TOWNS AND CITIES OF THE CROATIAN MIDDLE AGES
Authority and Property

Edited by
Irena Benyovsky Latin and Zrinka Pešorda Vardić

Illustration:
Detail from a perspective view of Dubrovnik before the earthquake of 1667 (19th c. copy). Reproduced by courtesy of the Franciscan Monastery in Dubrovnik and Dubrovnik State Archive.

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Hrvatski institut za povijest / Croatian Institute of History

Zagreb, 2014

About the volume

There is hardly a topic that has been more inspirational for the medievalists than urban communities. In order to understand the life of cities and towns in the Middle Ages, it is important to define authority and property as related to urban space, and see the interplay between these two notions. These issues are not new in the European historiographies, especially in the recent years, when scholars have been investigating the legal aspects of ownership and the operation of urban real-estate market. Yet there are very few comparative studies on the European cities, and those that exist do not include the Croatian ones. Moreover, not too much research has been done on the relationship between property and the different levels of authority. This book is a result of an international conference that focused on this issue, based on the example of Croatian medieval towns and cities. The conference titled "The Town and the City of the Croatian Middle Ages: Authority and Property" took place in Zagreb (Croatia) in November 2010 at the Croatian Institute of History.[1] Our intention was to stimulate discussion on some of the fundamental questions of urban history: What did it mean to own a town or a segment of urban space in the Middle Ages? What was the role of the owner, or the holder of an urban estate, in the development of a town? What did changes in ownership entail? Which sources should we use and which methods should we apply to investigate the relationship between authority and property? What was the legal nature of property over urban land? This volume focuses on urban estates, as they were the key elements in urban structure. They reflect urban politics and institutional organization, individual interests and their economic and social status, church regulations, and a wider political framework. Croatian medieval towns are barely represented in the international surveys of medieval and early modern urban culture. The aim of this volume was also to address

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[1]   Besides authors who have published their papers in this volume, there were other prominent scholars participating at the Zagreb conference: Peter Johanek (Institute for Comparative Urban History, Münster), Sarah Rees Jones (Department of History, University of York), Danko Zelić (Institute of Art History, Zagreb), Damir Karbić (Institute of History at the Croatian Academy of Arts and Sciences, Zagreb), Mladen Ančić (Department of History, Faculty of Humanities and Social Sciences at the University of Zadar), Darko Darovec (University of Primorska, Science and Research Centre Koper), Marija Mogorović Crljenko (History Department at the Faculty of Humanities, Juraj Dobrila University of Pula), Katalin Szende (Central European University, Budapest), Neven Budak (Department of History, Faculty of Humanities and Social Sciences at the University of Zagreb), Goran Budeč (Institute of History at the Croatian Academy of Arts and Sciences, Zagreb) and Darko Vitek (Department of History, Studia Croatica, Zagreb). All these excellent and inspirational papers resulted in fruitful discussions and brought new insights.

this specific imbalance and to emphasise the entangled nature of local, regional, and international urban histories. For all these reasons, it seemed important to bring together prominent scholars who study the history of medieval (in the first place Croatian, but not only) urban development.

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Towns and Cities of the Croatian Middle Ages
Authority and Property

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Introduction: Towns and Cities of the Croatian Middle Ages: Authority and Property

Irena Benyovsky Latin

The question of land property has always been an intriguing one for the European historians, especially medievalists, as practices concerning property are complex.[1] Medieval concepts such as (land) property, ownership, and lease do not correspond to our understanding or to the Roman period.[2] In the changed social and economic circumstances of Late Antiquity, ownership gradually lost its absolute meaning.[3] The notion of land possession also changed radically throughout the Middle Ages.[4] As Europe came to be inhabited by new populations, legal concepts

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[1] See for example: *Les Formes dissociées de propriété immobilière dans les villes de France et d'Italie (XIIe-XIXe siècle): actes de la table ronde de Lyon (14-15 mai 1993),* ed. Olivier Faron and Étienne Hubert (Roma: École française de Rome, 1995*). D'une ville à l'autre : structures matérielles et organisation de l'espace dans les villes européennes (XIIIe-XVIe siècle): Actes du colloque organisé par l'Ecole française de Rome avec le concours de l'Université de Rome,* ed. Jean-Claude Maire Vigueur (Roma: École française de Rome, 1986).

[2] In Roman law, there was an absolute and indivisible right of use and disposal, a maximum and exclusive set of rights in the property that belonged to the owner. Vertical division of ownership was excluded. Cf. Paolo Grossi, *A History of European Law* (Oxford: Wiley-Blackwell, 2010), 15; cf. Emanuele Conte, "Droit médiéval. Un débat historiographique italien," *Annales. Histoire, Sciences Sociales* 57/6 (2002), 1593-1613; Thomas Rüfner, "The Roman Concept of Ownership and the Medieval Doctrine of Dominium Utile," in: *The Creation of the Ius Commune. From Casus to Regula,* eds. John W. Cairns and Paul J. du Plessis (Edinburgh: Edinburgh University Press, 2010), 127-142, 129; Lujo Margetić, *Srednjovjekovno hrvatsko pravo, Stvarna prava* [Medieval Croatian law: Law of real property] (Zagreb, Rijeka, and Čakovec: Pravni fakultet Zagreb / Pravni fakultet u Rijeci, 1983), 74-75 and 163165; idem, *Antika i srednji vijek. Studije* [Antiquity and the Middle Ages: Studies] (Rijeka: HAZU, 1995), 5, 9-10, 151, 169, 177, and 195; Antun Cvitanić, "Splitsko srednjovjekovno pravo" [Split's medieval law], in *Statut Grada Splita,* ed. Antun Cvitanić (Split: Književni krug, 1998).

[3] Derek Keene, "The Property Market in English Towns, A.D. 1100-1600," in *D'une ville à l'autre: structures matérielles et organisation de l'espace dans les villes européennes*, ed. J.-C. Maire Vigueur (Roma: École française de Rome, 1989), 201-226, especially 210; James A. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago: University of Chicago Press, 2008), 50.

[4] In the legislative compilation of Justinian, the position of the possessor of a land plot was already vague (concerning the rights after long-term usage of land); cf. Manlio Bellomo, *The Common Legal Past of Europe, 1000-1800* (Washington, DC: Catholic University of America Press, 1995), 151; and the Church was also active in the legal processes protecting property rights, cf. Paul Fouracre, "Space, Culture and Kingdoms in Early Medieval Europe," in *The Medieval World*, ed. Peter Linehan and Janet L. Nelson (London: Routledge, 2001), 366-380.

were heavily influenced by their legal rights, which additionally led to the transformation of the fundamental understanding of Roman law.[5] The medieval legal system favoured effective procedures with regard to land: many landholders gained a status of quasi-ownership. (In addition to full ownership, there were many other forms of "ownerships" – long-term right to property, servitude, etc. All these levels could operate in case of a single property at the same time.)[6] From the 7th and 8th centuries, the new forms of property holding became more evident.[7] For the existence of early medieval large estates, the preconditions were "the pragmatic application of law, the juxtaposition of law and custom, and the ability to work together with different legal codes in a single territory".[8]

New settlements, or those originating from Antiquity, adapted to the new conditions in the early medieval period. They were ready to develop further their urban institutions, services, and functions in the centuries to come, when the political and economic conditions would enable them to win new liberties.[9] The quantity of written sources concerning property in the early Middle Ages is often poor, and their quality is variable – they can be misleading or too brief.[10] Personal relations

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[5]   Nevertheless, the so-called "barbarian law" had many elements of property law which were late Roman in origin; cf. Peter Stein, *Roman Law in European History* (Cambridge: Cambridge University Press, 1999), 39.

[6]   Holding land in outright ownership was rare – in practice, it was often reduced to a dispositive rule (the owner of a land had a limited set of rights). According to Harold Berman, land in the Middle Ages was not "owned" by anyone, but rather ""'held' by superiors in a ladder of 'tenures' leading to the king or other supreme lord (tenure, derived form the Latin word *tenere*, to hold)"; Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA and London: Harvard University Press, 1983), 312; On the extended patterns of property tenure (also termed as "tenurial ladders") see: Keith D. Lilley, *Urban Life in the Middle Ages* (Houndmills and New York: Palgrave, 2002), 200-204.

[7]   According to feudal law, neither the feudal lord nor the tenant had the full right to disposal, because they had to respect each other's positions. *Property and Power in the Early Middle Ages*, ed. Wendy Davies and Paul Fouracre (Cambridge: Cambridge University Press, 1995), 246; Susan Reynolds, *Before Eminent Domain: Toward a History of Expropriation of Land for the Common Good* (Chapel Hill: University of North Carolina Press in association with the American Society for Legal History, 2010), 90.

[8]   Cf. Fouracre, "Space, Culture and Kingdoms" (as in n. 4), 371.

[9]   Susan Reynolds, *Kingdoms and Communities in Western Europe 900-1300* (Oxford: Oxford University Press, 1997), 155 and 158-159. See: *The Power of Space in Late Medieval and Early Modern Europe. The cities of Italy, Northern France and the Low Countries*, eds. M. Boone and M. Howell (Turnhout: Brepols, 2013).

[10] Written word was certainly the most important aspect in the issues of urban land property, as it exercised power, but in reality such documents were rare in the early medieval period. See: *Property and Power* (as in n. 7); Patrick J. Geary, *Writing History: Identity, Conflict, and Memory in the Middle Ages* (Bucharest: Editura Academiei Române, 2012), 246.

were almost exclusively verbal, and legal life can be traced only through fragments of sources, often written down in a later period.[11] (Some of the issues concerning land property were neither vocalized nor textualized.)

From the 11th and 12th centuries, the European urban population grew and the economy experienced rapid transformations. It was a period of stronger real-estate market, and an increasing investment in urban land which led to the need of new theoretical models and practical instruments that would be more appropriate to the demands of an urban society. Many distinctive features of urban laws and customs developed to respond to these new needs of the growing towns. A new and effecient legal order was needed, with a mechanism that could deal with commercial contracts, property transfers, and municipal governments.[12] From the 12th and 13th centuries onwards, documents recording urban properties multiplied.[13] There were texts written for communities (charters of liberties, statutes,[14] municipal registers) and those

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[11] Orality and literacy were not competing ways of communication in the early Middle Ages; instead, they were inseparably connected – a written document often served as the written record of an oral transaction. The proof of property in the early Middle Ages could be "both written and oral, rational and irrational, individual and collective." *The Uses of Literacy in Early Mediaeval Europe*, ed. Rosamond McKitterick (Cambridge: Cambridge. University Press, 1990). Cf. Nella Lonza, "Pravna kultura srednjovjekovne Dalmacije između usmenosti i pismenosti" [The legal culture of medieval Dalmatia between orality and literacy], *Zbornik Pravnog fakulteta u Zagrebu* 63/5-6 (2013), 1203-1232. Reliable witnesses played an important role in the early medieval period, especially if they were able to confirm the moment in which the owner or his predecessors had come into the possession of a property, or even witness the length of property rights over a real estate. Cf. Jeffrey A. Bowman, *Shifting Landmarks: Property, Proof and Dispute in Catalonia around the Year 1000* (Ithaca, NY and London: Cornell University Press, 2004).

[12] Even if the written standard of legal acts was introduced in the late 11th century, public faith remained in practice. The unwritten custom law, which had dominated in the pre-statutory period, was still present in the later centuries. Nella Lonza, "The Statute of Dubrovnik of 1272: Between Legal Code and Political Symbol," in *The Statute of Dubrovnik of 1272*, ed. Nella Lonza (Dubrovnik: Državni arhiv u Dubrovniku, 2012), 7-25, 16. Urban communities were consolidating themselves slowly over the decades in order to adjust quickly to the written records when the administrative and political conditions allowed it. The notarial documents that appeared as a new form in the 12th and 13th centuries must have evolved under the influence of older forms. Cf. Ezio Barbieri, *Notariato e documento notarile a Pavia (secoli XI-XIV)* (Firenze, Pubblicazioni della Facoltà di Lettere e Filosofia dell'Università di *Pavia*, 1990), 43-80; Paolo Cammarosano, *Italia medievale. Struttura e geografia delle fonti scritte* (Roma: Carocci editore, 2012), 113-114; Lonza, "Pravna kultura" (as in n. 11), 1203-1232; Reynolds, *Kingdoms and Communities* (as in n. 9), 161.

[13] Paolo Cammarosano, "L'éloquence laïque dans l'Italie communale (fin du XIIe-XIVe siècle)," *Bibliothèque de l'école des chartes* 158 (2000), 431-442; Lonza, "Pravna kultura" (as in n. 11), 1215.

[14] Still, many of the statutory regulations concerning property describe atypical tenure situations, which do not necessarily expose the way in which property rights really functioned in everyday life. Although covering many areas of social life, some aspects, such as law of obligations, are barely mentioned in some statutes. Lonza, "The Statute of Dubrovnik" (as in n. 12), 16.

written for individuals (testaments, bookkeeping, and so on).[15] These documentary data reflect the diverse processes of local urban life.[16] The genre developed in terms of legal terminology and procedures enforcing and recovering property rights.[17] The revival of interest in Roman law was a response to the population growth and especially the rise in urban populations.[18] However, already from the 12th century medieval jurists were struggling with the terminology taken over from the Roman legal sources. They were trying to face the medieval reality, as there were different layers of rights and rents that had implications for the ownership of urban space.[19] Property was understood in terms of use or access.[20] In order to integrate the medieval legal institutes into the framework of Roman law, medieval jurists elaborated the doctrine of *duplex dominium* (shared ownership).[21] Many other rules and procedures were developed in order to make urban land more freely transferable than land in the countryside, and

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[15]   Marco Mostert, "Medieval Urban Literacy: Questions and Possibilities," in *New Approaches to Medieval Urban Literacy*, ed. Georges Declercq, Marco Mostert, Walter Ysebaert, and Anna Adamska (Brussels: Koninklijke Vlaamse Academie van België, 2013), 9-15, especially 8. Most medieval notary documents have not preserved the exact data about the types of ownership – they merely describe transfers of ownership or rights. Even in the late Middle Ages, it can happen that something implied by a text may never have actually happened. Moreover, written documents were not equally important for all levels of the urban society. *Medieval Legal Process: Physical, Spoken and Written Performances in the Middle Ages*, ed. Marco Mostert and Paul S. Barnwell (Turnhout: Brepols, 2011).

[16]   Systematic approach is very important, since the transactions on the town's property markets were far more important than mere transfers of individual properties. The possibility to link the documentary data on urban land to the owners and users can give the researchers significant perspectives on the study of property market and the relationship between urban space and urban society. Cf. Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca, NY and London: Cornell University Press, 1999).

[17]   Vanessa Harding, "Space, Property and Propriety in Urban England," *Journal of Interdisciplinary History* 32 (2002), 549-569, 553.

[18]   The *Corpus iuris civilis* offered a system that could be adapted to meet these needs.

[19]   In towns, many inhabitants were merely tenants (the identity of the original owner is not always clear). The distinction between the owner and a tenant could be blurred after a longer period, especially where the power of the landlord weakened. Cf. Keene, "The Property Market" (as in n. 3), 201-226.

[20]   Harding, "Space, Property and Propriety" (as in n. 17), especially 553 and 569.

[21]   Both the feudal lord and the tenant could "own" the same land, but "not in the same way," as the lord's ownership was superior – *dominium directum* – while the tenant had a status that only resembled ownership – *dominium utile*. This model did not only describe the position of a vassal within feudal lordship, but also showed that there were numerous legal positions, such as long-term users. Bartolus de Saxoferrato was trying to make a distinction between *dominium* and *possessio*. Cf. Rüfner, "The Roman Concept of Ownership" (as in n. 2), 129; Lujo Margetić, "O tzv. aktualiziranju istraživanja rimskog prava" [On the so-called modernizing of research on Roman law], *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 27/2 (2006), 637-653; idem, "Perspektive znanstvenog istraživanja pravnopovijesnih tema" [Research perspectives in the field of legal history], *Zbornik radova Pravnog fakulteta u Splitu* 3-4 (2006), 323-330, especially 328.

to cope with the interests of the newcomers, who could have different legal customs.[22] The principle of land tenure in towns allowed easier property transfers than in the rural areas: property possessed by the holder was more easily sold or inherited than was normally the case with extra-urban land property.

From the 14th century, legal practice developed even further, supported by legal theory (contributed to by both Roman and canonical jurists).[23] The *ius commune* was finally a fusion of Roman law as well as canon and feudal law,[24] with a medieval commentary.[25] In reality, however, the situation was more complex: after 1200, there was abundant legislation of *ius proprium* in many European countries.[26] Local institutions such as kingdoms, territorial lordships, towns, or corporations had their own juridical norms, promulgated by the sovereign or transmitted over generations in the form of customs. These various juridical norms differed not only from one town/city to another, but also between various strata of the society.[27]

In medieval Europe, land was a key element of wealth and power. But who had the authority over urban (land) property and what were the levels of that authority? What did it mean in terms of ownership? The relationship between the townsmen, their property, and those who exercised the authority in and over medieval towns and cities was very complex, and many different local and external circumstances deter-

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[22] Walter Ullmann, *Medieval Political Thought* (Penguin: Harmondsworth, 1965), 607; Reynolds, *Kingdoms and Communities* (as in n. 9), 165.

[23] Albert Rigaudière, "The Theory and Practice of Government in Western Europe in the 14th Century," in *The New Cambridge Medieval History, vol. 6 (c. 1300-c.1415)*, ed. Rosamond McKitterick and Michael Jones (Cambridge: Cambridge University Press, 2000), 17-41, especially 20. Bartolus de Saxoferrato later made this twofold division into a threefold one by adding the *quasi-dominium*. Others elaborated even further: for instance, Konrad Summenhart (15th-16th century) produced twenty-three categories of *dominium*; cf. Reynolds, *Before Eminent Domain* (as in n. 7), 90-91.

[24] Land ownership and power relationships in Europe were strongly regulated by feudal law in the Middle Ages. In feudal law, the ownership was split vertically; cf. Rüfner, "The Roman Concept" (as in n. 2), 127-142; Željko Bartulović, "Problem vlasništva nad neobrađenim zemljištem u srednjovjekovnom Vinodolu, Krku i Senju" [The problem of ownership over uncultivated land in the medieval Vinodol, Krk, and Senj], *Historijski Zbornik* 43/1 (1990), 39-47.

[25] Kenneth Pennington, *The Prince and the Law, 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley, CA: University of California Press, 1993), 6.

[26] Peter Landau, "The Development of Law," in *The New Cambridge Medieval History, vol 4 (c. 1024 – c. 1198)*, ed. David Luscombe (Cambridge: Cambridge University Press, 2008), 113-148, especially 147.

[27] Nevertheless, the norms of *ius proprium* found some usable principles in *ius commune*, as well as ideas and legal terms (even if they reacted against them or diverged from them), and thus *ius commune* turned out to be a unifying force. Manlio Bellomo, *The Common Legal Past of Europe, 1000-1800* (Washington, DC: Catholic University of America Press, 1995), XI-XIII; Lonza, "The Statute of Dubrovnik" (as in n. 12), 17.

mined these relations. It often happened that lordship over urban land interlocked.[28] The interest in controlling the towns could be different in nature, namely economic, political, or symbolical: the desire of a ruler or a feudal lord to generate loyalty in the townsmen or the desire of a bishop for ecclesiastical jurisdiction were as important as the commercial interest in controlling towns.[29]

In the early medieval period, for some towns and cities we know very little about the relationship between the authorities and property.[30] Even if they were written down, many of the documents regarding urban property were lost before the appearance of notaries, so the relationship between urban property and authority is very difficult to establish.[31] In later period, our perspective on the relationship between the authorities and urban communities may also be distorted, because many preserved sources are of urban origin and may therefore present a unilateral image of the past.[32] The meanings of authority, power, *dominium*, and jurisdiction are not easy to solve for the medieval period.[33] The concept of *dominium* was not clearly defined until the 12th century: it could refer to different authorities, from a king or a bishop to a possessor or a father. Although the word *dominium* was used in the Middle Ages "for all kinds of authority and power, including property rights and jurisdiction," medieval people seem to have known the difference between them very well.[34] From the 12th and 13th centuries onwards, the meaning of *dominium* in legal terms was increasingly connected to things (concentrated on "property rights"), although the wider senses of *dominium*, referring to power and authority, remained in use.[35] At the turn of the 13th

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[28]   Gina Fasoli, "Città e feudalità," in *Structures féodales et féodalisme dans l'Occident méditerranéen (Xe-XIIIe siècles). Bilan et perspectives de recherches. Actes du Colloque de Rome 1978* (Rome: École Française de Rome, 1980), 365-385; Derek Keene, "Towns and the Growth of Trade," in *The New Cambridge Medieval History, vol. 4 (c. 1024–c. 1198)*, ed. David Luscombe (Cambridge: Cambridge University Press, 2008), 47-86, especially; Lilley, *Urban Life in the Middle Ages* (as in n. 6), 179.

[29]   *Power, Profit and Urban Land: Landownership in Medieval and Early Modern Northern European Towns*, ed. Finn-Einar Eliassen and Geir Atle Ersland (Aldershot: Scolar Press, 1996), 5.

[30]   For the early period, the scholars have drawn their conclusions based on charters, narratives, and sporadic legal documents. *Property and Power* (as in n. 7), 251-252. The charters used in courts as proofs of ownerships show a similarity in the ways in which property rights were recorded in Europe; Fouracre, "Space, Culture and Kingdoms" (as in n. 4), 370.

[31]   *The Settlement of Disputes in Early Medieval Europe*, ed. Wendy Davies and Paul Fouracre (Cambridge, Cambridge University Press, 1986).

[32]   Some documents can convey a false sense of power that institutions or individuals had over the land.

[33]   *Property and Power* (as in n. 7), 143 and 246.

[34]   Reynolds, *Before Eminent Domain* (as in n. 7), 16.

[35]   The differences between *dominium* and *proprietas* were clarified by means of different types of attributes. Cf. Virpi Mäkinen, *Property Rights in the Late Medieval Discussion on Franciscan Poverty* (Leuven: Peeters Publishers, 2001), 15; Reynolds, *Before Eminent Domain* (as in n. 7), 90-91. In the

century, the concept of *iurisdictio* also started to have a more precise ("territorial") meaning.[36]

In the Middle Ages, the term "authority" was a very complex ideological structure, reformulated many times since the Roman times.[37] There were various types of authority: political, spiritual, and existential, all of them coexisting throughout the Middle Ages.[38] Furthermore, medieval Europe shows an immense fragmentation of political authority (royal, feudal, town's, etc).[39] Many authorities claimed to possess the prerogatives and the power of authority, but their jurisdictions overlapped in multiple ways.[40] Concepts of power and authority, and their relationship during the medieval period, were fundamental for the urban societies – but they differed chronologically and geographically, appearing in many varieties and on various lev-

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beginning of the 15th century, the concept of *comune Veneciarum* was replaced by the concept of *Dominium*; cf. Giorgio Cracco, Gaetano Cozzi, and Michael Knapton, *Povijest Venecije* [History of Venice], vol. I (Zagreb: Antibarbarus, 2007), 360; Marko Šunjić, *Dalmacija u 15. stoljeću* [Dalmatia in the 15th century] (Sarajevo. Svjetlost, 1967); Giorgio Chittolini, "La crisi delle libertà comunali e le origini dello Stato territoriale," *Rivista storica italiana* 82 (1970), 99-120.

[36] Bartolus de Saxoferrato and Baldus de Ubaldis questioned the issue whether every jurisdiction automatically implied a territory; Pietro Costa P. (1969), *Iurisdictio. Semantica del potere nella pubblicistica (1100-1433) medievale* [Iurisdictio. Semantics of Power in the Medieval Literature (1100-1433)] (Milano: Giuffré, 1969), 120-125; Joseph Canning, *The Political Thought of Baldus de Ubaldis* (Cambridge: Cambridge University Press, 2003), 131-132; Diego Quaglioni "Giurisdizione e territorio in una 'quaestio' di Bartolo da Sassoferrato" [Jurisdiction and territory in a 'quaestio' by Bartolo da Sassoferrato], in: C. Violante, M. L. Ceccarelli Lemut (eds.), *La signoria rurale in Italia nel medioevo. Atti del II Convegno di studi* [Rural Seignory in Italy in the Middle Age. Proceedings of the II Conference] (Pisa: ETS, 1969), pp. 83-120. Luca Mannori, "La nozione di territorio fra antico e nuovo regime". Qualche appunto per uno studio sui modelli tipologici [The notion of territory between Old and New Regime. Some notes for an investigation into typological models], in: L. Blanco (ed.), *Organizzazione del Potere e Territorio. Contesti per una Lettura Storica della Spazialità* [Organization of the Power and Territory. Contexts for an Historical Reading on Spatiality] (Milano: Franco Angeli, 2008).

[37] Larry Scanlon, *Narrative, Authority and Power. The Medieval Exemplum and the Chaucerian Tradition* (Cambridge: Cambridge University Press, 2007), 44. In early medieval political thought, there was the vision of a unitary world and a supreme ruler inherited from the ancient period. This unity, described in theory, was never achieved in medieval Europe, as the medieval idea of order constituted a hierarchy of different subordinate and super-ordinate relationships. Cf. Francesco Maiolo, *Medieval Sovereignty. Marsilius of Padua and Bartolus of Saxoferrato* (Amsterdam: Eburon, 2007).

[38] James Greenaway, *The Differentiation of Authority: The Medieval Turn toward Existence* (Washington, DC: Catholic University of America Press, 2012), 6.

[39] Silviya Lechner, "Sovereignty and Territoriality: An Essay in Medieval Political Theory," a paper prepared for the 6th SGIR Pan-European Conference on International Relations, Turin, 12-15 Sept. 2007, 28.

[40] Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton, NJ: Princeton University Press, 2006), 32. In medieval legal thought, the two terms – power and right – "waged almost constant war against each other." Pennington, *The Prince and the Law* (as in n. 25), 3-4.

els.[41] There were also many forms of government: political entities with the attributes of territorial states, kingdoms, feudal lordships with different levels of independence, and finally the local power of more or less autonomous towns. The Church likewise played an important role in claiming power.[42] Right over land existed within a hierarchy of entities, which means that a single plot could "belong" to several different parties, but it was finally occupied by one.[43]

Founding a new town or building upon an existing settlement was in the Middle Ages a result of decisions and restrictions of public authority, secular or religious lords, or the local community; sometimes, it was also a result of a combination of private and public planning. Towns and cities were not separate economic and social entities, as often traditionally regarded in historiography (based on the formal legal and administrative criteria). Central authority and towns were tightly interlinked and depended on each other for their development and progress. Between the 11th and 15th century, all over Europe, the rulers, secular or ecclesiastical lords, were granting privileges and special laws to towns and cities, which were thus legally and constitutionally even more isolated from the surrounding area. Sometimes the privileges granted by the central authorities only confirmed and noted down the already existing rights of a town.[44]

Many questions arise regarding the relationship between towns and the central authorities: did power, in the framework of public politics (the rulers), matter more than the local power, and what were the procedures that made power legitimate in medieval towns?[45] What were the features of immunities granted by the public authorities to a privilege holder? What were the nature and the quality of these rights and were they full and alienable with the land? Could the grants of immunity received by the towns and cities be regarded as a "means of exchanging earthly property for supernatural power"? Or it was simply a juridical and financial autonomy of towns exchanged for control and financial exploitation by central authorities? Certainly, urban charters, privileges and liberties differed from region to region, and from town to town: some elements were common and others were influenced by local costums

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[41]   *Property and Power* (as in n. 7), 6.

[42]   Joseph Canning, *Ideas of Power in the Late Middle Ages, 1296-1417* (Cambridge: Cambridge University Press, 2011), 5-6.

[43]   Harding, "Space, *Property* and Propriety" (as in n. 17), 549-569.

[44]   Lilley, *Urban Life in the Middle Ages* (as in n. 6), 42. Compare with the article by Miha Kosi in this volume.

[45]   *Property and Power* (as in n. 7), 2.

and created under local circumstances. Urban privilegies were usually a product of negotiation between the urban settlers and the central authorities, with rights and obligations for both parties.[46]

The levels to which central authority could influence tenure relationships could vary. This influence was defined by legislative privileges that the towns enjoyed, as well as the real political power of the authorities. The question is whether the ruler acted as the representative or the holder of a superior property right. The ruler's authority over his subjects' property referred primarily to protection and jurisdiction. A ruler could take his subjects' land property only if there was a good reason, such as the common or public good or interest. Central authority often limited its jurisdiction to the areas in which it had a direct interest, such as the taxes, the right to lodging, or other legal relations that were regulated on the lower level of towns or other associations.

The relation and interaction between lordships and urban communities could influence urban growth. In early medieval Europe, the collective power of rulers and magnates represented the mainstream of public authority.[47] The process of fragmentation of the territorial units in the later periods was followed by a fragmentation of public authority and the rise of lesser (feudal) authorities during the medieval period (which acted like small-scale sovereigns). The political power of a feudal lord over the city was a public authority legitimized by the customs and by lawful subjection, and with some obligations to protect.[48]

An important topic concerning authority and urban property is the Church and urban space. In the Middle Ages, the authority of the Church was not based on exclusive territorial authority, and could coexist with feudal or royal jurisdictions. However, in the early medieval times, bishops often had the power to govern the towns that were the seats of their diocese.[49] From the 11th century onwards, there were possesory acts related to the Church, such as patronage over churches (as the lay jurisdiction over the

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[46] Katalin Szende, „Towns and the Written Word in Medieval Hungary", in: *Writing and the Administration of Medieval Towns Medieval Urban Literacy I* (Turnhout, Brepols, 2014), 123-149. See also:" Lilley, *Urban Life in the Middle Ages* (as in n. 6), 42-106.

[47] Fouracre, "Space, Culture and Kingdoms" (as in n. 4), 369.

[48] Susan Reynolds, "Government and Community," in *The New Cambridge Medieval History, vol 4 (c. 1024 – c. 1198)*, ed. David Luscombe (Cambridge: Cambridge University Press, 2008), 86-131, especially 86 and 106. In the early medieval period, bishops controlled all public authority in some cities (rights of justice, collection tolls etc.); see: Maureen C. Miller "Topographies of Power in the Urban Centers of Medieval Italy: Communes, Bishops, and Public Authority", in: *Beyond Florence. The Contours of Medieval and Early Modern Italy,* eds. Paula Findlen, Michelle M. Fontaine and Duane J. Osheim (Stanford: Stanford University Press, 2003), 181-190, 171.

[49] Reynolds, *Kingdoms and Communities* (as in n. 9), 162.

proprietary churches declined), or related to the possession of benefices.[50] The level of Church autonomy within a town or a city, the size of space it controlled, and its jurisdiction within urban space often depended on the local circumstances. In some cities, especially in the pre-communal period, bishop and commune collaborated and shared power.

Towns occupied land and were also centres of power, as the question of control and ownership over urban land was very important. The separate legal status of an urban community was also defined by the city walls, which physically demarcated urban space. Construction of the city walls meant far more than a defence measure prompted by an immediate threat. Besides tangible physical protection, the walls were also jurisdictional limits of urban law. They denoted a clear boundary of the city and the privileges of its citizens.[51] Towns often enjoyed a large number of collective activities and considerable effective autonomy before they even secured formal privileges. Some privileges confirmed the preexisting communities that had enough solidarity to negotiate and achieve recognition by the central authorities. Even if they were "new towns," there was always a group/community that would receive privileges.[52] A part of the autonomy received by the citizens in urban privileges, could be the right to define and modify the criteria for receiving new citizens or to organize the civic life. Most of the towns from the 12th century onwards began by having distinct economies and special urban institutions. In this process, they gained enough potential for collective activities to carry out their collective decisions.[53] As some towns grew in size, they developed a sense of identity that could

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[50]   Gratian insisted on the unity of ecclesiastical law, which is why he developed a model for the centralized church governed by the clergy – with many new rules on prescriptions and tithes. James A. Brundage, *Medieval Canon Law* (London and New York: Longman, 1995), 44-69; Peter Landau, "The Development of Law," in *The New Cambridge Medieval History, vol 4 (c. 1024 – c. 1198)*, ed. David Luscombe (Cambridge: Cambridge University Press, 2008), 113-148, especially 129 and 145.

[51]   Extra-urban land became urban once it was encompassed within the walls, and the walls signified a boundary for space that was quite different from that *extra muros*. Jurisdiction over a larger area *infra muros* had legal, political, and economic connotations and constituted a prerequisite for future development. The walls were a part of urban public domain, so their use and control reflect a relationship between the political entities and their competing interests. See: Ellen Wurtzel, "Defense, authority, and city limit: the fortifications of Lille in the late Middle Ages", *Jaarboek voor middeleeuwse geschiedenis* 14 (2011), 150-182. See also: *Power, Profit and Urban Land* (as in n. 29), 4; *Pouvoir et édilité. Les grands chantiers dans l'Italie communale et seigneuriale*, ed. Élisabeth Crouzet-Pavan (Roma: École française de Rome, 2003).

[52]   Reynolds, "Government and Community" (as in n. 48), 95-103.

[53]   According to S. Reynolds, even the towns with fewer urban institutions developed economies that were distinct from those of the countriside, with the need of defence and toll colection. Ibidem.

reduce the ruler's authority – but these relations varied. Central authorities had to recognize and accept the transfer of responsibilities to the citizens (concerning the local government, local budget, etc)[54] and win themselves the allies by granting privileges and liberties. Increase of the power of the property holder did not necessarily mean a weakening of public authority, as those who received privileges often supported that authority.[55] A remote ruler ("absentee landowner"), in other cases, had little influence; consequently, freedoms enjoyed by the towns were more substantial.

The town's government was there to protect its townsmen, to maintain the law, and to provide for the common good according to the medieval urban political theory. Protection of the citizens was a duty of every urban community, just as it was the duty of any lord.[56] The presence of political and administrative structures and laws, and their effectiveness, resulted in a communal impact upon urban landownership. Urban space existed in the legal and administrative framework of a particular community, within which the mode of urban development was regulated by the statutes, but even more by legal practice. The "public interest" was above the private property rights.[57] Although the communal authorities generally did not interfere with property rights, except where "public interest" was concerned, some communal regulations on urban planning, such as hereditary law or the matters of citizenship, had a considerable impact on urban dynamics and property rights, all the more so as as the urban land plot was also the basic unit of taxation.

The level of autonomy or self-government differed in medieval towns, but almost all urban communes had at least some form of self-rule for managing everyday urban affairs. However, participating in the town's decisions was limited to the citizens who enjoyed a particular social status (excluding the women, minorities, etc.). From the

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[54]   Jean-Pierre Leguay, "Urban Life," in *The New Cambridge Medieval History*, *vol. 6*, ed. Michael Jones (Cambridge: Cambridge University Press, 2000), 102-123, especially 116.

[55]   *Property and Power* (as in n. 7), 60.

[56]   Reynolds, *Kingdoms and Communities* (as in n. 9), 165.

[57]   An individual piece of urban land (also church land) could be taken for public use or for the common good, regardless of all its rights and titles. The authority of the cities over urban properties was defined by Bartolus of Sassoferrato: it was justified only by "common" or "public" interests, as were other acts of government ("medieval law connected law and the public good in many ways": cf. Reynolds, *Before Eminent Domain* [as in n. 7], 24 and 86-87). However, these common or public interests were often used "to justify actions that were not normally licit"; cf. Pennington, *The Prince and the Law* (as in n. 25), 23. See also: *De bono communi. The Discourse and Practice of the Common Good in the European City (13th-16th c.) / Discours et pratiques du Bien Commun dans les villes d'Europe (XIIIe-XVIe siècle), eds.* Élodie Lecuppre-Desjardin and Anne-Laure Van Bruaene (Brepols: Turnhout, 2010).

central Middle Ages onwards, the town's rights of ownership were, in a way, separated into the political dominion and private ownership. Mostly it was the institutions, groups or individuals, to hold the precisely determined set of rights over property (they were invested with rights and powers, but had the ability to dispose with the land rather than an exclusive right to it).[58] In the medieval town, the connection between "owning" real estate in a town and civil law was strong: one of the basic criteria of citizenship was "ownership" over real estate in town.

Property-acquiring strategies of the urban society in medieval towns are relevant for understanding the real-estate market and urban economy.[59] The location of certain social structures in urban space depended on many factors: the economic and legal position of the subject, as well as familial and political relationships between specific social groups and planned urban policies. Most urban land was divided among the wealthiest and most influential individuals. Towns both "visualize and symbolize the relationship between elites and spaces."[60] The motives for the elites' investment in urban land were manifold: shaped by the social and family structure, social status, and economic factors.[61] At the same time, the town obtained a warranty of economic stability that was beneficial for the urban society as a whole. The way the property was distributed within the society in medieval towns reflects and reinforces the social relationships and hierarchies.[62] Fragmentation of urban plots could indicate an increase in population and economic activity, while accumulation could be a sign of economic strength or a reflection of family structures.

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[58]   Margetić, *Srednjovjekovno hrvatsko pravo* (as in n. 2), 74-75.

[59]   Katalin Szende, "Some Aspects of Urban Landownership in Western Hungary," in *Power, Profit and Urban Land* (as in n. 29), 141-166, especially 151. *Voisinages, coexistences, appropriations. Groupes sociaux et territoires urbains (Moyen Âge–16e siècle), eds.* Chloé Deligne and Claire Billen (Brepols: Turnhout, Brepols, 2007).

[60]   Peter Štih, "Plemstvo in mesta med severnim Jadranom in Panonij v srednjem veku, nekaj zapažanj, prvenstveno na slovenskih primerih" [Nobility and towns between the northern Adriatic and Pannonia in the Middle Ages: Several examples, primarily Slovenian], in *Mestne elite v srednjem in novem veku med Aplami, Jadranom in Panonsko nižino / Urban Elites in the Middle Ages and the Early Modern Times between the Alps, the Adriatic and the Panonnian Plain*, ed. Janez Mlinar and Bojan Balkovec (Ljubljana: Zveza zgodovinskih društev Slovenije, 2011), 7.

[61]   The position and size of urban estates assured legitimacy, as well as economic and social power to the urban elites. Patrimony was also a status symbol: real estate was transferred across generations as part of the family/kindred identity and a sign of longstanding economic power of a family.

[62]   Lilley, *Urban Life in the Middle Ages* (as in n. 6), 178 and 189.

Croatia not only fits well into this picture of European urban history, but can, in a way, also serve as a reflection of its urban heritage: all chronological periods in the development of a European city can be recognized in its cities/towns.[63] The territory of present-day Croatia was shaped by a network of urban (or "non-agrarian") settlements. They differed in their social development, levels of autonomy, date of foundation, and the extent of preserved heritage. Some of the urban communities have exceptionally well preserved documentary sources, which offer a unique opportunity for studying the relationship between authority and property (such as the Eastern Adriatic communes), while others, like the communities in central Croatia, have a meagre corpus of preserved documentary sources. There were towns in the Croatian Middle Ages that had survived since the Antiquity as commercial, administrative, or religious centres, or had some kind of urban continuity.[64] On the other hand, there were urban settlements that were newly established in the early medieval period. The circumstances of major urban development in the *interamnium* of the Sava and Drava rivers were set, for instance, from the 11th century onwards, with the strengthening of royal power, church organization, and feudal relations in the Kingdom of Hungary. [65]

Croatian historiography traditionally recognizes three major geographic regions of urban life. These regions overlap with the division of Croatian space into the Eastern Adriatic coast, the central, so called "mountainous region", and the *interamnium* of the Sava and Drava rivers.[66] Politically, in the Middle Ages, the territory of Croatia was divided into several regions, such as the Kingdom of Dalmatia-Croatia or the medie-

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[63] Ludwig Steindorff, "Hrvatska kao ogledalo europske urbane baštine" [Croatia as a mirror of the European urban heritage], *Kroatologia* 1 (2010), 58-73.

[64] Even if there were disruptions of urban life in the early Middle Ages, they temporary only interrupted the physiognomy of towns; cf. Bariša Krekić, "Developed Autonomy: The Patricians in Dubrovnik and Dalmatian Cities," in *Dubrovnik: A Mediterranean Urban Society, 1300-1600* (Aldershot: Variorum, 1997), 185-215 and 259.

[65] Although, we cannot dismiss the possibility that settlements with some urban characteristics existed in the *interamnium* of the Sava and Drava rivers already in the early Middle Ages and that they, to a certain extent, affected the course of later urbanization. Cf. Ratko Vučetić, "Prostorni razvoj srednjovjekovnih kraljevskih gradova u Podravini" [Spatial development of early medieval royal towns in Podravina], *Podravina: časopis za multidisciplinarna istraživanja* (2003), 133-141; Neven Budak, *Gradovi varaždinske županije u srednjem vijeku: urbanizacija* varaždinske *županije do kraja 16. stoljeća* [Towns and cities of the Varaždin county in the Middle Ages: Urbanization of the Varaždin County before the end of the 16th century] (Zagreb and Koprivnica: Dr. Feletar, 1994).

[66] Tomislav Raukar, *Hrvatsko srednjovjekovlje: prostor, ljudi, ideje* [The Croatian Middle Ages: Space, people, ideas] (Zagreb: Školska knjiga, 1997), 143-144.

val Slavonia.[67] Depending on the region, there was a different legal system or systems. For instance, in the regions of Istria and Dalmatia, during the early medieval period, common law absorbed the normative elements of Roman, the Byzantine, and ecclesiastical law, and perhaps even some elements of Langobard rights.[68] In the later periods, the coastal city communes had their own legal mechanism, greatly influenced by the Venetian legal system. The influence of *ius commune* was here, as elswhere in Europe, undeniable in all urban communities during the late medieval period.

The towns and cities of the Croatian Middle Ages persistently attracted the interest of the central authorities, such as the kings of Hungary-Croatia, the Croatian magnates, or Venice. The *Serenissima* always regarded the Adriatic "as 'its' gulf in the most possessive sense of the term, that is an integral part of its jurisdiction".[69] The Hungarian Arpadian dynasty in the 13th century and the Anjou dynasty in the 14th century supported the formation of a network of "free towns" in Slavonia.[70] For King Béla IV, who issued many charters securing urban privileges, the strenghtening of urban communities was part of his royal policy, accelerated after the Mongol invasion.[71] The royal privileges given to the Dalmatian towns, though, were primarily a political

[67]   Marija Mogorović Crljenko, "Istra i Kvarner u kasnom srednjem vijeku" [Istria and the Quarner in the late Middle Ages], in: *Sinteza hrvatske povijesti III (Povijest Hrvata u kasnom srednjem vijeku (kraj 14. st. - pol. 16. st.)*, ed. Marija Karbić (in press); Drago Miletić, *Plemićki gradovi kontinentalne Hrvatske* [Noble towns of continental Croatia] (Zagreb: Društvo povjesničara umjetnosti Hrvatske, 2012); Damir Karbić and Marija Karbić, *The Laws and Customs of Medieval Croatia and Slavonia: A Guide to the Extant Sources* (London: SSEES, University College London, 2013), 3; Krekić, "Developed Autonomy" (as in n. 63), 186; Tomislav Raukar, "Komunalna društva u Dalmaciji u 15. st. i prvoj polovini 16. stoljeća" [Communal societies of Dalmatia in the 15th and the first half of the 16th centuries], *Historijski zbornik* 35 (1982), 43-118; R. C. Mueller, "Aspects of Venetian Sovereignity in Medieval and Renaissance Dalmatia," *Quattrocento Adriatico. Fifteenth-Century Art of the Adriatic Rim*, ed. Charles Dempsey (Bologna: Nuova Alfa Editoriale, 1996), 29-57, especially 31; Zrinka Pešorda-Vardić, "The Crown, the King and the City: Dubrovnik, Hungary and the Dynastic Controversy, 1382-1390," *Dubrovnik Annals* 10 (2006), 8; Zdenka Janeković Römer, *Višegradski ugovor: temelj Dubrovačke Republike* [Visegrád Privilege: The foundation of the Republic of Dubrovnik] (Zagreb: Golden marketing, 2003), 70 and 85; Neven Budak, "Die Entwicklung städtischer Siedlungen in der nordwestkroatischen Gespanschaft Varaždin im Mittelalter," *Österreichische Osthefte* 37 (1995) 2, 379-390; Irena Benyovsky Latin, "The Venetian Impact on Urban Change in Dalmatian Towns in the First Half of the Fifteenth Century," *Acta Histriae* 22 (2014), 1-44.

[68]   Often the memory of the origin of these normative elements was lost; cf. Lonza, "Pravna kultura" (as in n. 11), 1206. Margetić, *Antika i srednji vijek* (as in n. 2).

[69]   Alberto Tenenti, "The Sense of Space and Time in the Venetian World of the Fifteenth and Sixteenth Centuries," in *Renaissance Venice*, ed. J. R. Hale (London: Rowman and Littlefield, 1973), 17-46, especially 29.

[70]   Cf. Neven Budak, *Gradovi varaždinske županije* (as in n. 64).

[71]   István Petrovics, "The Cities and Towns of Medieval Hungary as Economic and Cultural Centres and Places of Coexistence: The Case of Pécs," *Colloquia* 18 (2011), 5-26, especially 7.

means of strengthening the king's rule over these towns, rather than a conscious urban policy as it was the case in Slavonia.[72]

The issues of central authority are to be regarded in a broader geographical context. The foundation of some urban settlements, for instance, was a result of a wider European process of economic transformation and colonisation. Settlers came from various regions with different legal customs and specific economic circumstances, which resulted in a peculiar legal system within these settlements. Geographical position was of importance not only for economic prosperity. For instance, Byzantine Empire had an authority over Dubrovnik in the 11th and 12th centuries, but it was too far to exercise any real power. The Hungarian-Croatian kings acted protectively for Dalmatian cities, but their political authority on the Eastern Adriatic coast was more modest than in the Slavonian towns. The kings issued urban privileges to some coastal cities that were already enjoying widespread legal autonomy, so the cities began rather early to regulate their internal affairs and establish their legal basis. But the autonomy or self-government could also be expressed in different ways: in Dalmatia, it happened by means of independent statutes,[73] while in Slavonia the self-government was based on the regulations (decrees) of royal privileges.[74]

In all the communes of the Eastern Adriatic coast, the degree of autonomy was a result of political history, geopolitical position, and the process of emergence of a

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[72] István Petrovics, "Hungary and the Adriatic Coast in the Middle Ages: Power Aspirations and Dynastic Contacts of the Árpádian and Angevin Kings in the Adriatic Region," *Chronica* 5 (2005), 5. The content of their privileges was a result of negotiation between the town and the central authority, who together determined the political constitution of an urban community. Cf. Lilley, *Urban Life in the Middle Ages* (as in n. 6), 43 and 49. The role of royal authority in the evolution of Slavonian towns was not limited by the privileges. They also lived by their own laws and appointed their own magistrates. The towns developed from the mid-13th century as privileged towns, creating a new category of freemen. It was also a result of inviting foreign *hospites*, who were granted special rights. Cf. Martyn Rady*, Nobility, Land and Service in Medieval Hungary* (Houndmills and New York: Palgrave Macmillan, 2000), 21.

[73] From the 13th century, Dalmatian communes could independently make statutes, which were the collections of rules "passed by a body of autonomous government within its jurisdiction – for its members." Thus, they had the right to make rules for their own territory and their communities; cf. Dalibor Čepulo, "Croatian Legal History in European Context," http://www.pravo.unizg. hr/_download/repository/Croatian_Legal_History_in_the_European_Context.pdf (last accessed on November 24, 2014), 120; Ludwig Steindorff, "Städtische Lebensformen im Spiegel spätmittelalterlicher istrischer und dalmatinischer Statuten," in *Die Urbanisierung Europas von der Antike bis in die Moderne*, ed. Gerhard Fouquet and Gabriel Zeilinger (Frankfurt am Main: Kieler Werkstücke, 2009), 173-190. Statutes were political symbols, not only a collection of laws, as they represented urban identity and autonomy; cf. Lonza, "The Statute of Dubrovnik" (as in n. 12), 7-25.

[74] Čepulo, "Croatian Legal History" (as in n. 72), 41-42.

patrician class.[75] Granting royal privileges could not create local autonomy in Dalmatian towns: it was rather the method by which the autonomy was recognized (and eventually restricted or increased) by the rulers.[76] The main driving force of autonomy in Dalmatian towns were the urban elites (urban nobility), in whose hands the communal functions were concentrated. This is, for example, evident in Dubrovnik, where the patricians' wealth helped them defy the central authorities. (These specific circumstances finally led to the independence of the Republic of Dubrovnik.)[77]

Except regionally, the levels of town autonomy differed chronologically as well. Up to the 15th century, for instance, Dalmatian communes retained their specific social position and the autonomy (in relation to the Hungarian and Bosnian rulers, the Venetian Republic or the feudal lords).[78] The mid-13th century was, for the most part, a period of rapid spatial, demographic, economic, and social urban development. This period of growth resulted in the expansion of urban space, a stronger real-estate market, and an increased investment in urban land. The 15th century marked a shift in the relationship between central authority and the members of the local elite in Dalmatian cities,[79] as the powers of the latter suffered considerable reduction.[80] Urban changes in Eastern Adriatic towns during the early decades of the 15th century reveal the Venetian intention of imposing its sovereignty and protection, as well as its efforts to bring the local needs in line with the aspirations of the metropolis.[81] With

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[75]   Krekić, "Developed Autonomy" (as in n. 63), 185-215; Tomislav Raukar, in one of the numerous studies on eastern Adriatic cities, concluded that, in a complex combination of political action, Adriatic communal societies "oscillated from success to retreat, but with all that persistently improved their specific worlds". Cf. Raukar, *Hrvatsko srednjovjekovlje* (as in n. 65), 143-144.

[76]   Already in the beginning of the 12th century some Dalmatian towns were granted by royal (Hungarian-Croatian king's) privileges: they were exempted from the taxes (the king himself took only a third of revenue port city), their ancient autonomy was guaranteed etc. However, king Coloman in the early 12th century had a short but strong rule over Dalmatia, and regardless of the privileges that he granted to some towns (Trogir, Zadar and Rab), and an oath to protect the freedom of Dalmatia, he interfered with local conditions. Neven Budak and Tomislav Raukar, *Hrvatska povijest srednjeg vijeka* [Croatian medieval history], (Zagreb: Školska knjiga, 2006), 212-213.

[77]   Krekić, "Developed Autonomy" (as in n. 63), 187, 190.

[78]   The Venetian rule over Istria was similar to that over Dalmatia, but Venetian impact seem to be much stronger in the Istrian city communes; Bernardo Benussi, *L`Istria nei suoi due millenni di storia*, (Venezia-Rovigno: Centro di Ricerche storiche-Rovigno, 1997), 262-263. Darko Darovec, *Pregled istarske povijesti*, (Pula: C.A.S.H., 1996), 41-43.

[79]   Gradually, the Venetian presence created new loyalties (and new conflicts).

[80]   Among the buildings that were promoting Venice's political authority and presence in Dalmatia were the structures central to exercise control like military structures (especially citadels in the 15th century) and governmental (count's) palaces. Political authority over towns was realized by the control of important buildings in the town (such as fortifications) that signified political legitimacy.

[81]   On the local level, the newly acquired east Adriatic towns retained many of their distinctive traits,

the exception of Dubrovnik, the towns of the Eastern Adriatic, as parts of the *Stato da Mar*, shared the fate of the Venetian political, social, and military plans.[82] The mid-16th century in Slavonia was an era of major political and social changes. In this period, the long-standing royal authority of the Hungarian crown weakened, the dynastic – thus royal – rule changed, and new defence zones were constructed (the Military Border with its settlements, which had a unique structure and characteristics). Some parts of central Croatia, especially the rural, but also urban areas, were depopulated or conquered following the Ottoman invasion.[83]

Except for these external circumstances, urban development depended on other aspects. For instance, as much as the role of royal power meant in the region of medieval Slavonia, towns were the islands in feudal environment. The success of their efforts to preserve their legal status of self-government[84] and the protection of royal power differed in their extent: some towns remained directly dependent upon the royal government only for a short time, and quickly came under the feudal authority, while medieval Gradec preserved all the rights based on the royal privilege.[85] The Slavonian market towns in the category of *oppida* were subjected to seigneurial jurisdiction as they were parts of great lordships with limited autonomy and self-government.[86] The reasons why feudal lords desired to gain control over these towns, or to generate loyalty, could have political, social, cultural, or financial motives.

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including some elements of the self-government (town councils, statutes etc.). However retained only the regulations and decisions that were in line with Venetian politics, as elswhere in *Stato da mar.*

[82]   *Hrvatska i Europa: Kultura, Znanost i Umjetnost, sv. 2 (Srednji vijek i renesansa, 13.-16. st.)* [Croatia and Europe: Culture, Science and Art, Vol. 2 (The Middle Ages and Renaissance, 13th to 16th centuries)], Ivan Supičić and Eduard Hercigonja (eds.) (Zagreb: HAZU & AGM & Školska knjiga, 2000); research project *Triplex Confinium* (http://www.ffzg.unizg.hr/pov/zavod/triplex/).

[83]   Ratko Vučetić, „Urbani razvoj Krapine " [Urban development of Krapina], in: *Krapina, grad povijesti i kulture*, ed. A. Szabo (Krapina: Grad Krapina, 2004).

[84]   The self-government, unlike autonomy, was the right of an urban government to "enforce legal rules passed by somebody else through its instiutions"; Čepulo, "Croatian Legal History" (as in n. 72), 120.

[85]   For instance, the town of Samobor quickly came under the feudal authority; Raukar, *Hrvatsko srednjovjekovlje* (as in n. 65), 149. The Gradec privilege served as a model for the privileges of other Slavonian towns.

[86]   The traditional basic division of urban settlements into two categories – *civitas* and *oppidum*, was recently replaced with the more complex models of dividing the urban settlements based on their central functions into several types. Cf. Danijel Jelaš, "Tipologija srednjovjekovnih gradskih naselja u donjem međurječju Drave i Save" [The Typology of the Medieval Urban Settlements in the Lower Drava-Sava Interamnium], *Povijesni Zbornik*, 5 (2012), 33-50. Neven Budak, *Gradovi Varaždinske županije* (as in n. 64), 20-23.

In the hinterland of the Kingdom of Croatia-Dalmatia, for instance, the nobility and local aristocracy played a major role; counties were governed by hereditary counts or by the royal officials.[87] Here, under the authority of feudal power, networks of fortified ("non-agrarian") setlements developed along the important routes.[88] As for the coastal part of the Kingdom of Dalmatia-Croatia, on the other hand, even in the periods when the royal authority was weak and *de facto* replaced by the members of aristocratic kindreds from the hinterland,[89] the social structure of the communities and their autonomy was not affected.[90]

Many of these questions are discussed in this volume. Academic research on the history of towns and cities in Croatia has had a long tradition, resulting in very important and valuable results, on the foundations of which today's scholars can proceed in new directions. (Some topics related to the medieval urban history of Croatia have been better explored and the focus of research has been on some regions more than on others.)[91] Although the Croatian medieval town/city is in the centre of this volume, the authors were encouraged to focus on the issues that go beyond the scope of individual towns/cities in order to make comparisons between the cities of different regions (not only Croatian). Moreover, we wanted to move beyond the research angle of regional or national history and address wider European processes, structures, and social phenomena. Croatian urban history must be studied transnationally, allowing many comparisons of the similar phenomena in different countries (in the context of the Mediterranean town/city, the Central-European town/city, and so on).[92]

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[87]   Medieval Kingdom of Croatia-Dalmatia from 12th century had separate Diet, governors, organisation of counties; Karbić and Karbić, *The Laws and Customs* (as in n. 66), 3.

[88]   See: Tomislav Raukar, *Hrvatsko srednjovjekovlje* (as in n. 65) 143-144.

[89]   Croatian feudal lords, from Domald to the Counts of Bribir, were imposed as the counts and potestates of coastal towns; cf. Damir Karbić, "Odnosi gradskoga plemstva i bribirskih knezova Šubića: Prilog poznavanju međusobnih odnosa hrvatskih velikaša i srednjovjekovnih dalmatinskih komuna" [The relationship between urban nobility and the Counts Šubić of Bribir: A contribution to the knowledge of the relationship between the Croatian magnates and medieval Dalmatian communes], *Povijesni prilozi* 35 (2008), 43-58.

[90]   Budak and Raukar, *Hrvatska povijest* (as in n. 75), 212-213.

[91]   Of course, not all cities are equally well attested in the source material.

[92]   Towns and cities of the Croatian Middle Ages are barely represented in the international surveys. Some exceptions are: Cf. *Segregation – Integration – Assimilation: Religious and Ethnic Groups in the Medieval Towns of Central and Eastern Europe*, ed. Derek Keene, Balázs Nagy and Katalin Szende (Farnham: Ashgate, 2009); David Abulafia, *The Great Sea: A Human History of the Mediterranean* (Oxford: Oxford University Press, 2011); Bariša Krekić, *Dubrovnik: A Mediterranean Urban Society, 1300-1600* (Aldershot: Variorum Ashgate, 1997); and the research project "Society, Statehood and Religion in Late Medieval Dalmatia," coordinated by Oliver J. Schmitt (http://www.univie.ac.at/viscom/index_viscom.php?seite=dalmatia); also cf. Ludwig Steindorff, *Die dalmatinischen Städte*

Contributions in this volume aim at defining the authority and property related to urban space, and the interplay between these two notions. The diversity of Croatian medieval societies has enriched the opportunities for researchers, offering ample space for interdisciplinary approaches, comparisons, and various research methods. The articles focus on the relationship between the royal/aristocratic/state authority and property within the urban community; the relationship between the city governments and private or public property; normative regulations of property rights; and the relationship between secular authorities and ecclesiastical property. This diversity of topics and the corresponding comparative material have resulted in highly interesting contributions.

The first group of articles stimulated a discussion on the relationship between public and the private property in towns and their districts, using the examples of Rab, Zadar, and the Istrian towns. Maurizio Levak's article discusses the relationship between public and private space in a medieval Istrian town at the turn of the early Middle Ages. The author has compared the characteristics of ancient cities with the newly developing fortified settlements (*castrum* or *kaštel*), recognizing numerous shared characteristics arising from the rustification of ancient cities and the urbanization of rural settlements in the former *agri*. Dušan Mlacović has analyzed the relationship between public and private in the city of Rab during the second half of the 14th century. In his article, the author shows that Rab's communal elites (especially noblemen) who participated in the communal authority were privileged in using communal property. The contribution of Franjo Smiljanić focused on the toponyms with the adjectives "Large" and "Small" in the context of communal land in Zadar. In his article, Smiljanić argued that the use of the adjective "Large" in toponyms denoted a new territorial organization of the commune, which should be interpreted in the context of the new cadastral land survey conducted within the framework of the communal society formation. Darja Mihelič's article analyses property in the Venetian *podestaria* of medieval Istria. Her research focuses mainly on the case of Piran (nowaday's Slovenia). She has also analyzed other western Istrian cities and towns that were under the Venetian rule during the 13th century and argued that they nevertheless preserved considerable autonomy, and that the coastal cities continued to exercise their rights over the sea. She has also addressed the role of the Church, as in western Istrian cities property and the related income belonged to the foreign churches.

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im 12. Jahrhundert. Studien zu ihrer politischen Stellung und gesellschaftlichen Entwicklung (Köln and Wien: Böhlau, 1984).

A group of scholars has studied the relationship between the external lords and the towns, exploring the jurisdiction of external subjects over towns, and their attitude towards property. Miha Kosi deals with the origins of medieval towns in today's Slovenia, disussing the importance and the vital role of the towns' lords, imperial princes, and bishops in founding and developing medieval urban settelments. A historigraphical overview of medieval "non-agrarian communities" has been offered by Hrvoje Kekez, who has specifically analyzed the relationship between the estates and towns owned by the Babonić camily in the valley of the river Una in the 13th and 14th centuries, as the Counts of Babonić came into the possession of all major towns and estates in the middle and lower course of Una. Other articles in this volume explore the relationship between the urban settlements and the feudal lords: thus, Gordan Ravančić's article focuses on the urban settlements (*oppida*) of Vinodol under the rule of the Counts of Krk. The geographical position of the Vinodol area (situated on the western borders of the early medieval Croatian state) influenced strongly its status within the Kingdom until its incorporation into the feudal manor of the Counts of Krk. The article by Ivan Majnarić has analyzed the relationship between the Dalmatian city of Zadar and its hinterland, including the estates owned by the nobility of the Kingdom of Croatia during the second half of the 14th and the first half of the 15th centuries: members of some kindreds permanently settled in Zadar, where they would come to play an important role. The article by Károly Goda on civic power and urban property in pre-modern western Pannonia may be compared with the aforementioned examples. The author has used the examples of towns situated along the borders of the Austrian lands, as well as the Moravian and Hungarian regions, to anayze the complex and diverse phenomena which resulted from the conflicts between civic communities, territorial (secular and/or ecclesiastical) landlords, and the nobility. Ratko Vučetić has explored the role of aristocracy in the transformation of towns in continental Croatia during the 15th century. As the power of the magnate families increased, so did their interest in the development of towns which had hitherto had a largely agrarian character.

Several articles in this volume discuss the status of the urban elites in towns/ cities, more precisely their ownership of urban plots. Geographically, these articles are situated in Dubrovnik, Gradec (Zagreb), and several Dalmatian cities. The study of Zrinka Nikolić Jakus analyses the possession of fortified residences (towers) by distinguished noble families in the Dalmatian cities during the late Middle Ages. Most of her research focuses on the private towers of Split and Trogir connected to the city walls. Irena Benyovsky Latin's research focuses on the real estate of Dubrovnik's

patrician clans, whereby she has discussed the relationship between social structures and urban topography, and the dynamics of the real-estate market. Several articles related to "private" owners focused specifically on the commoners (and/or civic elite) and their property in medieval towns from Gradec to Trogir and Split. Zrinka Pešorda Vardić's study discusses the property of the confraternity of St Anthony at the end of the Middle Ages and during the Renaissance. The author has argued that the issues surrounding property, money, and wealth were the key determinants in the relationship between the confraternity and the aristocratic government. The article by Ana Plosnić Škarić analyses the property of wealthy commoners in Trogir after 1420 (the Venetian rule). The new commoner family clans were formed within this social class, imitating the patricians and competing with them, although they remained excluded from membership in the Council. This article may well be compared with that of Tonija Andrić on the real estate of the *popolani* in Split, where she has analyzed the transactions among the craftsmen of the mid-15th century. The study of Bruno Škreblin focuses on the urban palaces in medieval Gradec (today's Zagreb) owned by the wealthier citizens (the town's elite, mostly comprised of rich merchants and artisans).

Two articles are dedicated to the history of specific social groups in towns – those who had limited right to own property, such as women and foreigners. These have been discussed on the examples of Slavonian and Dalmatian towns and cities. Marija Karbić's article focuses on the position of women regarding their right of possession and the disposal with property in the urban settlements of medieval Slavonia, the north-western part of present-day Croatia. She has approached this topic on the basis of examples from the free royal cities of Gradec (today's Zagreb) and Varaždin. The contribution of Ante Birin discusses the relationship between foreigners and property law in Eastern Adriatic medieval communes during the period from the second half of the 13th and especially early 14th century onwards.

Although a number of contributions to this volume discuss the legal aspects of ownership, such as legal mechanisms, terminology, and so on, two have focused specifically on the topic: Tomislav Popić, who has addressed the important subject of mechanisms of real-estate property transfer in medieval towns on the example of Zadar and based on the records of Zadar's high court for civil disputes (*Curia maior ciuilium*) during the second half of the 14th century, and Nella Lonza, who has focused on property under the protection of the authorities, analyzing the punishment of thieves in medieval Dubrovnik and showing that in the Ragusan medieval pe-

nal policy towards this particular crime, the emphasis was on property rather than power. The focus of this conference was on property over urban land, but it is clear that the right of ownership, authority, or jurisdiction over urban property cannot be restricted to this segment alone. The article by Trpimir Vedriš has demonstrated the "intangible" ownership or possession – of symbolic space (urban memory or urban knowledge) – on the example of Zadar. There was a variety of both power and authority, and there were many ways in which it could be realized.

The formation of urban space is a highly intricate process informed by multiple factors and subject to constant physical change. Therefore this volume does not focus on a single legal subject, institution, corporation, or individual. Many questions tend to open up when one delves deeper into studying the relationship between authority and property: the relationship between different types of property, such as public and private, church and secular, or two private properties. These questions are not easy to solve for the medieval period, which lacks accessible and reliable sources, and the terminology is insufficiently systematic. Research requires a complex and multifaceed approach: a systematic and serial study of different types of documents concerning urban real estates. Urban space may be approached from different vantage points: historical, geographical, social, economic, and archaeological, as well as (perhaps the best way) a combination of all these.