position of individual citizens are thus to be explored with regard to all interrelations. These could be of familial, political or, last but not least, ecclesiastical-administrative provenance. In other words, the treatise at hand once again proves the need for comprehensive research of the municipal community, rather than for the exploration of respective social groups; namely, institutional changes that took place in the 13th century were all-encompassing and their impact noticeable in various spheres.

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