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**THE FAMILY STRUCTURE OF THE DALMATIAN
PROTOPATRICIANS IN THE TENTH AND THE ELEVENTH
CENTURY**

M. A. Thesis in Medieval Studies

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Protopatricians in the Tenth and the Eleventh Century**

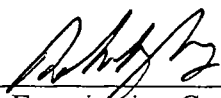
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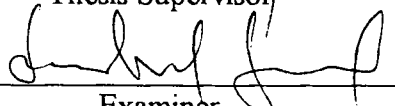


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Any remaining errors are exclusively my own.

LIST OF ABBREVIATIONS

<i>CD</i>	<i>Codex Diplomaticus Regni Croatiae, Dalmatiae, and Slavoniae</i>
<i>ZK</i>	<i>Zadarski Kartular</i>
<i>SK</i>	<i>Supetarski Kartular</i>

Introduction

The study of family and its structure has proved to be valuable for the understanding of the structure of medieval society in general since family structure served as a model for other structures of society.¹ Among these were also structures of power. It thus appears that studying the family structure of a ruling group can contribute further to the understanding of the functioning of government in medieval communities, of relations between different factors of power in a community, and of the process of change and its causes. In this context the study of change in the family structure during the Early and High Middle Ages is of special interest. Some valuable studies have already been done on aristocratic families.² However, historians were less productive regarding research of the family structure of urban elites.³ This is also the case in Croatian scholarship. Although the history of Dalmatian towns in the period before 1100 was always of great interest for historians,⁴ scholarly attention centred on problems of political history, such as the relations of Dalmatian towns to Croatian and Byzantine rulers, on problems of ecclesiastical and cultural history, and on the

¹Heinrich Fichtenau, *Living in the Tenth Century: Mentalities and Social Orders*, trans. Patrick J. Geary (Chicago: The University of Chicago Press, 1991), 120-32.

²See the works of Karl Schmid: "Zur Problematik von Familie, Sippe und Geschlecht, Haus und Dynastie beim mittelalterlichen Adel," in *Gebetsgedenken und adliges Selbstverständnis im Mittelalter* (Sigmaringen: Thorbecke, 1983), 183-245; idem, "Über die Struktur des Adels im früheren Mittelalter," in *Gebetsgedenken und adliges Selbstverständnis im Mittelalter* (Sigmaringen: Thorbecke, 1983): 245-68; Georges Duby, "Family Structures in the West during the Middle Ages," in *Love and Marriage in the Middle Ages*, trans. by Jane Dunnett (Cambridge: Polity Press, 1994), 106; idem, "The Relationship between Aristocratic Family and State Structures in Eleventh-century France," in *Love and Marriage in the Middle Ages*, trans. by Jane Dunnett (Cambridge: Polity Press, 1994), 113-119; idem, "Structures de parenté et noblesse dans la France du nord aux 11e et 12e siècles," in *Hommes et structures du Moyen Age* (Paris: Mouton, 1973), 267-86; idem, "Lineage, Nobility, and Knighthood: The Mâconnais in the Twelfth Century—A Revision," in *Chivalrous Society*, trans. by Cynthia Postan (Berkeley and Los Angeles: University of California Press, 1977), 59-80.

³See as a rare exception, the excellent study by Stephen P. Bench, *Barcelona and its Rulers, 1096-1291* (Cambridge: Cambridge University Press, 1995), 234.

⁴For a review of the literature, see the bibliographies in Nada Klaić, *Povijest Hrvata u ranom srednjem vijeku* [The history of Croats in the Early Middle Ages] (Zagreb: Školska knjiga, 1975) and in the most recent work by Ivo Goldstein, *Hrvatski rani srednji vijek* [The Croatian Early Middle Ages] (Zagreb: Novi Liber, 1995).

organization of government in towns.⁵ There are no works dealing particularly with the class of people, which constituted the structures of power in Dalmatian towns. The studies regarding their genesis, internal structure, relations, and their development are lacking. Only certain aspects of these problems have been studied.⁶ Among neglected topics is certainly the subject of family and its structure. Although for late medieval Dalmatian towns—especially Dubrovnik—valuable studies on patrician family structures have been published,⁷ studies are lacking for this early period.⁸ The present thesis is thus a pioneering attempt to research family structure of the Dalmatian tenth- and eleventh-century ruling strata.

With this term Dalmatia, I refer here to the region's early medieval definition, that is, the Byzantine *theme*, the territories of the towns of Krk, Osor, Rab, Zadar, Trogir, Split, Dubrovnik, and Kotor. However, since the available sources mostly deal with Zadar and Split, the one having been the secular capital of Dalmatia and the other being the ecclesiastical; my research will deal mainly, but not exclusively, with these two towns. Although the town of Biograd did not belong to Byzantine Dalmatia but to

⁵Regarding this last subject, see the article of Josip Lučić and the literature mentioned in "Komunalni gradski sustav u Zvonimirovo doba" [The town commune system of Zvonimir's time] in *Zvonimir, kralj hrvatski* [Zvonimir, the Croatian king] (Zagreb: Hrvatska akademija znanosti i umjetnosti, Zavod za hrvatsku povijest Filozofskog fakulteta Sveučilišta u Zagrebu, 1997), 111.

⁶See the excellent studies on ethnic processes in medieval Zadar by Vesna Jakić-Cestarić, "Etnički odnosi u srednjovjekovnom Zadru prema analizi osobnih imena" [Ethnic relations in medieval Zadar according to the analysis of personal names] *Radovi Instituta JAZU u Zadru* 19 (1972): 99-170; idem, "Ženska osobna imena i hrvatski udio u etno-simbiotskim procesima u Zadru do kraja XII stoljeća" [Female proper names and Croatian participation in ethno-symbiotic processes in Zadar until the end of the 12th century] *Radovi Centra za znanstveni rad JAZU u Zadru* 19 (1974): 291-336; idem, "Antroponomastička analiza isprave zadarskog priora Andrije s početka X. stoljeća" [The anthroponomastic analysis of the charter of Zadar's prior Andreas from the beginning of the tenth century] *Onomastica Jugoslavica* 6 (1976): 195-215.

⁷See the book of Zdenka Janeković-Römer and the literature there: *Rod i grad: Dubrovačka obitelj od XIII do XV stoljeća* [Lineage and city: the family in Dubrovnik from the thirteenth until the fifteenth century] (Dubrovnik: Hrvatska akademija znanosti i umjetnosti, 1994).

⁸So far the only work done on the Dalmatian family of the eleventh century was by Janeković-Römer, "Obiteljski odnosi u hrvatskom društvu XI stoljeća" [Family relations in the Croatian society of the eleventh century], in *Zvonimir, kralj hrvatski* [Zvonimir, the Croatian king] (Zagreb: Hrvatska akademija znanosti i umjetnosti, Zavod za hrvatsku povijest Filozofskog fakulteta Sveučilišta u Zagrebu, 1997), 117-24. On the legal aspect of these relations, see Lujko Margetić, *Hrvatsko srednjovjekovno obiteljsko i nasljedno pravo* [Croatian medieval family and inheritance law] (Zagreb: Narodne novine, 1996), 15-60.

the Croatian Kingdom, the society there shows similar features as the Dalmatian towns. Some data from this town were, therefore, also used. The period of study will be the tenth and eleventh centuries because the lack of sources does not allow us to conduct research further into the past.

The problem appears as to which terminology should be used to describe the group of the most powerful and rich people that obtained the highest functions in their communities—priors, tribunes, judges—and their families. This group should also include bishops and other high clergy who, as the sources suggest, usually belonged to the same prominent families. Historians have called these prominent people "patricians" or "nobles,"⁹ while they designated themselves in charters as *nobiles* or *maiores*. It seems that these words meant social but not (yet) legal categories. Since "patricians" are usually regarded as a more or less legally and socially closed group of urban elite of the Late Middle Ages and Renaissance, which was not yet the case in the tenth and the eleventh century, perhaps it would be best to call this group "protopatricians," as was recently suggested by Neven Budak.¹⁰

Sources for the history of the Dalmatian protopatriciate for the tenth and eleventh centuries consist of charters mainly concerning donations to several ecclesiastical institutions, some of which, along with other records, are preserved in several cartularies of Benedictine monasteries. One of the cartularies, that of the cartulary of female monastery of St. Mary in Zadar, founded or refounded in 1066 by Cicca, a member of the most distinguished family of this town. Another valuable source is the cartulary of the church and monastery of St. Peter near Split, *Iura sancti Petri de Gomai*, founded by a prosperous man from Split, Peter Cerni and his wife Anne. The cartulary of the monastery of St. Stephen de Pinis is not preserved in its Latin original but in an Italian translation from the seventeenth century. For this

⁹For example: Klaić, *Povijest Hrvata*, 419, 420; Grga Novak, *Povijest Splita* [The history of Split] (Split: Čakavski sabor, 1978), 370; Goldstein also calls them simply "rich people": *Hrvatski rani srednji vijek*, 369.

¹⁰*Prva stoljeća Hrvatske* [The first centuries of Croatia] (Zagreb: Hrvatska sveučilišna naklada, 1994), 153.

research I also used some data from the cartulary of the *Polichorion*, the monastery of St. John of Rogovo in Biograd. The cartulary of the oldest of these monasteries, the one of the monastery St. Chrysogonus in Zadar, unfortunately disappeared at the time of the First World War, but documents from it were already published.

All these cartularies along with other diplomatic material, among which is the especially valuable one of St. Chrysogonus monastery, are edited in the first volume of *Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae* and presented in chronological order. Besides this edition, I also used the editions of the cartularies of St. Peter de Gumay and of St. Mary by Viktor Novak. I also used narrative sources published in the old edition of sources by Franjo Rački.¹¹

Some valuable information can also be found in the thirteenth-century chronicle of the archdeacon Thomas of Split.¹² Additional sources are inscriptions such as epitaphs and inscriptions of donors on sarcophagi and in churches (architravs, ciboria). There is no complete edition of these sources, but many were edited in separate studies.¹³

The authenticity of diplomatic material for this period of Croatian history, the time of the national dynasty, has been long discussed among scholars since almost all

¹¹Marko Kostrenčić, ed., *Codex Diplomaticus Regni Croatiae, Dalmatiae et Slavoniae*, vol.1, eds. Jakov Stipišić and Miljen Šamšalović (Zagreb: Izdavački Zavod Jugoslavenske Akademije Znanosti i Umjetnosti, 1967) [hereafter CD]; Viktor Novak, ed., *Zadarski kartular samostana svete Marije* [The cartulary of the monastery of St. Mary in Zadar] (Zagreb: Jugoslavenska Akademija Znanosti i Umjetnosti, 1959) [hereafter ZK]; Viktor Novak and Petar Skok, eds., *Supetarski Kartular* [The cartulary of Supetar], Djela Jugoslavenske Akademije Znanosti i Umjetnosti 43, ed. Marko Kostrenčić (Zagreb: Izdavački Zavod Jugoslavenske Akademije Znanosti i Umjetnosti, 1952) [hereafter SK]; Franjo Rački, ed., *Documenta historiae Croatiae periodum antiquam illustrantia*, vol. 1, Monumenta Spectantia Historiam Slavorum Meridionalium 7 (Zagreb: Jugoslavenska Akademija Znanosti i umjetnosti, 1877) [hereafter *Documenta*].

¹²Toma Arhiđakon, *Historia Salonitana*, vol. 4, ed. Franjo Rački, Scriptores. Monumenta Spectantia Historiam Slavorum Meridionalium 26 (Zagreb: Jugoslavenska Akademija Znanosti i Umjetnosti, 1894).

¹³Ivo Petricoli, "Ranosrednjovjekovni natpisi iz Zadra" [Early medieval inscriptions from Zadar] *Diadora* 2 (1960-61): 251-70; Željko Rapanić, "Ranosrednjovjekovni latinski natpisi iz Splita" [Early medieval inscriptions from Split] *Vjesnik za arheologiju i historiju dalmatinsku* 65-67 (1963-65): 271-311; Milan Ivanišević, "Trogir u povijesnim izvorima od 438. do 1097. godine" [Trogir in historical sources from A. D. 438 until 1097] *Mogućnosti* 10-11 (1980): 964-92.

of it is preserved in later copies.¹⁴ In this discussion Nada Klaić came to the conclusion that all of them were diplomatic forgeries made by ecclesiastical institutions in later centuries although they did contain some real data.¹⁵ Her challenge intensified the discussions about the veracity of the content of these documents. Scholars of various fields of research have examined the documents and strengthened the arguments which are in favour of the reliability of data which they contain.¹⁶ Therefore, for the time being I believe they can be trustfully used for my research.

In order to understand what the structure of a Dalmatian protopatriciate's family might have been, it is necessary to consider certain questions. These could be divided into five main groups. The first will deal with the identification of individuals through ties of kin relation. The second will be a study of the name-giving patterns within a family. The next will be the investigation of relations between male and female persons within the families, focusing especially on the problem of inheritance and property transactions. The fourth question will be dedicated to the study of the duration of family, that is, whether it is possible to follow genealogies of the families under research through several generations. Finally the structure of a household will be

¹⁴Regarding this discussion, see Klaić, "Diplomatička analiza isprava iz doba hrvatskih narodnih vladara (I dio)" [Diplomatic analysis of charters from the age of Croatian national rulers: part 1] *Historijski zbornik* 18 (1965): 141-59; idem, *Povijest Hrvata*, 3-6.

¹⁵"Diplomatička analiza (I dio)," 141-188; idem, "Diplomatička analiza isprava iz doba hrvatskih narodnih vladara (II dio)" [Diplomatic analysis of the charters from the age of Croatian national rulers: part 2] *Historijski zbornik* 19-20 (1966-67), 225-63; idem, "Tribuni i konzuli zadarskih isprava X i XI stoljeća" [The tribunes and consuls of charters from Zadar of the tenth and the eleventh centuries] *Zbornik radova Vizantološkog instituta* 11 (1968): 67-93; idem, "Problem najstarije dalmatinske privatne isprave" [The problem of the Dalmatian oldest charter] *Zbornik Vizantološkog instituta* 13 (1971): 57-74.

¹⁶Linguistic analyses were done by Jakić-Cestarić, "Antroponamistička analiza." For usage of topographical data for proving the veracity of documents, see Nikola Jakšić, "Draga sv. Krševana u Diklu o tisućoj obljetnici osnutka samostana" [The valley of St. Chrysogonus in Diklo on the occasion of 1000 years after the foundation of the monastery] *Radovi Filozofskog fakulteta u Zadru* 25 (1986): 205-28. For the analysis of testaments of this period, see Margetić, *Hrvatsko obiteljsko pravo*, 34-45; idem, "Tribuni u srednjovjekovnim dalmatinskim gradskim općinama" [Tribunes in medieval Dalmatian communes] *Zbornik radova Vizantološkog instituta* 16 (1975): 25-53; idem, "O kartularu samostana sv. Krševana u Zadru" [On the register of the monastery of S. Grisogono] *Rad Zavoda povijesnih znanosti HAZU u Zadru* 37 (1995): 147-81.

explored. This investigation would contribute to understanding how the families of the Dalmatian urban elites were organized and what were their main characteristics.

Chapter 1: The identification of individuals through kinship ties

The first question concerns how an individual expressed his or her identity in public through kinship ties. By this is meant the self-identification of a person not only by a first name but also by the connection to another relative. This would enable us to see what the place of an individual was inside his/her family; in other words, how was the family organized around an individual? Therefore, a more specific question would be the following, if an individual chose to identify him/herself by stressing his/her relation to another member of a kin, who among the relatives was considered as the relevant person in this identification and what were the possible reasons for such a choice? The issue of self-identification is related to the other problem of identification by others which will not be treated separately here due to the limitation by the scarcity of sources.

Considering the types of sources available (i.e. charters, records in cartularies, inscriptions), the basic field that offers the possibility for such an analysis are the formulas of intitulation and the lists of witnesses. It has to be taken into account that the sources for this research should exclude those records where a statement of the relation between the individuals is absolutely necessary for understanding the content of the document as it is, for example, in testaments which mention the type of relation between a legator and a legatee. Such an example can be seen in the earliest preserved document, the testament of prior Andrew from 918,¹⁷ where the only persons who are identified by kinship relation are the members of Andrew's family (children, wives, brother, father-in-law), those people whose identity is explained in relation to Andrew, the legator. Peter the deacon, who is mentioned as Andrew's brother, and to whom Andrew left some items, also appears as one of the witnesses, but he is identified then only by his occupational title and not by any relation towards Andrew. Therefore, his

¹⁷CD, 25-28. A prior is the secular head of the town.

relation as Andrew's brother can not be taken as his main means of identification in public.

Before I pass onto an analysis of the problem of self-identification, it is necessary to point to some other problems. One of the problems is that occasionally we are unable to distinguish whether a person has a compound name (two proper names) or whether the second part is the name of the father. A good example is the case of *Bona, filia Madii Sege iudicatoris* from the early 1070s (1072).¹⁸ It is not clear whether Madius was the son of judge Sega or just a judge whose name was Madius Sega. Although this problem is not exceptional to the Early Middle Ages as it is also commonly found in later periods, it is not possible to find a conclusive solution in this case, due to the lack of surviving sources. An additional problem appears in a charter from 1075 in which another Madius Sega was recorded as a judge.¹⁹ Although it is possible that his father was also Sega, the way this name is mentioned could lead to the assumption that Sega was already adopted as some kind of family name.²⁰

A similar problem, characteristic for Split, is the assumption of the nickname of an ancestor by descendants who then use it as a means of identification. In this way a nickname can become a kind of family name. In these cases, it is occasionally not clear whether the nickname behind the proper name is the nickname of that very person or the inherited one. For example, a record from 1040 mentions a certain deacon with a nickname *Platumissa* ("Pay-mass").²¹ In the cartulary records of the monastery of St. Peter de Gumay, dating from the 1080s, there appears a priest *Forminus Platimissa*.²² The situation is more clear in the case of a certain *Platuchlebu* ("Pay-bread") who also appears in a document from 1040. In the above-mentioned cartulary we find the name

¹⁸ZK, 243.

¹⁹CD, 137-39.

²⁰In 1066/67: *coram . . . Sege iudice* (ZK, 244). In 1070: *iudex Maio Jadere teste* (CD, 121). In 1072: *Maius iudex* (CD, 127, 128). In or after 1072: *coram . . . Madii iudicis* (ZK, 245). In 1070-1072: *Sega* (Ibid., 247). In 1075/76: *Maius iudex* (CD, 153).

²¹CD, 73-74.

²²SK, 215, 219, 220.

of *Dabro Platichlebi*, who could be the son of the man mentioned in 1040.²³ It may be presumed that *Forminus Platimissa* is a son of the former deacon, but the name itself does not reveal it. Several years later (1086) in one charter, the person *Platimissa Micha, filius Martinimisse* appears as a witness.²⁴ This may seem as a proof that a nickname has begun to be assumed as a kind of family name although the relations between persons who are bearing this name are not entirely clear. Because of these problems, an exact analysis of all kinship connections will not be possible; nevertheless, some basic conclusions can be drawn.

There are two main reasons why a person would choose to present him/herself by stressing kinship with a certain person. The first is simply because of easier identification. If a document mentions two persons with the same first name, identification will be easier if one is identified with a name of a father or another relative. For example, the charter issued in 1068 in Split mentions several men named Duimus, which was obviously a very popular name, being the name of the town's patron saint. To distinguish them, they are also identified by the names of their fathers: *Duimo Dragauiti; Duimo filii Valize; Duimo domni Petri; Duimo domni Dragi*. In this way, everyone would know which Duimus was involved in an action described in a document or as a witness.²⁵

The other reason for stressing kinship relation in public self-identification is to stress the relation with the most important and the most known member of a kin, which does not necessarily have to be the first ancestor. For example, if one would present himself as a son-in-law of Zella, that would make stronger impression than simply stating a common first name Madius. It seems that *Madius gener Zelle Prestancii (filius?)* used a double identification: he could identify himself, and partly did so, with his father's name, which was most probably Prestantius. It would be

²³SK, 224.

²⁴CD, 186.

²⁵CD, 109-112.

perhaps more clear to refer only to his father's name, because among witnesses is also mentioned *Madio Zelle* (most probably Zella's own son). Nevertheless, he chose his father-in-law as the more eminent kinsman to refer to than to his own father.²⁶

These two reasons for identification through kinship ties are often connected. Stressing a relation to an important relative was also one means of identification. In a charter from Zadar issued in 986, there appears *Petrus tribunus socer prioris* who distinguished himself from bishop of Rab Peter, archpresbyter Peter, and especially from Peter, a tribune from Split by stating that he is the father-in-law of the prior.²⁷ Obviously, Peter did not have to do this, for at the same time the other men identified themselves clearly, but he probably had his reasons for doing so.

Persons who were priors or bishops, did not have to present their kinship ties in public, for they could not be mistaken for anyone else and did not have to stress their relation to an important relative. However, when they did choose to do so they had special reasons. For example, the prior of Zadar, Drago, in a document from 1095, proudly identified himself as the *nepos* of Drago the Great, a former prior of Zadar. Drago also stressed that he is, although old, in the fifth year of his third priorate. The explanation for such a self-identification could be found in the following lines which tell about dangers and struggles that he suffered from "our inhabitants and various folks."²⁸ Drago did not stress his relation to his uncle or grandfather in his earlier priorates (at least there are no surviving documents where he did so), but now, perhaps

²⁶ZK, 253; CD, 200-202. I suggest that Prestantius was Madius' father because Zella himself or his son Madius never refers to any Prestantius in this or any other charter. For other opinion, see Jakić-Cestarić, "Antroponomastički pristup ispravi o darovanju dijela soli i ribolova na o. Vrgadi samostanu sv. Krševana god. 105. i o darovanju zemlje "in Tochinia" samostanu sv. Marije god. 1066./67" [The anthroponomastic approach to the charter of donation of part of salt and fishing on the island of Vrgada to the monastery of St. Chrysogonus in 1095, and about the donation of land "in Tochinia" to the monastery of St. Mary in 1066/67] *Radovi Zavoda povijesnih znanosti HAZU u Zadru* 37 (1995): 117-46, especially 123-27.

²⁷CD, 44-46.

²⁸ . . . *ego Dragus, Iaderensis prior, nepos scilicet Dragoni magni prioris, iam senex, in quinto anno tertii mei prioratus post plurima pericula et agones, que ab incolis nostris et diversarum gentium feritate quassatus, sed adiuuante me larga dei misericordia adiutus emulaui in bonis antecessorum (!) meorum* . . . (CD, 205-206).

feeling relieved after a time of trouble and perhaps still sensing a potential threat, he referred to the memory of the great ancestor.

It is interesting that in another charter from 1092, Drago identified himself as a *nepos* of bishop Prestantius, stressing also the fact that he is prior for the third time.²⁹ We might wonder why Drago used different kinsmen to relate himself to, but this shows that one had the possibility to choose among relatives the most appropriate person to refer to, which may even offer the possibility of changing one's own means of identification or to focus on the one regarded as the most important. This can be observed in several cases.

In a foundation charter from 1066 Cicca, either the foundress or the restorer of the Benedictine monastery of St. Mary in Zadar, identified herself as a daughter of Doimus and Vekenega, a granddaughter of prior Madius, and the wife of Andrew, the son of Papa.³⁰ The most important relation of all these was the one to prior Madius, which ran through the line of her mother, Vekenega. This can be seen in a legal dispute from 1089/1090 between Cicca and her aunt Neza, a daughter of prior Madius, in which Cicca is identified as *suam neptim*, which could mean either a niece of Neza or granddaughter of prior Madius, but also as *Vekenega genitam*, the one born of Vekenega.³¹ Through her mother, Cicca was connected to the most important family in Zadar and was regarded as a member of that family by people around her. The other people who were involved in the dispute —*episcopus Stephanus, suus nepos; Madius eiusdem gener, Nicifori frater; Gregorius, predicti Madii filius* — also stressed their relations to the family of prior Madius, his daughter, and granddaughter as the main element of their identity. Cicca's daughter Vekenega, who inherited her mother's position as an abbess of the monastery of St. Mary, also identified herself as the daughter of her mother in a legal dispute with the kinsmen of her former father-in-

²⁹ . . . tempore . . . meque Drago domni Prestantii episcopi nepote iam tertio priorante . . . (ZK, 251).

³⁰ . . . Ego Cicca, filia Doimi et Uekenega, neptis Madii prioris, uxor Andree, filii Pape . . . (ZK, 241-42).

³¹ ZK, 248-49; CD, 191.

law.³² The link with the family of her deceased husband Dobroslauus (*vir suus*) was considered less important than the one which connected her to her predecessor in the position she occupied.

These cases show the importance of women as a possible medium in the process of identification. In her study on noble families in Southern Italy, Patricia Skinner mentions several reasons why a person would cite descent from a woman rather than a man.³³ The reason could be that the mother was a widow, or the person was illegitimate or the father was unknown, or the mother was the more eminent parent as it was in above-mentioned cases of Vekenega and her mother. In some cases (*Ursana filio Iuncte* or *Ursana Iunte*, *Trunzanni filio Rugate*)³⁴ it is difficult to determine which reason was the most crucial. Perhaps in the case of *Dominicus Tichine* (the son of Tichina), who appears as a witness in a charter from 1075/1076 and takes an oath in favour of Cicca in the family dispute of 1089/1090, it may be suggested that he was linked to Cicca's family through his mother Tichina and because of that used this relation as a means of identification.³⁵ A study on family structure in Genoa has shown that in the twelfth century some members of aristocratic families identified themselves through their mother rather than their father, a practice which completely disappeared by the beginning of the following century.³⁶

From all these examples, a certain typology of identification through kinship ties can be developed. The most common form of identification is to state the filial tie: someone identifies him/herself as the son or daughter (*filius* or *filia*) of the first

³²CD, 200-202; ZK, 251-52.

³³*Family Power in Southern Italy: The Duchy of Gaeta and its Neighbours, 850-1139* (Cambridge: Cambridge University Press, 1995), 139-45. In late medieval Dubrovnik, the name of the husband is always mentioned beside the name of a married woman or a widow: Dušanka Dinić-Knežević, *Položaj žena u Dubrovniku u XIII i XIV veku* [The position of women in Dubrovnik in the 13th and the 14th century] (Belgrade: SANU, 1974), 129.

³⁴SK, 217, 225.

³⁵CD, 151, 191. Vesna Jakić-Cestarić explains the name Tichina as a hypocorism for a Croatian name Tihoslava: "Ženska," 304.

³⁶Diane Owen Hughes, "Urban Growth and Family Structure in Medieval Genoa," *Past and Present* 66 (1975): 13.

ancestor. In these cases, it may be explicitly expressed as for example, in *ego Andrea, filius domni Ceruasii*,³⁷ or *Drumuzanni, Paruacca filio*.³⁸ However, the name of the father or mother can be used in a genitive form (*Duimo Dragauti*),³⁹ or with a prepositional construction (*Gregorius de episcopo*).⁴⁰

The second form of identification is identification by fraternal tie (*Johannes diaconus, frater Dimitri presbiteri*).⁴¹ It may be presumed that this is usually the case when the brother to whom the other is referring occupies a more important position in the community. In a charter from Zadar issued in 986, a certain tribune Maio appears as a witness (*Ego Maio tribunus Cerneche testis*).⁴² The only person without any title mentioned in the charter is his brother Dabro (*Ego Dabro, frater eius, testis*). The two brothers also appear in an undated charter issued some time afterwards.⁴³ However, in another charter of 999, a prior Maius and his brother tribune Dabro appear.⁴⁴ The career of the two brothers obviously prospered, the younger following the steps of the older. This example also shows that the members of the same family could have different means of identifying themselves in public. In the charter from 986, Maio identified himself with a genitive form *Cerneche*, meaning that he is the son of the latter. Dabro, however, mentioned himself only as Maio's brother. A similar case can be found in a charter from Dubrovnik (1050-1055) in which *Marguci cum fratre suo Ursaci, filio Sisini* is mentioned.⁴⁵

The other relatives mentioned in a self-identifying context are grandfathers and uncles, grandmothers and aunts. Occasionally it is difficult to distinguish who is being

³⁷CD, 62-65.

³⁸CD, 67-68.

³⁹CD, 111.

⁴⁰CD, 69-71.

⁴¹CD, 142-43.

⁴²CD, 44-46.

⁴³CD, 49-51.

⁴⁴CD, 48-49.

⁴⁵CD, 79-82.

referred to, for the term *nepos* or *neptis* can equally mean grandson/granddaughter or nephew/niece. Some names can also be interpreted as male or female. Such is the case of *Gauzulus nepus Zune* where *Zune* indicates a hypocorism form from *Junius*, but the word can also denote a female form of a name, *Junia*.⁴⁶ In some cases it is more clear as for example in *Petrizo, filio Trunzanni, nepoti Sege*⁴⁷ where *Sega* is evidently the grandfather of *Petrizo*.

A few cases where a person is identified as a father-in-law (*Petrus, socer prioris*)⁴⁸ or a son-in-law (*Madius gener Zelle Prestancii; Madius, eiusdem gener, Nicifori frater*)⁴⁹ have already been mentioned. At the same time in Biograd and the surrounding areas, we also find a mother-in-law (*Rosa, socrus Strecii*),⁵⁰ a daughter-in-law (*muris Dragačai*),⁵¹ a step-son (*Drasizo filiaastro de Crasano*),⁵² and maternal uncles (*Vilkizo avunculus Pradani*).⁵³ In the testament of prior *Andreas* a certain *Barbano de Cresconi* is mentioned, who perhaps could be read as an uncle of *Crescentius*, for in old Italian "barbano" means "uncle."⁵⁴

Married women are often recorded by the names of their fathers besides those of husbands. For example, there appears *filia Tudoru, Audocu uxore, Veranizza*⁵⁵ or *domina Anna* mentioned as the wife of *Petrus Cerni* and also as a daughter of *May*

⁴⁶SK, 225, 260.

⁴⁷ZK, 243.

⁴⁸CD, 44-46.

⁴⁹CD 191-92, 200-202. Also a certain *socer Nichifori Iadere* (from Zadar) sold land to the monastery of St. John in Biograd: CD, 156. *Vitalis, gener postiuppi* mentioned in the same cartulary of St. John: CD, 156.

⁵⁰CD, 151-52.

⁵¹CD, 157.

⁵²SK, 219.

⁵³SK, 217.

⁵⁴CD, 25-28; Constantin Jireček, *Zbornik Konstantina Jirečeka*, vol. 2, *Romani u gradovima Dalmacije tokom srednjeg veka* [The Romans in Dalmatian cities during the Middle Ages], trans. by Stojan Stojanović, Special edition of SANU 356, Department of Social Sciences, n. s. 42. (Belgrade: SANU, 1962), 147.

⁵⁵CD, 73-74.

Faue.⁵⁶ The name of a husband can even be omitted as was seen in the case of *Bona, filia Madii Sege*.⁵⁷ She must have been married, at least in one period of her life, because in this document she appears endowing her daughter Marichina who is entering a monastery. It seems that this identification by the father's name is more frequent in the case of the women of more distinguished families who had more reasons to emphasize their origin.

Although an exact statistical analysis is not possible due to the difficulties explained at the beginning of this chapter, it seems that self-identification by filial ties prevailed over others, but possibly this seems to be the case because most of surviving documents are from the second half of the eleventh century. Many men were identified only by their first names and/or titles or even only by nicknames, which perhaps can be inherited. In the linguistic analysis of the Cartulary of St. Petrus de Gomay Petar Skok observed that in the Roman anthroponymic system, filial ties are more usual than in the Croatian, commenting that this is a consequence of the social organization of families in Split from which the urban patriciate is developing.⁵⁸ However, in this cartulary it is sometimes difficult to conclude whether the person belongs to the community of Split or to the people of the surrounding area. Vesna Jakić-Cestarić has demonstrated that the origin of names can not be taken as a relevant element in defining the ethnic origin of the persons who bear those names.⁵⁹ Therefore, conclusions about the prevalence of filial ties as a self-identifying element among the elite of Dalmatian towns of this period should be taken cautiously.

A small number of available documents from the tenth century show that at that period a person is still mainly identified simply with a proper name and a title. One person is identified as a daughter, one as a father-in-law, and two as brothers (one of

⁵⁶SK, 213.

⁵⁷ZK, 243.

⁵⁸SK, 272-75.

⁵⁹"Etnički odnosi", "Ženska."

them repeatedly in several charters).⁶⁰ In the eleventh century the greatest amount of identification by non-filial ties can be found in the documents from the second half of the eleventh century. Out of twenty-four persons in a document from 1092, one person is identified as *nepos* (*Drago domni Prestantii episcopi nepos*), six by filial ties (*domna Veka, filia Cicne; Petrus, filius domni Dabri; Zanizo Mazikyrne filio; Trunzannus Maius, Peze filius; Madio Zelle; Grubize, filius Georgii*), one as a brother (*Petrinna, frater eius*), and one as a son-in-law (*Madius gener Zelle Prestantii*). At the same time fourteen persons are identified only by their proper names, a few also by their occupational titles. This shows that self-identification by the father's name is not yet the general rule.⁶¹

In relation to this problem of self-identification in the documents, a family of Dalmatian protopatriciate in the observed period does not appear completely organized on an agnatic, patrilineal basis. An individual defined him/herself according to the relative who was regarded as the most important determining element in the community. This did not necessarily have to be an ancestor or even a kinsman by blood. The female side could prevail if it constituted a link to a relative considered to be a more eminent identifying element. Ties of affinity could also prevail if they were considered to be more significant in the community. Prevalence of filial ties among those identified by kinship relations shows that the change has started to take place. However, by the end of the eleventh century other relatives were not excluded as possible identifying elements.

The eleventh century seems to be the time when the cognatic model of the European family organized on bilateral basis (stressing importance on the both lines of descent, maternal and paternal) was gradually replaced with the agnatic one focusing

⁶⁰CD, 25-28, 44-46, 48-51; Jakić-Cestarić, "Etnički odnosi," 115.

⁶¹CD, 200-202.

on the paternal line of descent.⁶² This change was particularly well-elaborated in the studies on earlymedieval nobility by Karl Schmid who emphasized the difference between the *Sippe* based on horizontal and cognatic relations and the *Geschlecht* based on vertical and agnatic ones.⁶³ Perhaps it would be better to call this process "the increasing actual significance of the agnatically oriented family"⁶⁴ than the replacement of one model by another one, for it is sometimes difficult to draw a firm line between them. A recent study on the patriciate of Barcelona has shown that cognatic traditions continued to exist even until the beginning of the thirteenth century.⁶⁵ In Dalmatia, as has been seen, they were still strong in the eleventh century when the future abess Cicca still leaned on the advice and help of her *propinqui*.⁶⁶ In a charter from Zadar in 1190 in which 52 distinguished citizens of Zadar are named, 35 of them are identified also by their father's name while 5 other people are mentioned only as brothers of persons named in the group of 38.⁶⁷ This case shows that after one century, the agnatic, patrilineal structure had already been much strengthened.

⁶²David Herlihy, *Medieval Households* (Cambridge: Harvard University Press, 1985), 82-83; David Herlihy and Christiane Klapisch-Zuber, *Tuscans and Their Families: A Study of the Florentine Catasto of 1427* (New Haven and London: Yale University Press, 1983), 342-44.

⁶³"Zur Problematik," 183-245; "Über die Struktur," 245-68.

⁶⁴Fichtenau, *Living in the Tenth Century*, 86.

⁶⁵Bensch, *Barcelona and its rulers*, 234-76, 401-402.

⁶⁶. . . *Huius vero consilii fratrem germanum et consaguineos quos habebam propinquos, feci michi consocios* . . . (CD, 101).

⁶⁷CD II, 243-45.

Chapter 2: Name-giving patterns

Another area of research which could help to clarify the problem of family structure is also the study of name-giving patterns, that is, the study of how the names were transmitted from one generation to another within the family. Such research could provide information about the importance which was given to a particular relation in a family; about whether the patrilineal, the matrilineal, or bipolar (considering both lines of descent) ties of kinship were emphasized; and whether the vertical or horizontal relations were given preference.

Several problems appear in this attempt to undertake the study of name-giving patterns in the families of the Dalmatian protopatriciate. Sources are scarce and family ties are rarely mentioned in many cases, for in this period many people are still identified only by their names and occupational title. This deprives us of numerous data necessary for a detailed analysis. In addition to this, unclear terminology, such as the previously mentioned case with *nepos* which could mean either nephew or grandson, can also present problems.

Apart from these difficulties, another is the uncertain dating of particular documents, which makes it difficult to place some persons in an exact period. This is the case with the property records acquired by some monasteries. For example, the *chirographium* of the monastery of St. Chrysogonus mentions the lands acquired in the time of various priors without providing data for their priorates.⁶⁸ Because of this, it is not possible to construct an absolute chronology for these people, but by comparison with other documents, a relative one can be established.

The common appearance of some names can be sometimes deceiving. Such is the case with the name Madius which has been tacitly supposed in Croatian historiography to be the lead-name of the most prominent family of Zadar but which

⁶⁸CD, 106-109.

can be encountered in other towns and most probably in other families as well.⁶⁹ This is also the case with some wide-spread names of Slav (Drago, Dobre), common Christian (Gregory, Peter), or Greek (Niciforus) origin.

However, the study of the name-giving pattern has proved to be a successful method in some studies of the Early and High Middle Ages. Karl Schmid used the repetition and change of a group of leading names appearing in *libri memoriales* for reconstructing the kin groups (*Sippen*) of early-medieval nobility.⁷⁰ Patrick J. Geary showed in his work on aristocracy in Provence in the eighth century how names could be used to emphasize which side of genealogy (paternal, maternal) was considered to be the most important in a particular moment.⁷¹ In her book about family power in Southern Italy, particularly in Gaeta,⁷² Patricia Skinner uses the lead-names to trace the genealogies of aristocratic families. She warns that this method works only in a territorially limited area. She also points out that not all people bearing a particular name should be regarded as members of the particular kin in which this name is one of the lead-names, for this can also be explained as a wish and an attempt to approach the ruling family.

In Croatia the only scholar who has applied the name-giving pattern to the documents from the Early Middle Ages is a linguist Vesna Jakić-Cestarić.⁷³ Through

⁶⁹The name Madius appears also as Magius, Masius, Maius, Maio, Mazo, and in diminutive form as Madinus, Maiolus, Magiolus, Mazolus, Mazulus, Mazolinus. The female form of the name is Madia, Maza, Mazza. This name was also frequent in Apulia in the same period: Jireček, *Romani*, 179-80.

⁷⁰"Zur Problematik," 252-53.

⁷¹*Aristocracy in Provence: the Rhone Basin at the Dawn of the Carolingian Age* (Stuttgart: Hiersemann, 1985), 112-14.

⁷²*Family Power*, 104-105.

⁷³See "Etnički odnosi"; "Ženska"; "Antroponomastička analiza isprave zadarskog priora Andrije s početka X. stoljeća" [The anthroponomastic analysis of the charter of Zadar's prior Andrew from the beginning of the tenth century] *Onomastica Jugoslavica* 6 (1976):195-215; idem, "Zadarska ženska osobna imena u XIII stoljeću—odraz i rezultat prethodnih simbiotskih procesa u gradu i porijekla novijih doseljenika" [Female personal names in Zadar in the thirteenth century—the reflection and the result of previous symbiotic processes in the town and the origin of more recent newcomers] *Radovi Instituta JAZU u Zadru* 24 (1977): 143-225; Irmgard Mahnken was the first who applied name-giving patterns to the sources from Dalmatian towns, in this case Dubrovnik. However, because of the scarcity of sources, she could conduct her research only from the the end of the twelfth century: "Die Personennamen des Mittelalterlichen Patriziats von Dubrovnik als Quelle zu ethnographischen

her anthroponymic research she draws the conclusions that proper names were inheritable in families from Zadar during the Middle Ages, an idea which could help to solve genealogical problems. Since her main aim was to investigate ethnic relations in Zadar during the Middle Ages, which she proved to be of a more complex character than previous scholars had thought, Jakić-Cestarić did not deal with genealogical problems in detail. According to her, the main name-inheriting pattern in Zadar is the following: the first son receives the name of the paternal grandfather, the second one of the maternal one, the other brothers inherit the names of uncles. The female names are inherited according to the same pattern although this pattern is much less traceable because women appear more rarely in the documents. The pattern can be broken in the case where a person dies without an heir or when there are no male heirs.⁷⁴

From the start, it is obvious that the study of name-inheritance patterns can be attempted only in Zadar. It seems that it does not work in Split. The only family in which the names can be traced through more than two generations is the one of prior Prestancius from the 1120s.⁷⁵ Two of his sons are known, Paul, the archbishop, and Zirno, who later also became a prior. Zirno had a son, Dabro, the abbot of the Benedictine monastery of St. Stephen.⁷⁶ In addition, the names which also appear in sources are the ones of a sister of Prestancius, Domnanna (*don'Anna* as written in the Italian translation of the source) and his female cousin (*consobrina*) Dabriga (Dabriza?).⁷⁷ The latter is perhaps the *domna* Dabra mentioned in 1078 by Zirno's son Dabro as his adoptive mother.⁷⁸ It may be wondered if the fact that they have the same name is pure coincidence. However, this is the only name-pattern that can be found in

Untersuchungen" [The personal names of medieval patriciate from Dubrovnik as a source for ethnographic research] *Slavistična revija* 10 (1957): 279-95.

⁷⁴"Etnički odnosi," 154.

⁷⁵CD, 58-60.

⁷⁶CD, 93-94, 165-66.

⁷⁷CD, 59-60. *Consobrina* is a daughter of a maternal aunt or uncle, but sometimes it is used also for cousins from the father's side of the family.

⁷⁸CD, 165-66.

this family. The habit of people from Split using nicknames as the means of identification also deprives us of an attempt to study the name-inheriting pattern in this town. Since the sources from the other Dalmatian towns for this period are very scarce, Zadar remains the only possible choice.

The first surviving document in Zadar, the testament of prior Andrew from 918,⁷⁹ seems to be a good example for testing the theory of name-giving pattern, for it contains the names of three generations of Andrew's family. He had three sons who bear the names of the father (Andrew), maternal grandfather (Niciforus), and a paternal uncle (Peter). As the name of the paternal grandfather is not mentioned, it can simply be speculated that perhaps one of these names matches that name as well. The oldest son (at least the one who is always mentioned as the first one of the sons from the previous marriage in the testament) bears the name of the maternal grandfather, *Niceforus tribunus*. If the possibility that Niceforus was the name of the unmentioned paternal grandfather is excluded, it looks that the name-pattern of the family of Andrew's first wife had priority over his own. There is a note from the seventeenth century about an inscription from 920 which mentioned prior Niceforus as being in the first year of his priorate.⁸⁰ As Andrew's testament is dated to the second half of 918, this inscription could fit well in time and context. Prior Nicefor could be a member of the family of Andrew's first wife or even his own son. Of course, one may not exclude the possibility that there were sons older than Nicefor that died before him.

However, the theory of the precedence of the name pattern of the family of Andrew's first wife can be confirmed by the fact that the daughter from Andrew's second marriage bears the same name as Andrew's first wife, Agapi. This might be confirmed if it is supposed that one of two daughters from the previous marriage is named after Andrew's mother (from whom he inherited a considerable amount of land) and another daughter after her maternal grandmother. One of the daughters is called

⁷⁹CD, 25-28.

⁸⁰ZK, 19-20.

Dobrosia, the only Slavic name in the family. Jakić-Cestarić has already cautiously indicated that this could be the name of Andrew's mother, for the other daughter, Anna, who then supposedly inherits the name of her maternal grandmother, received through inheritance the house which Andrew had received from his first father-in-law.⁸¹ Since the fact that Nicefor and Agapi are names already confirmed in Late Antiquity,⁸² which could emphasise the antiquity of this family, it may seem more probable that the name Dobrosia came from Andrew's side. Therefore, it may be assumed that the family of Andrew's first wife was more distinguished than his own, and therefore their name-pattern had priority.

The family of prior Andrew can not be traced any further although the charter from 986 mentions his heirs.⁸³ The prior from this year, Madius, is mentioned separately from them. Whether his father-in-law, Peter the tribune, can be the same person as Peter, the son of prior Andrew, or someone else descending from that family can not be proved. The names Nicefor and Andrew continued to appear among the most distinguished citizens of Zadar throughout the eleventh century.

As one of the examples of the "grandfather-grandson" name-inheriting pattern, Jakić-Cestarić mentioned the alteration of the name Cernecha-Madius in the documents. The first case is the tribune Maio, the son of Cernecha in 986. The next Cernecha (*Cerneca*) appears in 1035 as a tribune. In the circle of cousins around Cicca, the granddaughter of prior Madius, appears a certain Crina. Maio, the son of Cerneca, is mentioned in 1072, another Cerneca in 1096.⁸⁴ However, if the tribune Madius is the same as prior Madius from 999 and the beginning of the eleventh century, then his sons bear the names Dabrona and Gregory.⁸⁵ The fact that Dabrona

⁸¹"Ženska," 296-97.

⁸²Jireček, *Romani*, 142; Jakić-Cestarić, "Ženska," 294.

⁸³CD, 44-46.

⁸⁴"Etnički odnosi," 155.

⁸⁵CD, 108; ZK, 244.

has the same name as Maio's brother points to the importance of uncles in the name-inheriting pattern, which has already been seen in the case of prior Andrew's family.

Another example of inheriting names after uncles can be found in the *chirographium* of the monastery of St. Chrysogonus from 1067. It mentions the second prior Madius as the *nepos* of prior Madius de Columna.⁸⁶ Because both of them appear at the same time in the charters, it is perhaps more likely that the second Madius is not the grandson, but the nephew of the first.

The *chirographium* also mentions the brother of the second Madius—Prestantius the bishop. All these names from the previous generation (Prestantius, Dobro, Cerneca) appear also in the generation of Madius' son in the 1130s.⁸⁷ (That these names are traditional is confirmed by the fact that they already appear in the documents from the tenth century.)⁸⁸ However, the son who succeeded (and outshone) Madius bore the name which was not mentioned in documents before—Gregory. In the charter from 1036, a certain Gregory *de episcopo* (Prestantius' son?) is mentioned.⁸⁹ This reference may indicate that this name was also a part of the set of names used by the family or that the pattern had not become so obligatory as it would be from the thirteenth century.

A person named bishop Prestantius also appears as a witness in a charter in 1060. In the same charter also appears a prior Drago.⁹⁰ A later prior Drago, who mentions in the nineties that he is the *nepos* of prior Drago the Great and bishop Prestantius, may be referring to these two relatives. He mentions himself as being old and already a prior for the third time. It is difficult to distinguish these two men, for the

⁸⁶The second version of this document mentions only one prior Madius. It seems that this version is later than the first one: CD, 106-110. However, if the prior from 999 is the same as the tribune from 986 (which may be the case because both of them are mentioned as having a brother Dabro), the problem is solved.

⁸⁷CD, 69, 70, 71.

⁸⁸CD, 28, 46, 50.

⁸⁹CD, 70-71.

⁹⁰CD, 91.

name of prior Drago appears in the documents in 1066, 1070, 1072, 1091, 1092, 1095.⁹¹ Other men occupying the position of prior appear in 1064/1065, 1075/1076.⁹² Without excluding the possibility that there is a prior Drago in the first half of the eleventh century about whom we can not know, prior Drago from 1059 can perhaps be regarded as the grandfather or uncle of the younger one. The small period between the years of the periods of office might point to the second possibility.

Drago the Great may be the same man as, or related to, a certain tribune Drago, mentioned in 1033.⁹³ Since this name is documented for the first time in this year, this person most likely did not belong to the circle of descendants of prior Madius and his brothers. Since prior Drago from 1066 seems to be a relative of Cicca, the granddaughter of prior Madius, the connective link of Drago to this family may have run through the bishop Prestantius. However, the uncertainty remains high.

Another family which can be followed through several generations is the family of the judge Sega mentioned above. In the early seventies a certain Petrizo, the son of Trunzannus and grandson of Sega, appears in the documents.⁹⁴ A tribune Trunzanno Maio, the son of Peze, is mentioned in 1092.⁹⁵ He may well be the son of Petrizo from the early seventies, bearing the name of his grandfather. However, he also bears the name Maio which corresponds to the name Madius Sega, who was most probably the uncle of Petrizo, for his daughter also owned one fourth of the house as did Petrizo. In the case of another family into which Cicca's daughter Vekenega married, the pattern of naming children after grandfathers seems to be followed because her husband Dobroslaus bears the name of his grandfather Dabro.

It is interesting to note that the names of both daughters of the abbess Cicca somehow reflect the names of Cicca's parents: the name of the older one, Domnanna,

⁹¹ZK, 241-42, 244, 250, 251-52, 253-54; CD, 205-206.

⁹²CD, 100, 138.

⁹³CD, 68.

⁹⁴ZK, 243.

⁹⁵ZK, 252.

resembles the name of paternal grandfather Doimus.⁹⁶ Although as we lack the name of Cicca's mother-in-law, it is not certain that perhaps her name was not Domnanna as well. Vekenega, Cicca's younger daughter, bears the name of her maternal grandmother. This seems to confirm the theory that a name-inheriting pattern appears in the female part of the family as was presumed in the case of prior Andrew's family in the tenth century.⁹⁷

In conclusion, it may be said that the name-inheriting pattern of the observed period seems to correspond to the results which come from the study of identification through kinship ties. Although it is difficult to provide any definite solutions to this problem without complete genealogies, it may be said that the pattern of inheriting names from grandfathers does not yet appear to have been completely adopted. In addition, horizontal name-inheritance (from uncles) seems also to play an important role as may be seen in the case of the two priors with the same names Madius and in the case where the son of the second Madius is called Dabro as was Madius' brother. Vertical name-inheritance is also present and, according to the studies of Jakić-Cestarić, prevails in the following centuries. The presence of both patterns reflects the changes in family structure which are gradually taking place.

⁹⁶ZK, 241-42.

⁹⁷An additional example is *domna* Dabra, who retreats to the monastery of St. Mary with her granddaughter (or niece) D., who most probably bears the same name: ZK, 242.

Chapter 3: Male-female relations

In order to understand family structure, the relations between male and female members of family ought to be investigated. Among these relations, the marital relation between men and women appears to be the most basic. However, it is not possible to explore all aspects of this relation due to the scarcity and character of the surviving sources. Still, they offer insight into some economic and legal aspects of male-female family relations, that is, the problems of inheritance and property transaction.

3.1. Marriage

Although there are not many data about marriage in early medieval Dalmatian towns, it is clear that the situation there reflected general Christian patterns appearing elsewhere in Europe. The tenth and the eleventh century was the time of struggle between the ecclesiastical and the lay concept of marriage. The Church demanded that marriage should be monogamous, indissoluble, contracted by mutual consent of the parties, and exogamous. The laity resisted the sacralization of marriage, for in its view marriage was a bond between two families rather than two individuals and was to serve the family interest.⁹⁸ Parents exercised control over the marriage of their children which can be seen in a statement of Cicca, who decided to "subject her younger daughter to the marital yoke" while she and her older daughter would devote their lives to God as nuns.⁹⁹

The culmination of the reform movement of the Church was the pontificate of Gregory VII. His main ally in Croatia and Dalmatia was King Zvonimir. In 1075 in his coronation oath to the pope, he promised that he would support lawful and

⁹⁸James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago and London: The University of Chicago Press, 1987), 183-84; Georges Duby, *Medieval Marriage: Two Models from Twelfth-Century France*, trans. Elborg Forster (Baltimore and London: The John Hopkins University Press, 1978), 3-22; Janeković-Römer, "Obiteljski odnosi," 118-19.

⁹⁹. . . sicque michi salubrius estimans consilium, ut ego cum maiori filia scilicet Domnanna, deo dicarer monacha, minorem uero Uekene (!) maritali subderem iugo. (ZK, 241).

indissoluble marriage. Such a marriage is contracted by a wedding ring, a priest's blessing, and a dowry.¹⁰⁰ However, the priest's blessing was not obligatory until the Council of Trent, and even in the fifteenth century there are examples which show that a marriage contracted by two parties expressing mutual consent was still considered valid.¹⁰¹ Zvonimir's coronation oath from 1075 is the only document of this period which mentions dowry (*dos*) although this fact does not have to mean that the institution of dowry had not existed before in Dalmatia. The church reformists supported the institution of dowries for its connection with the requirements of public marriages, which enabled authorities to control whether the marriages were contracted according to ecclesiastical demands.¹⁰²

One of the main issues which caused conflicts between the ecclesiastical and lay model of marriage was the question of divorce. The fourteenth canon of the First Council of Split in 925 forbade divorce in all cases except for a wife's adultery. Those who divorced their wives should stay unmarried.¹⁰³ It is difficult to establish whether these regulations appear only as a commonplace in the writings of the contemporary Church or whether they express the real situation concerning the marriages of both

¹⁰⁰ . . . *parentelle illicitam copulam destruens legitimam dotem anulo sacerdotisque benedictione constituam et constitutam corrumpi non permittam* . . . (CD, 140). A problem appears with how the word *dos* should be understood. In the text of Zvonimir's coronation oath edited in the first volume of CD, it appears in the accusative. The editors took the text from the *Liber censuum* of 1192 written by the papal camerarius Censius, later pope Honorius III. He copied the coronation oath from the *Collectio canonum* of Cardinal Deusdeditus (ca. 1086-1088). Because *dos* here appears in the accusative, it may be perhaps be understood as marriage. However, Franjo Šanjek in his article cites the text according to the edition of von Glanvell, *Die Kanonessammlung des Kardinals Deusdedit*, vol. 1 (Paderborn, 1905): "Zvonimirova 'zavjernica' u svjetlu crkveno-političkih odrednica grgurovske reforme" [King Zvonimir's "zavjernica" (solemn oath of allegiance) in relation to Gregory's political and church reform], in *Zvonimir, kralj hrvatski* [Zvonimir, the Croatian king] (Zagreb: Hrvatska akademija znanosti i umjetnosti, Zavod za hrvatsku povijest Filozofskog fakulteta Sveučilišta u Zagrebu, 1997), 31. In this edition, *dos* appears in the ablative case which allows its common interpretation as a dowry. About Zvonimir's coronation oath, see also Janeković-Römer, "Obiteljski odnosi," 121.

¹⁰¹ Janeković-Römer, *Rod i grad*, 60. For information about a case from the fifteenth century proving that the priest's blessing was not essential for the validity of marriage I am grateful to Zdenka Janeković-Römer.

¹⁰² Brundage, *Law, Sex, and Christian Society*, 190.

¹⁰³ *Ut uxores proprie deinceps non dimittantur, nisi propter fornicationem; quod si quis dimiserit, sic permaneat.* (CD, 32).

laymen and clerics in Dalmatia and Croatia. No concrete cases of such deviations from Church regulations among the laity are known from these areas for this period,¹⁰⁴ although it may be presumed that the Church had similar conflicts with the customs of the laity in many countries that differed from its teaching.¹⁰⁵

Another problem the Church encountered was that of consanguineous marriages. In 1059, the Lateran Council decided to forbid marriages between kinsmen related to the seventh degree. Around 1061, a council of Dalmatian bishops presided over by papal legate Maynardus and Archbishop John of Split was held in Split. Pope Alexander II, confirming the acts of the council, declined their supplication to permit spouses who were in the fourth degree of kin to remain in marriage, but allowed those in the fifth degree to stay in marriage if they abstain from sexual relations and do penance. Those spouses who had to separate because of kinship and did not want or were not able to live a chaste life could contract legal marriage with another person.¹⁰⁶ It may be thus concluded that marriages among kinsmen were common among the people both in Dalmatia and Croatia. This situation is also reflected in the life of St. Gaudentius, bishop of Osor (1018-1042), which describes that he had to flee from Osor because of the threats of a nobleman who, after the bishop refused to marry him to a close relative, violently entered the church with his armed party during the Easter

¹⁰⁴Late medieval documents show that there were cases in which spouses "separated from marital table and bed" for instance, in Dubrovnik because of molestation, but in these cases divorce was not permitted: Janeković-Römer, *Rod i grad*, 68-69.

¹⁰⁵In his M.A. Thesis, Vadim Prozorov compared some contemporary Church documents on the problems concerning divorce with this canon of the Split council: "The Councils of Split in 925 and 928: An Attempt of Comparative Approach" (M.A. Thesis, Central European University, 1995), 35-37. I am informed that he is continuing his research in this field; Duby, *Medieval Marriage*; Janeković Römer, "Obiteljski odnosi," 118-21; Fichtenau, *Living in the Tenth Century*, 94-96. See also Margetić, *Hrvatsko obiteljsko pravo*, 23-25. Observing this from a legal point of view, he thinks that the references mentioning only women as the ones who could be repudiated by men indicated that the bishops were forced to take into account the Germano-Slavic conception of the superiority of men. However, this passage certainly refers to Matt. 19: 9: "Whoever divorces his wife, except for unchastity, and marries another commits adultery" (NRSV).

¹⁰⁶*Hoc nimirum, ut quicumque in quarto sunt gradu, omnino separarentur et secundum indulgentiam, si caste vivere non possunt aut nolunt, legitimo matrimonio iungantur. Qui vero in quinto, si caste vivere possunt et volunt, cum penitentia maneant. Quod si non possunt separari ab invicem, legitime nubant. Si vero obedire noluerint, usque ad satisfactionem ab ecclesia et comunione alieni fiant.* (CD,96).

services. The noble did not seem to be cowed even after the bishop excommunicated him. That this may have been a true story is confirmed by the contemporary writings of Peter Damianus.¹⁰⁷ Another reference of the practice of endogamous marriages is in King Zvonimir's coronation oath in which he swore that he would prevent irregular bonds between kinsmen.¹⁰⁸ This problem, however continued to be present in Dalmatia as confirmed by the letter of Pope Alexander III to Archbishop Gerardus of Split in 1168-1170.¹⁰⁹

Another confirmation that the Church's concern about the deviations of the laity in Dalmatia was justified could be an inscription in the church of Our Lady of the Belfry over the Western Gate of Split which mentions prior Forminus and his two wives, Magi and Bitu. Unfortunately, the last part of this enigmatic inscription, which could provide more information, is missing.¹¹⁰ However, it is very unlikely that this is a case of bigamy, for it is improbable that in the time of the Gregorian reform, of which Lawrence, the archbishop of Split, was a main exponent, someone, in this case the secular head of town, would dare to expose himself in public as having two wives, and

¹⁰⁷ *Documenta*, 439-42. The life was written by a monk from the monastery of St. Mary Portus Novi near Ancona where bishop Gaudentius died two years after he left his episcopal office.

¹⁰⁸ Janeković-Römer, "Obiteljski odnosi," 121; CD, 140. In Margetić's opinion, the bishops of Dalmatia asking for dispensation of marriages among kinsmen in the fourth degree were acquainted with the statement of Patriarch Alexius of Constantinople from 1038, which had prescribed only ecclesiastical punishment, such as fasting, for such marriages and not annulment: *Hrvatsko srednjovjekovno pravo*, 17.

¹⁰⁹ *Verum super eo quod in quarto et in quinto gradu consanguinitatis quidam in provincia tua dicuntur esse coniuncti, propter duritiam populi talia matrimonia, licet sint contra sacrorum canonum institutionem contracta, sub silentio et dissimulatione pretereas. Et ne similia de cetero matrimonia contrahantur, uniuersis generaliter studeas in communi synodo sub interminatione anathemis prohibere, decernens, quod talia matrimonia, si post prohibitionem tuam contracta fuerint, irrita debeant esse, et tu deinceps, si in prescripto gradu consanguinitatis contracta inueneris, cassare, nequaquam omittes.* (CD, 122-23). See also, Janeković-Römer, *Rod i grad*, 69; Goldstein, *Hrvatski rani srednji vijek*, 367.

¹¹⁰ *In nomine Kristi ego d(o)mno Furminus (!), prior de Spalato, una cum coniuge (!) mea domna Magi et alia coniuge mea domna Bitu.* The title *prior de Spalato* is carved above the name of Forminus, suggesting that it was added after the main inscription was carved. Prior Forminus (Firminus) appears in a charter in 1088/1089 (ZK, 248) and in a cartulary of St. Peter from the same period (SK, 215): Josip Belamarić, *Gospe od Zvonika u Splitu* [Our Lady of the Belfry]. Zagreb: Društvo konzervatora Hrvatske, 1991, 18; Željko Rapanić, "Prior Formin i njegove žene" [Prior Formin and his wives], *Slobodna Dalmacija*, 30 December 1988. I am informed that Željko Rapanić is writing a study about this inscription.

even document this on his donation in a church. The possibility that one woman is wife and the other concubine is also excluded since they are both mentioned as *coniuges* of Forminus. In any case, the Church, even if it long tolerated the concubinage of unmarried men, never permitted keeping both a wife and a concubine.¹¹¹ It is more likely, as Joško Belamarić suggests, that one of them, the first wife of Forminus, was already dead, and that she was mentioned in the inscription because her inheritance or dowry (which would be otherwise returned to her family if there were no children from the marriage) was used as a pious donation by her husband, who had married for the second time. This situation could also be connected with the inscription from the same time (or the beginning of the twelfth century) in the church of St. Nicholas in Split, which mentions donor John with his wife Ticha, whom he "married after the first."¹¹² Although the unequivocal meaning of Forminus' inscription in the matter of bigamy can not be established without the missing second part of the inscription, if the hypothesis about the inheritance of the first wife being used as part of the donation itself is accepted, then it could shed light on women's positions as owners and disposers of property, a position that would deteriorate in subsequent centuries.¹¹³

That men did keep relations outside marriage is shown by a few documents that mention illegitimate children. The data from Dalmatian towns in the Late Middle Ages show that these illegitimate relations, especially between patrician men and their female servants, and the resulting offspring were very frequent.¹¹⁴ In Southern Italy in the tenth and the eleventh century the punishment for husbands' infidelity was mild. Wives were mostly expected to tolerate such behaviour on the part of their husbands and even

¹¹¹ Brundage, *Law, Sex, and Christian Society*, 87, 101.

¹¹² *Gospe od Zvonika*, 23. *Statuit hoc templum Christi de munere celsum illustris clarus domino donante Johannes coniuge cum Ticha primam post alteram ducta scripta sit laus rara...ieserena his requem poscat plebis/ . . . osc*: Cvito Fisković, "Istraživanja u srednjovjekovnoj crkvi sv. Nikole u Splitu" [Research on the medieval church of St. Nicholas in Split] *Historijski zbornik* 2 (1949): 215.

¹¹³ Also see Janeković-Römer, "Obiteljski odnosi," 123.

¹¹⁴ Janeković-Römer, *Rod i grad*, 71, 96-97, 116-19; Dinić-Knežević, *Položaj žena u Dubrovniku*, 140.

keep their illegitimate children in the household.¹¹⁵ This was inevitable if the mother of the child was a slave or a servant in the household. In the two cases from Dalmatian towns in the eleventh century involving illegitimate children the mothers are either unfree women or women of a lower social status. Not even their names are mentioned. In his testament prior Peter mentions his daughter Gadatia whom he had with his *aulea ancilla*, house (or more precisely court) slave.¹¹⁶ In a second example, Peter, son of Dabro and father of Dobroslauus, the deceased husband of the nun Vekenega, had a son with a certain *slauuncula*, most probably his woman servant. As she is mentioned as *uxor* in the same document, she could have been regarded as a wife in a way, because it seems that Peter was a widower at the time of death of his legitimate son, although the somehow contemptuous reference to her as a *slauuncula* in the charter suggests in any case her low status in the community.¹¹⁷ Perhaps this case can be seen as evidence for a kind of concubinage or for the existence of different conceptions about what was regarded as legitimate marriage among contemporaries.

It is not clear whether prior Peter was married when he begot Gadatia because he had underage legitimate children in the time of writing his will.¹¹⁸ The son of Peter, Vekenega's former father-in-law, was a small child at death of his father. Gadatia, the daughter of prior Peter certainly lived together with her mother from whom she inherited servile status in the household of her father with his wife and children. It is

¹¹⁵M. L. Abramson, "Suprugi, ih rodnye i blizkie v juzhnoitaljanskam gorode visokogo srednjevekovja" [Spouses, their kith and kin in a Southern Italian town of the High Middle Ages (the 10th to 13th Centuries)] in *Chelovek v krugu semji: ocherki po istorii chastnoj zhizni v Evrope do nachala novogo vremeni* [Man within his family circle: essays on the history of private life in Europe before the modern times], ed. Yuri L. Bessmertny (Moscow: Rossijskij gasudarstvenyj gumanitarnyj universitet, 1996), 122-24. For late medieval examples from Dubrovnik, see Janeković-Römer, *Rod i grad*, 116-117.

¹¹⁶*Et Gadatia, filia mea, simul cum matre sua, aulea ancilla mea, fiant libere, et ipsi Gadatie sit medietas vinee in Calbarola.* (CD, 210).

¹¹⁷. . . *filiumque suum, quem cum slauuncula habebat, moriens totius sue hereditastis fecerat heredem . . . quippe nondum ipse pater alia utebatur uxore.* (ZK, 251). Margetić changed his opinion about the status of *slauuncula*. At first he thought she had been a slave: "Tribuni u srednjovjekovnim gradskim općinama," 40. In his recent work he thinks that she was a woman of low social status: *Hrvatsko srednjovjekovno pravo*, 30.

¹¹⁸. . . *omnes istas res teneat uxor mea Castricca adunatas (in)simul usque dum ipsi infantes ad ordinem peruenire possint.* (CD, 210).

interesting that she is mentioned by name in her father's will while his children from legitimate marriage are not. This could perhaps indicate that she is already an adult, because other children are certainly minors (*infantes*). By stating her name her father also distinguishes her among other slaves in the house, since even Gadatia's mother's name is not mentioned. Prior Peter not only freed these women but he also was concerned for Gadatia's future, bequeathing her half of a vineyard. Numerous data from the Late Middle Ages, especially from Dubrovnik where the number of illegitimate children was exceptionally large, show that fathers often tried to provide for existence of their illegitimate offspring.¹¹⁹

In the eleventh century the second example mentioning illegitimate children is that of Peter, a member of distinguished family from Zadar. He certainly did more than just provide for the subsistence of the son he had with the *slauuncula*. He decided to leave him his entire estate. The reason for this must have been the fact that Peter had no surviving legitimate children, for his son from the legitimate marriage, Dobroslauus, died almost twenty years before leaving no heirs, and no other children of him are mentioned in connection with the inheritance of Peter. After Peter's death, Dobroslauus' widow, Vekenega, brought the case to court, demanding part of the inheritance. Peter's kindred stood firmly in protection of the interests of the child. It is obvious that in their eyes it was not important whether he was or was not from legitimate wedlock. In fact, according to the charter documenting the dispute, it was the relatives who persuaded Peter to leave all of his estate to the boy. Later the relatives elected among themselves Madius, his brother Petrinna, and Zanizo, son of Mazikyрно, to represent the boy's cause in court. They did not completely succeed, for Vekenega won a part of the inheritance, the main part of which was the house. However, persuaded by prior Drago and other judges, *propter misericordiam*, she let the boy have the bigger part of the house which seems to be the main issue of the dispute. The power of both families certainly influenced such decision of the court

¹¹⁹Janečković-Römer, *Rod i grad*, 116-19.

although the ecclesiastics were inclined to take Vekenega's side. I would suggest that the boy was entitled to the bigger part of the house because of the importance of the family of his father, which firmly protected the child's interests.¹²⁰ According to late medieval Dalmatian statutes the illegitimate children could not be heirs of their parents although they could receive some legates. The different treatment of illegitimate compared to legitimate children was influenced also by Church law, which emphasized the sacramental value of marriage.¹²¹ As is seen from the above case, in eleventh-century Zadar an illegitimate child could still be accepted by his kinsmen as a member of the kindred. Perhaps they did not regard him as illegitimate at all.

While men could openly admit their relations and children outside marriage, different behaviour was expected of women. After the death of a husband an ideal widow should have stayed unmarried "observing the bed of her husband." Prior Andrew from Zadar from the beginning of the tenth century, and prior Peter from Split at the end of the eleventh century both emphasized in their wills that their wives could enjoy the possession of their property only if they did not remarry. The wife of prior Andrew shared the property with his children and stepchildren.¹²² At the same time, however, men did not seem to "observe the bed" in the same way. Prior Andrew married for the second time after the death of his first wife, and prior Peter had a relationship with a servant-woman with whom he had a child. The "observance of the bed" by widows helped the attempt to keep the property in the family for the next generation. Regulations about the "observance of bed" by widows were also proclaimed in late medieval Dalmatian statutes and repeated in testaments.¹²³

¹²⁰In Margetić's opinion, the poverty of the boy and his father as well as the influence of Vekenega's monastery was the main reason why the court brought a compromising decision: *Hrvatsko srednjovjekovno pravo*, 29-30.

¹²¹Janežević-Römer, *Rod i grad*, 115-16.

¹²²*Et si vult uxor mea Maria portionem suam possidere, obseruet lectum; et si duxerit uirum alium, omnia auferat ab ea.* (CD, 27). . . . *si . . . ipsa poterit custodire caput (!) meum, sedeat super omnes istas res . . .* (CD, 210). See also Margetić, *Hrvatsko srednjovjekovno pravo*, 27.

¹²³Antun Cvitanić, ed., *Statut grada Splita* [Statute of the town of Split] (Split: Književni krug, 1987), 79-81; Marin Berket, Antun Cvitanić, and Vedran Gligo, eds., *Statut grada Trogira* [Statute of the town Trogir] (Split: Književni krug, 1988), 134, 108; *ibid.*, 133, 107. These regulations were valid for

It is impossible to establish how many women observed these injunctions. Cicca and her daughter Vekenega who after deaths of their husbands became nuns were such widows. Cicca explicitly says in the foundation charter of St. Mary monastery in Zadar that after the murder of her husband Andrew she decided after contemplation to dedicate herself to God as a nun in order not to lose her inheritance in her temporary life and in future eternity.¹²⁴ She was followed by other women of high birth, some of them widows such as *domna* Dabra, who entered the monastery with her niece or granddaughter of the same name.¹²⁵ Cicca's younger daughter Vekenega also became nun after the death of her husband Dobroslaus. However, as we have seen, twenty years later her father-in-law deprived her of her inheritance, bequeathing everything to his other underage, most probably illegitimate, son. Vekenega, helped by her mother Cicca, the abbess, and other relatives, took her cause to the court consisting of prior Drago, bishop Andrew, judge John and other noble men of Zadar, and the case ended in compromise.¹²⁶ Perhaps because the kindred of the deceased father-in-law was dissatisfied, it was necessary that the higher instance, in this case the archbishop of Split, Lawrence, confirm the verdict. The archbishop in his charter praised abundantly the virtue of a widow like Vekenega, who must have presented the ideal of Christian widowhood in the eyes of her contemporaries.¹²⁷

Another example of a virtuous widow could have been Brana, the mother of Drago, prior of Trogir, and Vučina, who most probably also retreated to the monastery

widowers as well: Ivan Beuc, "Statut zadarske komune iz 1305. godine" [The statute of the commune of Zadar from 1305] *Vjesnik državnog arhiva u Rijeci* 2 (1954): 593-94; *Statut grada Dubrovnika* [Statute of the town of Dubrovnik] (Dubrovnik: Historijski arhiv Dubrovnik, 1990), 140-41, 350; Janeković-Römer, *Rod i grad*, 67-68. The same was true for Southern Italy as well: Abramson, "Suprugi," 125-26.

¹²⁴ *Ego Cicca . . . post interfectionem mei mariti . . . coepi corde perpendere, qualiter istius caducae vitae non perderem hereditatem et futuram non amitterem perpetuitatem . . .* (ZK, 241-42).

¹²⁵ ZK, 242.

¹²⁶ See page 34-35.

¹²⁷ *Quis namque arrogans exhereditare auderet hanc uiduam ab hereditate mariti sui, dum non solum eius lectum sic nobiliter, utputa cognoscimus, obseruauit; ac inter uiduas, quas laudat apostolus P. se certamen et ad premium, utique assumpto earundem habitu proiectoque cum suo sarcine mundo se contulit . . .* (ZK, 201).

after the death of her husband. She made a donation , "for the salvation of our soul, my husband, and my sons," to the monastery of St. Peter in front of all nuns of St. Benedict as well as Duyam, prior of Split, and Georgius Usdischa.¹²⁸

The marriage, or at least the family life of spouses, could also end during their lifetime if one or both accepted religious orders. It was necessary that both spouses agree to this decision, and afterwards the party who stayed "in the world" was to stay unmarried.¹²⁹ This is shown in the document of donation made by deacon Peter in which he tells how he, inspired by God, and with the permission of his wife, entered the monastery of St. Stephen. It is interesting that Peter also received permission from his mother and brother. Peter explains that not long after he entered monastery, struck by a grave illness, he was consecrated by the abbot. On this occasion his mother presented him with a gift of land which he bequeathed to the monastery.¹³⁰ Peter's illness was certainly the main motive that drew him to the monastic life. He was also given this advice by his brother, who could have been the coadjutor bishop in Split at that time.¹³¹ The desire to end life in a monastic habit was quite common for this period.¹³² People, struck by illness which was considered serious and probably mortal, were more inclined to take monastic vows, as was the case of deacon Peter. The

¹²⁸*memoratorium facio ego Brana una cum filiis meis uidelicet Dragus prior Tragurinus, nec non Ulcina, de terris . . . coram Duymo priore et Georgio Usdischa et omnes monachas sancti Benedicti.* (SK, 222-23). Ivanišević, "Trogir u povijesnim izvorima ," 989.

¹²⁹Brundage, *Law, Sex, and Christian Society*, 202. For similar late medieval cases in Dalmatian towns, see Janeković-Römer, *Rod i grad*, 68-69 and the sources listed therein.

¹³⁰*Io Pietro diacono . . . per inspiratione di dio, permissione di mia moglie, la madre et il reurendissimo mio fratello don Martino cosi consigliandomi, sono entrato nel predetto monasterio, nel quale non doppo molto tempo oppresso da graue infimita fui, come desiderauo, consecrato dal venerabile don Orso abbate . . . Et similmente gli lascio la terra alla valle, la quale mi dono mia madre per l'ordine clericale.* (CD, 60).

¹³¹Frane Bulić and J. Bervaldi, "Kronotaksa spljetskih nadbiskupa" [Chronology of the archbishops from Split], offprint from *Bogoslovska smotra* 2-3 (1913): 172-73.

¹³²Fichtenau, *Living in the Tenth Century*, 265-66; Janeković-Römer, "Na razmeđu ovog i onog svijeta: Prožimanje pojavnog i transcendentnog u dubrovačkim oporukama kasnoga srednjeg vijeka" [Between the earthly and eternal life: the permeation of material and transcendental images in the testaments of the citizens of Dubrovnik in the Late Middle Ages] *Otium* 2 (1994): 10. The monastery could also be a solution in the case when spouses wanted to separate because of marital problems: Abramson, "Suprugi," 117-18.

founder of the church of St. Peter near Split, Peter Cerni, also narrates that after he had fallen ill without hope of recovery, he made a vow to take the habit of Benedictine monk. In this case his wife Anne, co-donor of the church, was most probably dead as she is not mentioned in the description of later events.¹³³ Another example of a monk with a family who entered the monastery is the one of a certain Mocatius from Dubrovnik. A charter from the middle of the eleventh century mentions his son.¹³⁴

In conclusion, aspects of marital life in Dalmatia accord with similar phenomena in some other parts of Europe. In this period the Church put much effort into correcting things considered incompatible with an ideal of Christian marriage, such as of divorce, consanguineous marriages, and so on. The requirement of "the observance of the bed" by widows, and the presence of illegitimate children in households show, however, the existence of a double standard in judging the behaviour of Dalmatian men and women.

3.2. Inheritance

Although the number of documents is limited and restricted mainly to Zadar, one may attempt to see how the women were treated concerning inheritance: whether they participated in all immovable or movable property equally to male heirs, or whether they were entitled only to the specific type of property. The most explicit document concerning inheritance from our period is the testament of prior Andrew from 918. He divided his property, which consisted of houses, lands, cattle, and other movables, including shepherds, equally among his children, both male and female, without any difference among them. To the house of one of the daughters, Anne, he decided to add also a vineyard so she would have a share equal to that of her brothers and sisters. In

¹³³SK, 42, 215.

¹³⁴*Signum + manu Lampridii, filii Micatii monachi.* (CD, 81)

case of the death of one of the brothers or sisters all the others could divide the portion of the deceased one equally among themselves.¹³⁵

A significant part of prior Andrew's property came to him from his mother. He inherited from her several scattered pieces of land.¹³⁶ He does not mention the landed property he might have inherited from his father. On the other hand, for instance, prior Peter from Split simply mentioned about his inherited property that it comes from his *parentes*—which could mean parents (most probably in this case), but also ancestors, or even kinsmen.¹³⁷ It is possible that the inheritance from Andrew's mother was more significant, that is, valuable, or that he really did not inherit any land from his father. However, it is also possible that by mentioning specifically his mother's property, Andrew wanted to emphasize the specific origin of this property, while the property inherited from his father was considered more natural, so it was not important to specify it beyond its location. The amount of these lands is surpassed by those estates he had either inherited from his mother's side, or had bought; but, as the size of the properties is not mentioned, nothing can be concluded about the exact quantity of inheritance from the two sides.

The second document which deals with inheritance is the testament of Agape, daughter of tribune Dabro. She does not mention husband, or children, so we can not know if she had been married. (Unfortunately, the document itself is damaged so it is possible that these references are missing). It is also not said if she had any brothers or sisters, so she could have been the only child and heir. According to the testament she owned a house (*cenaculum*) with a yard, kitchen, and a garden; another house with a small garden; another small garden; parts of land, etc.. As the most interesting property

¹³⁵ CD, 26-27. In the case of Peter's testament, it seems that he had only legitimate sons in addition to his illegitimate daughter Gadatia: CD, 210. Regarding this, see also *Hrvatsko srednjovjekovno pravo*, 27.

¹³⁶ . . . in *Cabrana et ibidem alie terre, que michi euenerit de matre mea, et in Abraucio, que euenerit michi de matre mea* . . . in *Sicirani et alie terre ibidem, que michi euenerit de matre mea* . . . (CD, 27).

¹³⁷ . . . *casa, quam de parentibus meis habeo* . . . *et uinee et duo iuga bouum et agri, qui mihi de meis parentibus prouenerunt* . . . *casa uetus, quam de parentibus meis habeo* . . . (CD, 210).

appear portions of salt-pans which she had among those of her kinsmen (*parentes*).¹³⁸ Women could also appear as inheritors of hereditary rights over churches as was the case in Split where among the patrons of the church of St. Peter a woman Domnanna as well as a Mariula together with her husband Duimus and their two sons Petrana and Drago are mentioned.¹³⁹ The charter issued on the occasion of the restitution of the monastery of St. Chrysogonus built by prior Andrew and *dominus* Fuscus, mentions both male and female heirs, among those who assented to the act.¹⁴⁰

Other cases which regard property that might be inherited is the one from Zadar in 1034 in which Savina, a wife of Gimmai, donated the eighth part of her house to the monastery of St. Chrysogonus,¹⁴¹ and another from Split in 1040 in which prior Niciforus bought one fourth of a tower from Veranizza, daughter of Todurus, wife of Audocus. In this second act, besides eight witnesses who included the most important people of Split (the archbishop, the judge, the archdeacon, etc.), the act of transition of property was performed in the presence of three men, identified as the brothers of Veranizza.¹⁴² These cases could also refer to inherited property, be it from ancestors, be it from deceased husbands in the case of absence of children. The presence of Veranizza's brothers, and the absence of her husband to the act might suggest both possibilities, that is, they could participate as her closest kin during the selling of the

¹³⁸ . . . *portiones de salinas, que habeo inter meos parentes* . . . (CD, 49).

¹³⁹ . . . *inferiorem pauimentum cum canaua turris sancti Petri omnibus eiusdem ecclesie hereditariis consentientibus concessimus: inprimis Duimo Zoppo, Forminus Pudichino, presbitero Bizancio, Duimo Dragauti cum Mariula, uxore sua, et filiis suis Petrana et Drago, Domnanna mulier* . . . (text destroyed) *Naplate* . . . (CD, 111).

¹⁴⁰ . . . *una cum consensu omnium nobilium ciuitati Iadere sue et here(dum domini F)usculi atque Andree prioris, masculorum seu feminarum* . . . (CD, 45).

¹⁴¹ . . . *ego Sauina, uxor Gimmai, cogitavi diuina inspirante clementia meo animo pro remedium anime mee octaua pars de domus, que uisa sum habere et que me tangere uidetur, in moasterio sancti Grisogoni offerre pro anime mee remedio* . . . (CD, 69).

¹⁴² *Similiter comparaui quartam partem de ipsa turro de filia Toduru, Audocu uxore, Uueranizza per XXX solidos per finem in presentia horum testium: ep(iscopus Lamp)redius, (D)omini(cus) iudicator testis, (ar)chidiaconus Fusco testis, Crebesoy (?) testis, Kassanagu testis, Platumissa testis, Duymo Caputa testis, Zuuerana testis et in presentia Ursana de Petrana Masitulo et Dominicus Pundrulo et Graulu, fratres illius mulieri. Omnes hi testes et omnes illos inquisiuiimus et per illorum iussione comparauiimus.* (CD, 74).

property inherited by Veranizza by her parents. Perhaps the notion that all these witnesses and others were interrogated, and that the property was bought "by their order" might suggest that Niceforus wanted to avoid all obstacles which kinsmen (in this case brothers) might put in the case of selling family inheritance.

Other data of inheritance of valuable possessions by the female side can be found in the earliest records in the cartulary of the monastery of St. Mary in which Cicca, the abbess, mentions that she bought three parts of a house of Plato with the inheritance of her mother (*matrimonium*).¹⁴³ Her mother, as we know, was Vekenega, the daughter of Madius, one of the most distinguished priors of Zadar. It was already observed how descendants by the female side of this man still considered themselves as a part of the family. In this case *matrimonium* could have had an equal weight of what was and would be regarded later as patrimonial goods.

Such possession as this appears also in the previous record of the cartulary. The fourth part of the same house Cicca bought was given to the monastery by Bona, the daughter of Madius Sega as a monastic dowry of her daughter Marichina. As the one fourth of the house belonged to Bona's cousin Petrizo who was Sega's grandson, it is obvious that Bona inherited her part of the house from her paternal ancestors. One half of the house was also held by a certain Cicla who could have been a female cousin of Bona and Petrizo.

From the confusing charter documenting the dispute between Cicca and her aunt Neza which involves several more members of the family and mentions the sons of sisters, the debt of 40 *solidi* paid for a part of a house, giving of pledges for this debt, perhaps can be suggested that the daughters of prior Madius (Neza, Cicca's mother, perhaps Tichina) inherited parts of house which was passed further to their heirs.¹⁴⁴ However, the content of this document still awaits detailed analysis in order to

¹⁴³*Ego uero Cicca abbatissa comparaui tres partes illius domus de proprio meo matrimonio...* (ZK, 242). One of the editors, Franjo Rački, corrected *matrimonium* into *patrimonium*.

¹⁴⁴*Episcopus Stephanus, suus nepos, et Madius, eiusdem gener, Nicifori frater, aduersus Ciccā sic interpellabat ex parte Neze dicens se pro ea subisse debitum XXXX solidorum, insuper ob id sua pignora dedisse. Gregorius, predicti Madii filius, pro prefata abbatissa sic respondebat: se ab ea nil*

understand its meaning. If it concerns the house which belonged to the daughters of prior Madius who is known to have had sons as well (at least proconsul Gregory),¹⁴⁵ this may give an additional proof that daughters inherited immovable property in Zadar equally with sons.

From these scattered data it may be seen that daughters were entitled to immovable and movable property, including paternal houses, in the same way as sons. This equal treatment of all descendants is in accordance with Roman-Byzantine law which did not make any difference between male and female heirs.¹⁴⁶ However, data from later centuries show that by then it became customary for daughters from patriciate families to be paid off with dowry in order to keep the estate of kin in the family, by that time essentially patrilineal. In Zadar, for instance, the dowry of a daughter should not be bigger than a part which she would get if the inheritance would be divided equally among descendants. In all Dalmatian towns there are many documents in which daughters, after they received dowries denounce any claim to the inheritance of their fathers.¹⁴⁷

accepisse filios enumerando sororum una cum ea pro parte domus, quam non habuerat, pignora posuisse et in eodem fratre, sororum filios, sibi illos XL dedisse solidos; ab illa uero penitus nichil, sed, sicut ab aliis, accepisse absque placito absque termino pro parte domus XL solidos. (CD, 191).

¹⁴⁵CD, 108.

¹⁴⁶The intestate inheritance rights of all descendants were valid in most of the communes on the eastern Adriatic coast: Trieste, Koper, Umag, Piran, Dvigrad, Buzet, Oprtalj, Buje, Grožnjan, Novigrad, Poreč, Pula, Motovun, Cres, Osor, Rijeka, Krk, Rab, Trogir (until 428), Split, Korčula and, Dubrovnik. Margetić deduces the equality of sons and daughters concerning inheritance from the various statutory regulations (in Dubrovnik's statute 4,21 and 4,25; in Split's statute 3,44; in Trogir's statute 3,8, 3,15, 3,21; in Krk's statute 2,80; in Cres and Osor's statute 2,67; in Rab's statute 2,10, 2,5. Margetić, "Nasljedno pravo descendenata po srednjovjekovnim statutima Šibenika, Paga, Brača i Hvara [The inheritance rights of descendants according to the medieval statutes of Šibenik, Pag, Brač, and Hvar] *Zbornik Pravnog fakulteta u Zagrebu* 1-4 (1972): 347-49, 360; idem, "Neoporučno nasljedno pravo u srednjovjekovnoj Istri" [Intestate inheritance rights in medieval Istria] *Vjesnik historijskih arhiva u Rijeci i Pazinu* 17 (1972): 164.

¹⁴⁷Janković-Römer, *Rod i grad*, 82-83. In Trogir there were many cases in which daughters received a part of patrimony besides dowry but still less than sons: *ibid.*, 114. There are documents from the second half of the thirteenth century in Zadar which show that besides sons, daughters had still rights to inherit immovable property: "Statut zadarske komune," 698-99, 711-12; Margetić, "Nasljedno pravo descendenata," 344-45.

Even though no document survived in our period mentioning dowry¹⁴⁸ except Zvonimir's coronation oath, this does not have to mean that the institution did not exist. It seems that women entered marriage with dowries that could include their part of the inheritance, and this did not necessarily comprise only money and movable property, as was usual for patrician daughters in the Late Middle Ages.¹⁴⁹ As long as cognative aspects of the family existed, marrying off the daughters did not imply their exit from one family circle to another. In this way it should not have been so important to keep family's immovable property only for sons who should continue the lineage, because daughters and their inheritance were not necessarily treated as a "loss" for the family. Their children could still choose to be regarded members of their mother's family, and even the sons-in-law could perhaps contribute with their property to the wealth of their wives' families. Of course, this may not have been a frequent occurrence.

The property of man and wife in marriage remained separate. Prior Andrew ordered that the property of his deceased first wife which consisted of lands and vineyards should be subtracted from his own lands which he was bequeathing.¹⁵⁰ This can be connected with a fact that as mentioned before, the land which came to him from his mother's side was specified. As we saw widows were required to stay unmarried if they wanted to enjoy their husband's property, or at least a share of it. Concerning this, it would be interesting to consider Vekenega's dispute over inheritance once more.

¹⁴⁸The first legal regulations about dowries in the Dalmatian towns is the *Ordo de dotibus et nuptiis* from 1235: Ugo Inchiostri, "Per il diritto matrimoniale e gli usi nuziale in Dalmazia (con riguardo a un "ordo de dotibus et nuptiis" ragusino del secolo XIII)," *Archivio storico per la Dalmazia* 5 fasc. 27 (1928): 247-60. The first Italian documents referring to *dos* (dowry) in its classical meaning appeared only at the beginning of the twelfth century: Herlihy, *Medieval Household*, 98.

¹⁴⁹Susan Mosher Stuard mentions that possessions as a part of dowries appeared in Dubrovnik during the Black Plague period but as an exception in the case of dowries of orphans and heirs. In the early fifteenth century they were more common but not frequent: *A State of Deference. Ragusa/Dubrovnik in the Medieval Centuries* (Philadelphia: University of Pennsylvania Press, 1992), 135.

¹⁵⁰*Et substracte uinee ac terre, que uidentur fuisse de prima vxore mea Agapi . . .* (CD, 26).

As we already saw, Vekenega (in this charter called Veka) became a nun after the death of her husband.¹⁵¹ It seems that her marriage lasted only several years (six at most), because her mother decided to marry her at 1066, and at the beginning of 1092 she was said to be "observing the bed of her husband" for already 20 years. In the early seventies her mother was buying houses for the monastery out of her own and Vekenega's money.¹⁵² As there were not children in the marriage, Dobroslav decided with a consent of his wife to make his father a participant in his property. He seemed to have granted him a pair of oxen *cum suis culturis*, golden buckles or brooches (*nastali*), and his vineyard. "assuming that noone else will become the heir of inheritance neglecting in this way his wife, because his father did not 'enjoy' another wife yet."¹⁵³ However, Peter "deceived" by some relatives left everything to the son he had with *slauuncula* claiming "that nothing should be given to the daughter-in-law of (his) dead son, who is living as if she is (already) dead."¹⁵⁴ It seemed that Vekenega continued to take care of Peter's small son providing him with food and clothes. However, she was not ready to give up what she considered as her right, therefore the dispute between Peter's kin who acted on the behalf of the boy and Vekenega helped by her mother, the abbess Cicca, and her kin was inevitable. The court seemed to be in favour of Vekenega's side. According to the custom "she should have enjoyed her part just as if (he) had been alive for whose love she gave herself to monastic profession."

¹⁵¹ See suggestion of Janet Nelson on the 36th page about Vekenega living as *deo devota* in the house, not in monastery.

¹⁵² . . . *de propriis meis et mee filię Vekęnege bonis facta est* . . . (ZK, 241-42, 251); Klaić, "Nekoliko riječi o kartularu samostana sv. Marije u Zadru" [A few words about the cartulary of St. Mary in Zadar] *Historijski zbornik* 19-20 (1966-1967): 504.

¹⁵³ *Quem etiam iam dictus Dobroslaus, filius eius, paterna motus pietate suę e consensu coniugis Ueķe, quam futuram nouerat monacham, eadem notificante moriendo suę illum proprietatis fecerat participem, par boum sibi tribuens cum suis culturis aureosque nastalos, quin etiam suam uineam; nempe neminem estimans ili compotizari hereditati sua pretermissa coniuge, quippe nondum ipse pater alia utebatur uxore* (ZK, 251).

¹⁵⁴ . . . *Petrus, socer suus, filius domni Dabri, uerbis suorum deceptus propinquorum suo exhereditarat uerbo filiumque suum, quem cum slauuncula natum habebat, moriens totius suę hereditatis fecerat heredem. Hanc autem monachili irretitam uinculo, quę ueris probatur assertionibus, expertem suorum fieri iusserat dicens filio mortuo huic uiuenti nurui quasi mortuę nil deberi dari* (ZK, 251).

Peter's kin was dissatisfied and wanted to go to the archbishop's court. It seemed, however, that they were not willing to do so when the other part agreed to it. The truce lasted for a year during which Vekenega's opponents rejected the summons of the court to go to Split (to the archbishops court) even when they were told that otherwise Vekenega would receive a part of the house and the vineyard. Finally, prior Drago lost patience, and, "not willing to endure force from anyone" went with the bishop "and other nobles" to the claimed house, brought a decision that Vekenega should have full part, and then attributed to her the west part of the house and two "ells" (*ulnas* - probably also referring to the parts of the house). However, they advised her to let mercifully the boy have "larger half" of the house.¹⁵⁵

Prior Drago who led the case was obviously on Vekenega's side. As he was Vekenega's kinsman, being most probably Cicca's first cousin, it may be perhaps understood why the kinsmen of Peter, Vekenega's father-in-law, were suspicious of the court's decision. We must be aware that the dispute is presented through Drago's point of view, written by archdeacon Maio, very likely also a kinsman of Vekenega and Cicca, for in another dispute he took an oath in Cicca's favour.¹⁵⁶ Nevertheless, the right of other part could not have been neglected by the court. From their point of view Peter inherited property from his son with a knowledge and an agreement of his daughter-in-law, and passed it later to his other son, illegitimate or not. From the point of view of Vekenega, her kinsmen, and the Church whose view was clearly expressed

¹⁵⁵ . . . *quod more antiquorum diiudicare uolentes, ut ipsa sua fruaretur parte, uelut si uiuus adesset, cuius karitate se monasticę dederat professioni. Sed huic rei cotrariantibus hoc displicit seque archie piscopali uelle obędire iudicio conclamarant. Quibus et illa una nobiscum assentiens sepissime inuitauit, ut ad suum cum ea irent propositum. . . Quapropter ego Dragus prior commune seruans sacramentum neminem uolens ab aliquo uim sustinere cum iam nominato episcopo aliisque nobilibus ad domum illius pergentes, quę sita est in quadruuio sancti Petri, legali hoc diffinientes iudicio, sub ę piscopali uinculato precepto, illam pleniter debere habere partem iussimus ipsique nos illis domum partientes monachę occidentalem partem domus dedimus duasque ulnas et eo amplius medietatis domus propter misericordiam illam consentire uoluimus infantulo.* (ZK, 201). See also Margetić, *Hrvatsko srednjovjekovno pravo*, 50-52, for the juridical analysis of the case. In Margetić's opinion the court brought compromising decision because of influence of Veka's monastery. Legally Veka should be entitled to enjoy Dobroslav's property during her lifetime, and afterwards it would belong to her deceased husband's brother.

¹⁵⁶ ZK, 248.

by the archbishop Lawrence who confirmed the act, according to *mos antiquorum* her chaste widowhood should not stay unrewarded. At the age where there were not statutory regulations, a certain compromise could and had to be reached. Therefore, Drago "advised" Vekenega to accept that the boy would receive bigger part of the house. Peter's kinsmen probably silently acceded to the settlement, recognizing their weaker position. Eventually, their little cousin did receive a bigger share.

There is also a possibility that Vekenega could have lived *deo devota*, "as if she is dead," in her home together with her father-in-law, and his son. This could explain the fact that she was taking care of the boy, and the fact that the main issue of the dispute was the house which was eventually divided between two parties.¹⁵⁷ If this was true, Vekenega certainly did not stay long in the house, because she is mentioned a few years later as abbess of the monastery of St. Mary where she inherited her mother's position.

Mos antiquorum acknowledged the rights of widows to enjoy the part of their husbands' inheritance. If there were no children, they could have enjoyed the entire property during their lifetime as prior Peter ordered in his will, or even expected to become real heirs. As it seems that they received the same share of inheritance, in both immovable and movable property, they could concentrate in their hands a significant amount of wealth. It was obviously not seen as a danger to cause the shrinkage of family property. If women remained to be considered as members of the family, then the property they inherit could be considered to remain in the family.

3.3. Property transactions

As the sources from the observed period were preserved in ecclesiastical institutions, it is not surprising that most of the property transactions mentioned in them are donations. Women appear often as actors in these documents, alone or with their

¹⁵⁷The possibility that Vekenega lived as *deo devota* at home was suggested by Janet Nelson in discussion on the seminar of "Dispute settlements in the Early Middle Ages."

husbands as equal partners. The best example is certainly *domina* Anne who together with her husband, Peter Cerni, built and adorned the church of St. Peter near Split, and also provided it with lands and people.¹⁵⁸ Her participation is also marked by using of plural in the records of these acts, while acts in which Peter uses only the singular form may be considered as his sole acts, probably after Anne's death, while her participation in the acts of founding and endowing of the church is marked by the use of the plural in the records.

Some acts of donation to which women also contributed are found on contemporary inscriptions. Such is the act of donation by an unknown man from Split and his wife recorded on the inscription from the church of St. Peter the Old in Lučac.¹⁵⁹ Of course, in some of these inscriptions it is not clear whether the wives truly participated financially in these donations. In the above-mentioned case of prior Forminus, who also included—as we believe—his late first wife together with the second one in the record of donation, the first wife's money was used in the donation.¹⁶⁰ In the case of Peter and his wife Dabrica who appeared together as restorators of the church of St. Martin in Trogir, there could be another reason. As the church was built by prior Madius and his brother-in-law (*cognatus*) Peter, perhaps the

¹⁵⁸*Petrus ego Zerni, qui et Gumay filius, vna cum domin Anna mea coniuge, filia scilicet May Faue, diuina docente clementia ac plurimorum dei seruorum fulti consilio, salubre causa nostrorum defunctorum immo delictorum redemptionis iniuimus consilium, quatinus de nostro proprio conquestu, more fidelium, omnipotenti Deo pro posse nostro aliquam portionem offere possemus.* (SK, 213). *Ego Petrus Cerni, qui et Gumay filius, una cum uxore mea domina Anna dedimus omnes terras . . .* (ibid., 230) . . . *una cum coniuge mea domina Anna dedimus . . .* (ibid., 231). In the same cartulary Brana, together with her sons Drago, prior of Trogir, and Ulcina had recorded giving some lands in Sekyryza to the monastery of St. Peter "for the salvation of our soul and the souls of my sons": ibid., 222-23.

¹⁵⁹*(coniu)ge mea edificavi domus Dei ad onore s(an)c(t)i Petri et s(an)c(t)i Andrea . . .*: Rapanić, "Ranosrednjovjekovni latinski natpisi iz Splita," 274. A certain Gadua built a church in Split together with his wife and children: . . . *et peccator Gadua una cum coniuge mea et filius nostris edificavimus templum hoc . . .*: Rapanić, "Donare et dicare: o darivanju i zavjetovanju u ranom srednjem vijeku" [About gifts and donations in the Early Middle Ages] *Starohrvatska prosvjeta* 14 (1984): 174. In the inscription in the church of St. Chrysogonus a donator mentioned also his wife Marina: . . . *qui legitis orate p(ro) me peccatores similiter et p(ro) coniuge mea Marina*: Petricioli, "Ranosrednjovjekovni natpisi iz Zadra," 257.

¹⁶⁰See pages 28-29.

latter inherited rights over the church through his wife.¹⁶¹ In Split, sometime after 1068 Nemira Mesagalina donated a church dedicated to St. Nicholas that she built on a spot bought for 30 *romanati*, a piece of land, and a golden (presumably gold-thread) cloak, to the monastery of St. Benedict.¹⁶² Neupret and his sister gave to the monastery of St. Mary in Zadar one half of a house on the occasion of the sister's entrance into the same monastery. The same did domna Dabra entering monastery with her niece or granddaughter, who gave a small house, as well as domna Bona who gave monastery one quarter of a house when her daughter Marichina became a nun.¹⁶³ In Zadar women also appeared as donators of reliquaries: a certain Bosna donated a silver reliquary of the head of St. James for the salvation of her soul and the soul of her husband Caseo; once also existed a reliquary of the hand of St. Euphemia donated by Prestancius and his wife Dobra.¹⁶⁴

In these cases the origin of property the women possessed is not known. They could have acquired it through inheritance as was observed in the previous chapter. However, this may not have been the only way. In 1044 a certain Dauseta bequeathed a garden near the monastery of St. Chrysogonus to this monastery. She asserts that she bought this garden out of her own income (*de mio proprio precio*)¹⁶⁵ which indicates that she must have been involved in some business that brought her profit. In this way she also distinguishes this property from the one that might have been inheritable, and on which perhaps her kinsmen might also have some right and therefore perhaps a possibility to challenge her bequest.¹⁶⁶

¹⁶¹*Quiq(ue) cupitis iam nosse restaurator operis Petrus nuncupatur eius uxor Dabriča ad onorem tanti patris que hic consecrati sunt primi: Ivanišević, "Trogir u povijesnim izvorima," 972.*

¹⁶²CD, 112.

¹⁶³ZK, 242.

¹⁶⁴*Ego Bosna iussi fieri hanc capsam in honorem S. Jacobi martyris ob remedium animae Casei mei viri et animae meae.* Another one *Prestancius cum uxore sua Dobra*: Jakić-Cestarić, "Ženska," 305-306.

¹⁶⁵CD, 77.

¹⁶⁶This could be connected with the case of Maius, son of Barba, who seized some vineyards from the land that Dabro, son of Nicifor, gave to the church of St. Lawrence which belonged to the monastery of St. Chrysogonus. After dispute, the monastery received the land back, but, *divina clementia*

Apart from donations, women also appeared as sellers of the property. Besides the already mentioned Veranizza who sold a part of her presumably inherited property, the parts of the same towers were bought from five men and three other women: *de filia Bona Lampata, de uxor presbiteri, filio Sassu* (probably the wife of priest *Carauia* who also appears as a seller of another part of the same tower), and from a certain woman *Cilda Lagana*.¹⁶⁷ Among twenty-nine keepers of lands (who included such men as son of prior Madius, *dominus* Maio, deacon Ursus, etc.), which belonged to the church of St. Mary in Rab, there are also several women Anna, Stana, Fantasia and Sisca (last two names could be perhaps also nicknames for males).¹⁶⁸

A few women appeared also recorded as witnesses to some property transaction of others. A sister of Split's prior Prestancius, Anne, and his cousin Dabriga testified along with the abbot of St. Stephen in a record in which Prestancius gave the church of St. Mary to his son Girno.¹⁶⁹ A certain Rugata (perhaps the same as Rugata, the mother of Trunzannus, mentioned later in the same cartulary) was present during the dispute between Peter Cerni and Tugarans over some land. Another woman, Cicla, was witnessing a purchase of some land by Peter Cerni.¹⁷⁰

Margetić suggested that in the foundation charter of Cicca's monastery her kinsmen had an identical role as in Lombard law institution of *mundoaldi*, in the tenth

inspirante atque misericordia, allowed Maius to stay without any payment on the land until the end of his life: CD, 153-54. This could suggest that Maius had some right over this land. Lujó Margetić explained that the right of pre-emption by kinsmen and neighbours appeared in Byzantium in the tenth century and then spread gradually through Europe. However, he on his surprise as he admits, did not find proofs about the existence of such right on the territory of Dalmatian towns: "Neki pravni problemi u vezi s dopisom podbana M. Živkovića od 5. XI 1459" [Some legal problems regarding letter of viceban Michael Živković] *Historijski zbornik* 23-24 (1970-1971): 280-86. However, Margetić found cases of *laudatio parentum* (approbation of relatives) on the inner territory of Croatian state. This right of pre-emption and buying-off by kinsmen he explains as the attempt of compromise between "the old" (the family property of Carolingian and post-Carolingian period) and "new" (individual property in the sense of Roman law): "Bizantsko pravo prvokupa i otkupa i njegov utjecaj na hrvatsko pravo" [Byzantine right of pre-emption and redemption of property and its influence on Croatian law] *Starine JAZU* 59 (1984): 26-27.

¹⁶⁷CD, 74.

¹⁶⁸CD, 185.

¹⁶⁹CD, 60.

¹⁷⁰SK, 215, 225.

century charters called *adiutores* without whom no woman could contract business.¹⁷¹

An additional evidence for this theory could be that in the dispute between abbess Cicca and her aunt Neza both women were represented in court by their relatives.¹⁷²

However, although Vekenega appeared in court with her mother and other cousins, it is not mentioned that she was represented by someone else. Kinsmen could have assembled to offer advice and support to the members of the same group because "the consciousness of blood relationship engendered the obligation of assistance."¹⁷³

The status of upper-class women in the late medieval society during the revival of economy deteriorated. There was a tendency to exclude women from property transactions as much as possible. They could attend to business only if they were named procurators by their husbands in the case of absence of the latter.¹⁷⁴ This does not seem to have applied in the eleventh century. Women appear as possessors, keepers, acquirers and disposers of property. Vekenega's case shows that women were also able to successfully argue their case in court.

¹⁷¹ *Huius uero consilii fratrem germanum et consanguineos, quos habebam propinquos, feci michi conscios Stephanum episcopum et Drago priorem et Crina totius mei actus cooperatores ac prouidos ordinatores et quę dictanda sunt adiutores.* (ZK, 241); Margetić, *Hrvatsko srednjovjekovno pravo*, 180-81; see also Abramson, "Suprugi," 125.

¹⁷² . . . *iudicium . . . inter Nezam, Madii prioris filiam, ac Cicca (!) abbatissam, suam neptim, Vekenega genitam. Episcopus Stephanus, suuus nepos, et Madius, eiusdem gener, Nicifori frater, aduersus Ciccā sic interpellabat ex parte Neze dicens . . . Quibus e contra Gregorius, predicti Madii filius, pro prefata abbatissa sic respondebat.* (ZK, 248).

¹⁷³ Fichtenau, *Living in the Tenth Century*, 86; Abramson, "Suprugi," 118-120.

¹⁷⁴ Janeković-Römer, *Rod i grad*, 89; idem, "Obiteljski odnosi," 121; Dinić-Knežević, *Položaj žena*, 27, 32-33, 129-30.

Chapter 4: The duration of family

In the following chapter I intend to answer the question how long the genealogies of prominent Dalmatian families from this period can be followed. It will also be asked what perception the protopatricians themselves held about their own families, that is, how did they perceive the vertical and horizontal "borders" of their families, how far their genealogical memory reached, and how far their idea about the existence of family extended.

In our earliest document, the testament of prior Andrew from 918, no ancestors are mentioned. From the previous generation only Andrew's mother and his first father-in-law are referred to.¹⁷⁵ Almost seventy years later, in 986, the male and female heirs of prior Andrew and of a certain *dominus* Fuscus are mentioned on the occasion of the restitution of the monastery of St. Chrysogonus founded by these two men.¹⁷⁶ This means that their remembrance of their own origin extended at least three generations. In the next century documents fail to mention any descendants of prior Andrew, even though the same names as those of the members of Andrew's family appear in the charters in this century (Niceforus, Andrew). Considering the custom of inheriting names within a family which existed in Zadar this could perhaps imply that Andrew's descendants continued to occupy important positions in town, but they stopped referring to their prominent ancestor.

The other family from Zadar, known in Croatian historiography as *Madijevci*, the Madii, can be followed through the eleventh century. Its first known member, prior Madius, is mentioned in the charters at the end of the tenth century, the first one being also the last one which mentions the heirs of prior Andrew.¹⁷⁷ Madius' *nepos* (most

¹⁷⁵CD, 26-27.

¹⁷⁶ . . . *here[dum domini F]usculi atque Andree prioris, masculorum seu feminarum . . . ecclesiam beati Chrisogoni martyris . . . quod est edificata a predictis uiris domno Fusculo et Andrea priore . . .* (CD, 45).

¹⁷⁷CD, 45.

probably nephew) of the same name, who also held the position of prior, appears as that member of the family to whom the others referred to. He is mentioned by his granddaughter Cicca in 1066 and in the dispute between family members in 1089/90. His brother, bishop Prestantius, was mentioned by Prestantius' *nepos* Drago in 1092.¹⁷⁸ However, although Drago and his son are mentioned in 1095, this family can not be traced into the twelfth century, just as prior Andrew's family could not be traced into the eleventh. This could open several possibilities: either the family was extinct or perhaps they started following a different pattern of reference using some other closer prominent relative. There is also a possibility that the Madii and Drago's descendants lost their prominent role after the appearance of king Coloman on the Croatian throne. However, the king continued to support the monastery of St. Mary at the time when its abbess was Vekenega, one of the members of the Madii family.

Of course, the difficulty in tracing family members is connected with the scarcity of remaining documents. In the following case the family can be traced only because of the transference of a certain church between the members of the same family. Dabro, abbot of St. Stephen near Split, in bequeathing his possessions to the monastery, mentions possessions that he received from his ancestors, archbishop Paul and his adoptive mother, *domna* Dabra.¹⁷⁹ The main item of this property consisted of rights over the church of St. Mary in Palude built by archbishop Paul who bequeathed it to his father, prior Prestantius. The latter then, in the presence of his sister Anne and cousin Dabrica, passed it over to his other son Zirno, Dabro's father, who later

¹⁷⁸ZK, 241, 248, 251; Jakić-Cestarić analyzing names in the contemporary charters attempted to investigate and connect more family lines of the protopatricians of Zadar at the end of the eleventh century with prior Madius and his brother, bishop Prestantius, from the beginning of the same century: "Antroponomastički pristup ispravi." However, it has to be considered that these persons whose names were recorded in the charters, the charters that survived, did not have to be the only protopatricians living in Zadar at the same time. Besides, even if the Madii were the most prominent family, there were certainly more prominent families among "nobiles" in contemporary Zadar.

¹⁷⁹*Dispongo . . . lasciare le cose nostre tutte e quelle, che parano nostre, anzi raccomandate a noi, che furono de nostri antepassati, prima di Paulo arcivescouo e di donna Dabra, mia madre adottiva, et la chiesa di santa Maria posa in Paludo con tutte le sue appendici . . .* (CD, 165).

bequeathed it to Dabro.¹⁸⁰ When he afterwards left the church to the monastery, the family can not be further followed, although Dabro may not have been its last member.

This opens the question of the role held by ecclesiastical institutions concerning the preservation of memory.¹⁸¹ In the following case, also from Split, the first member of the family recorded in the charters is the founder of the monastery of St. Peter near Split, Peter Cerni, who calls himself also the son of Gumay.¹⁸² The first abbot of the monastery was Peter's nephew Gregory.¹⁸³ After Peter's death his sons were obliged to take care of the donation.¹⁸⁴ The name Gumay was attached to the name of the monastery, which was thereafter called *Sanctus Petrus de Gomai* (the first time recorded as such in 1176).¹⁸⁵ In the twelfth and the thirteenth centuries several prominent people appear in Split with the family name of Gumay.¹⁸⁶ It is possible that they are descendants of Peter Cerni and his sons, although they never refer to him. It may be wondered to what extent the family donation contributed to the strengthening of the family name.¹⁸⁷

¹⁸⁰CD, 58-60, 93-94.

¹⁸¹About this see: Dieter Geuenich, and Otto Gerhard Oexle, eds., *Memoria in der Gesellschaft des Mittelalters* (Göttingen: Vandenhoeck & Ruprecht, 1994), especially the articles of Joachim Wollasch, "Das Project 'Societas und Fraternitas': 11-31, and Uwe Ludwig, "Die Gedenkenlisten des Klosters Novalese - Möglichkeiten einer kritik des Chronikon Novaliciense": 32-55.

¹⁸²*Petrus ego Zerni qui et Gumay filius . . .* (SK, 213). Petar Skok explains the name of Gumay as coming of Geminianus who was the patron saint of Modena from the 4th century: *ibid.*, 47, 248-49.

¹⁸³Gregory was the son of Palunduzulus, and had two brothers Peter and Paul: SK, 215, 223.

¹⁸⁴*Omnia ista quę hic prelibata sunt uolumus in sempiternum ecclesiam habere. Nostris autem filiis ad regendum hæc omnia comittimus, sed tali modo ut quę ibi sunt oblata, regant, custodiant, conseruent, et ab omni perturbationis incursu defendant. Cotidianum ut habeat officium, elaborent non ad opus suum, sed ad ecclesie et ibi seruientibus illud custodiant.* (SK, 222). As here is mentioned only the church, and the form of plural is used for donators, this must have been ordered before the construction of the monastery, when Peter's wife Anne was still alive.

¹⁸⁵SK, 228.

¹⁸⁶*Dabrana Gumai* (1144), CD II, 56; *Drago Gumay* (1171), CD II, 130; *Drago de Gomai sacrista* (1175-1180), CD II, 142; *Dragus filius Dabrane Gumaii... Johannes filius Dabrane Gumaii* (1188), CD II, 222; *Fosco Gumai* (1198), CD II, 292; *Duymus nepos Gumay laicus* (ca. 1200), *Historia Salonitana*, 79; *Santius Dabrane Gumay* (1203), CD III, 34; *Biualdus Gumay* (1267), CD V, 427; . . . *iuxta domum Jançi Gumay* (1226), CD III 260; . . . *sub turri que olim fuerat Jantii Gumay . . .* (1276), CD VI, 172.

¹⁸⁷Another, somehow humorous, example of the influence of the connection with the Church in the establishment of family name could be the name of *Platimissa* ("Pay-mass") which could indicate a nickname of a very pious person. The first Platimissa appeared in a charter from 1040, (CD 74), in

Another case of how patronage rights could be expected and intended to contribute to the memory of the family can be observed in a charter from 1065 in which is described the foundation of a female Benedictine monastery by several prominent men in Trogir. They gave to the newly-found monastery their church of St. Duymus, and also ordered that the monastery's advocate should always be one of them.¹⁸⁸ Unfortunately, the scarcity of preserved sources for Trogir in this period does not allow us to find whether and how this donation contributed to the creation of family memory. However, perhaps this case also shows how family memory can disappear after certain time. It is interesting that the people engaged in this act of donation do not mention any familiar ties existing among them, although it may be presumed that the ties existed at the time when the church of St. Duymus was erected. The same is the case with the persons who exercised patronage rights over the church of St Peter in Split.¹⁸⁹ This could perhaps mean that at this moment these people had already stopped regarded themselves as the members of the same family, the same as probably happened with the heirs of prior Andrew and dominus Fuscus in the eleventh century, and that not even the old patronage rights over the church they inherited from their mutual ancestors were considered strong enough to contribute to the preserving of family memory. By contrast, in the case of the Gumaii who are mentioned in the thirteenth century it is obvious that their genealogical memory expanded.

1086 is mentioned *Platimissa Micha, filius Martini . . . misse*, (CD, 186), and at the same time a certain *Forminus Platimissa*, (SK, 214, 215). The last person of this name is mentioned in Zadar in 1166: . . . *presbiter Dominicus cognomine Platimissa* (CD II, 107). The similar case is with the family name *Bogoboyse* ("God-fearing") from Trogir. In 1064: *Bogoboyse* (CD, 99). In 1076: *Georgius Bogaboici* (CD, 138).

¹⁸⁸ . . . *nos omnes uidelicet: Staligato, Georgius, Tridullo, Dabro, Sepalato, Calafato, nec non Vitaza . . . ecclesiam, quae nostra erat, scilicet domus beati Domnii . . . ibi monasterium ancillarum domini concederemus construere . . . concessimus . . . ut iam dicta ecclesia, quanos monasterium fieri concessimus, alium dominum praeter nos non habere; etiam unus ut ibi aduocatus mitteretur ex nobis ad regendum et gubernandum necessaria . . .* (CD, 98-99); Ivanišević, "Trogir u povijesnim izvorima," 982-83.

¹⁸⁹ CD, 111.

.There is another eleventh-century Split family besides the Gumaii that can be followed into the twelfth century — the *Mesagaline*. The first of them, Mesagalina (also known as *Ioannes Mesagalina*) and Nemira Mesagalina are mentioned in or around 1068.¹⁹⁰ Several people with the same family name appear in the next century. In the first half of the twelfth century one archbishop of Split was related to them.¹⁹¹ It seems that the name Johannes repeated frequently in this family, because it is impossible that Iohannes Mesagalina from 1068 is the same as the one from the first half and the middle of the twelfth century. A son of Johannes Mesagalina, *Raddo*, occupied the position of *vicarus* in Split at the end of the twelfth century (1198).¹⁹² Through his references in charters at various times as the son of Mesagalina, grandson or nephew, or Mesagalina himself, the gradual establishment of the family name can be observed.

There are not many families that can be traced like this. Some members of other eleventh-century families from Split also appear at the beginning of the twelfth century, but these are either the same people already mentioned at the end of the previous century or their first descendants.¹⁹³ Such is the case of the family of one of Split's prior, Duymus, mentioned in 1078, 1086, and in the nineties.¹⁹⁴ He could be the

¹⁹⁰CD, 111-12. *Iohannes Mesagalina* is also mentioned in the cartulary of St. Peter in 1080s: SK, 214, 216.

¹⁹¹ Archdeacon Thomas in *Historia Salonitana* described how *Gaudius clericus, natione Spalatensis . . filius Cotini, nepos Carocule* who became archbishop of Split acquired his previous position to his nephew whose brother was Iohannes Mesagalina (*nepoti suo Madio primicerio, fratri Iohannis Mesagali(n)a*) and to whom it belonged through patronage right: *Historia Salonitana*, 63. This bishop is mentioned in the charters from 1138 until 1158: CD II, 47, 48, 49, 54, 55, 60, 63, 86-87. One Mesagalina is already mentioned in 1111: *Dra. . . Mesagaline filius* (CD,23).

¹⁹²In 1178 are mentioned *.donna Betta moglie di Giovan di Mesagalina et Raddo suo figliolo* (CD II, 154). In the same year: *Raddo figliola (!) di Gana Mezagallina*. (Ibid., 157). In 1198: *. . . nel vicariato di Raddo Mesagalina . . .* (Ibid., 292), *. . . vicariato di Raddo nepote di Mesagallina . . .* (Ibi., 308). In 1200, the lands of Mesagalina are mentioned: CD II, 348-50.

¹⁹³Examples: *Lampredio Scarnacani*...(CD II, 32-33). This one is probably a brother of Gauzulus Scanacani who appears in the cartulary of St Peter (SK, 225) in 1090s and again in the charter from 1111 (CD,23). *Duymo de Tule* is mentioned in the cartulary of St. Peter after 1080s (SK, 220), and then again as *Duymus Tule filius* in 1111 (CD II, 23); *Drase Neslane* in 1186, (CD, 186), *terra . . . quam olim Marcla Neslane monasterio obtulerat*, (CD, 257). *Paulus Acine* in 1080s and 1090s (SK, 216, 225), *Paulus Acina* in 1171 (CD II, 131).

¹⁹⁴CD, 166, 186, 208; SK, 224, 226.

same Duimus, the son of Valiza, who is mentioned in 1068.¹⁹⁵ His son Cirnecha, mentioned in 1090s,¹⁹⁶ could be the prior of the same name who appears in 1119, or perhaps his uncle of the same name.¹⁹⁷

It is more difficult to trace the families from eleventh-century Zadar into the twelfth century.¹⁹⁸ As we saw, the link between the Madii and the persons appearing in twelfth-century charters can not be found. The family of judge Sega can also be followed for a few generations, applying the name inheriting pattern, but its trace is lost after the end of the eleventh century.¹⁹⁹ Jakić-Cestarić, applying the name-inheriting pattern she had established, has managed to follow some family lines from the beginning of the twelfth century until the end of the fourteenth century. She puts as the best example the family line of the first archbishop of Zadar (1154-1178), in which the most prominent names are Lampredius and Vitaza. Because of this she connects this family with priors Lampredius and Vitaza who appeared in a charter issued in 1105.²⁰⁰ This prior Vitaza is most probably the same one who is mentioned in charters issued in or around 1095.²⁰¹ In the charter from 1134 appears also his son (*Zanizus filius Vitaze prioris*), who acted as an advocate for the monastery of St. Mary. However, this is the only case in Zadar for which I know that a family connection between a person from the eleventh century and later period can be traced showing also that the name-

¹⁹⁵CD, 111. Prior Valiza is mentioned in 1068 (Ibid., 110), 1075 (Ibid., 137), 1080 (SK, 213), and for some time in the 1080s (Ibid., 230, 231).

¹⁹⁶SK, 226.

¹⁹⁷CD II, 30-31; *Historia Salonitana*, 62.

¹⁹⁸Rački mentioned the family *Cicla* that appears in Zadar and Split in the eleventh and the twelfth centuries (*Historia Salonitana*, 66), but in all examples this is the name of the person, most probably female which linguists explain as a diminutive form of Lucia: Jakić-Cestarić, "Ženska," 299-300, 304; SK, 260.

¹⁹⁹See Jakić-Cestarić, "Etnički odnosi," 156

²⁰⁰Jakić-Cestarić, "Etnički odnosi," 156-57.

²⁰¹+*Signum manus Vitaze, nuper prioris, et fratrum eius.* (CD, 206). *Drago prior, Vitaza prior . . .* (CD, 207); CD II, 44-45.

inheriting patterns that can be so well applied in the thirteenth century are still not very firmly elaborated at the end of the eleventh century.²⁰²

These examples have shown that there are no families until the second half of the eleventh century that can be followed for more than a few generations, and even for this period only a few can be followed into the twelfth and possibly thirteenth century. The reasons for this could be the scarcity of documents but also different perceptions about the duration of family. The members of the family could stop at one point to relate to one ancestor which had become too distant and start to relate to a closer one. The awareness of the existence of distant ancestors could be kept alive through the inheritance of property and patronage rights over churches and monasteries founded by common ancestors, but if, as we have seen these were also inheritable through female members—who continued to be regarded as the members of the family and sometimes even could have drawn their husband into it—then the borders of the families could not have been very precise. This difficulty in tracing the families from the tenth and the beginning of the eleventh century into the following centuries is not an exceptional feature among similar cases in contemporary Europe. The two cartularies from Lucca from the thirteenth century contain data about the ancestors of the greatest Lucchese families as far as from the end of the tenth century.²⁰³ Examples of great noble families of Genoa show that there the eleventh century was "the time of the tightening of lineage bonds."²⁰⁴ The change of family structure from a horizontal into a vertical, lineal one, of which the additional consequence is the extension of memory into later generations occurred gradually in Europe, starting with the most important families at the end of the Carolingian period,

²⁰²In a charter from 1190 a certain *Andrea Cotopanie* is mentioned, whose nickname or surname derives—according to Jakić-Cestarić—from a Byzantine title *catapanus*, the highest Byzantine official in Dalmatia in the second half of the eleventh century: Jakić-Cestarić, "Etnički odnosi," 146-47. Of course, it is impossible to connect this man directly to any of the men mentioned in the eleventh century.

²⁰³Herlihy, *Tuscans and Their Families*, 342-44.

²⁰⁴Owen Hughes, "Urban growth," 7, 13.

but mainly occurring after 1000.²⁰⁵ In Georges Duby's opinion, the inability to extend genealogical research beyond a certain point in time "cannot be explained by the paucity of sources, but stems instead from the fact that they no longer provide clues which make it possible to establish descent from father to son with any certainty."²⁰⁶

²⁰⁵Ibid., 117. Martin Aurell, *La noblesse en Occident (V^e - XV^e siècle)* (Paris: Armand Colin/Masson, 1996), 64-65.

²⁰⁶Duby, "Family structures in the West," 106; idem, "The relationship between aristocratic family and state," 113-19.

Chapter 5: Household

As can be seen from family studies of the Late Middle Ages,²⁰⁷ the large complex family unit (the so-called joint family) was appreciated by the Italian and Dalmatian patriciate.²⁰⁸ Even if it did not prevail statistically because of biological, economic, or other reasons, it was praised as an ideal and was supported by legal institutions.²⁰⁹ Two types of such units can be distinguished. The first is the association between a father and married sons, the other one being the association among married brothers. The purpose of such joint families was to prevent division of property and to secure the family's position in society.

Because of the scarcity and character of the sources, it is difficult to conclude which type of household prevailed or was preferred in this period among the Dalmatian urban elite. Prior Andrew had six children, three sons and three daughters, among whom he divided his property. To each of them he left a house, except to two sons from the first marriage, Niceforus and Peter, who received one house in joint property as an undivided economic unit. Contrary to other houses — for example, the house of the youngest son Andrew which is described as the one where the prior himself lived — their house is described as "the new house," possibly more spacious than the others.²¹⁰ However, the houses are said to be *cum introitu et exitu suo* (with income and

²⁰⁷ Janeković-Römer, *Rod i grad*; Herlihy, *Tuscans and Their Families*; Francis William Kent, *Household and Lineage in Renaissance Florence. The Family Life of the Capponi, Ginori, and Rucellai* (Princeton: Princeton University Press, 1977).

²⁰⁸ Joint or stem families comprise two or more married couples, the opposite of the conjugal or nuclear family consisting of a married couple or widow/er with unmarried children, and to the extended family, that is, the nuclear family extended by ascendants, descendants or collaterals. Calculations made according to data from The Tuscan Catasto from 1427 show that multiple households were far commoner among the patricians than in other classes of the urban community: among the richest Florentine families, (those who had more than 3200 florins), 23 percent contained at least two married couples, while joint households made up 18,6 percent of all households: Herlihy, *Tuscans and Their Families*, 291-98, 321.

²⁰⁹ A Florentine patrician Leon Battista Alberti expressed this ideal in his *Libri della famiglia* written in 1430s: Herlihy, *Tuscans and Their Families*, 323-24; Janeković-Römer, *Rod i grad*, 32-33, 35-39.

²¹⁰ A daughter Anne received also a vineyard with a house she got, so she would have an equal share with others who received gardens together with houses: CD, 26.

expenditure), which could perhaps indicate that the older two brothers might have been expected to live together in the same household. From other sources nothing can be concluded about the structure of the household. The fact that people related to each other owned a house together (each having one part) does not have to mean that they lived in the same household. Unfortunately, the results of archaeological explorations can not provide us with data that could help solving this problem.²¹¹

Households also included members who were not related to each other, that is, slaves - *servi* and *ancillae* who performed different kinds of domestic labour.²¹² The term *familia* in its narrower sense could denote primarily these people, and was used in this meaning ever since Late Antiquity.²¹³ This is shown in the testament of prior Peter from the end of eleventh century in which he ordered : *De familia vero servi, scilicet et ancille, a maiore usque ad minorem, omnes sint liberi per nostra redemptione.*²¹⁴ Here family could mean only servants, but could also have more general meaning applying to all people who lived together, thus denoting the whole household. It is possible that the freedmen (*libertini*) can also be included among the members of *familia* since they also continued to have certain obligations towards their former masters,²¹⁵ although in the Dalmatian sources of this period this is not mentioned. In the sources a family in its basic modern sense of a nuclear unit of a married couple and their children was mentioned only descriptively.²¹⁶

As we have seen, among the unfree members of a household there could have been children begotten in relations between masters and their servant women, who

²¹¹Klaić, Nada, and Ivo Petricioli. *Zadar u srednjem vijeku do 1409*, vol. 2, *Prošlost Zadra* [Zadar in the Middle Ages until 1409 vol.2. The history of Zadar].Zadar:Filozofski fakultet Zadar, 1979, 117, 145.

²¹²Neven Budak, "Servi ranog srednjeg vijeka u Hrvatskoj i Dalmaciji" [*Servi of the Early Middle Ages in Croatia and Dalmatia*] *Starohrvatska prosvjeta* 15 (1985), 260-67.

²¹³Fichtenau, *Living in the Tenth Century*, 98; Herlihy, *Medieval Households*, 3.

²¹⁴CD, 210.

²¹⁵Budak, "Struktura i uloga obitelji serva i famula u komunalnim društvima na istočnom Jadranu" [The structure and role of families of servi and famuli in the communal societies on the Eastern Adriatic] *Starohrvatska prosvjeta* 14 (1984): 353.

²¹⁶For example, *Duimo Dragauiti cum Mariula, uxore sua, et filiis suis Petrana et Drago* (CD, 111).

inherited servile status after their mothers, such as Gadatia, the daughter of prior Peter.²¹⁷ Margetić suggested that the fourteenth act of First Split Council which required that men should give *servos suos*, *heredes suos* to literate studies, can be applied to such children who should be treated not as strangers, but as their own children.²¹⁸ This would presume a significant amount of such children in the households of protopatricians. Big households must have contributed to the sense of importance and dignity among other people, for example, prior Peter called his house a court (*aula*), for he says that Gadatia's mother was his *aulea ancila*.²¹⁹ As a house is usually called *domus* or *casa* in the sources, as when prior Peter uses the second term himself in the same testament when listing his houses as possessions, the use of word *aula* probably had a non-material meaning, that is, a court as a community.

Households of protopatricians must have been thus of complex character consisting of free and unfree members, related to the head of family by blood or by service, or both. The concept of family (*familia*) did not begin to be used in present meaning of the word yet, but applied more to the term household. Precise conclusions about the structure of the protopatrician families, whether they could be of joint or extended character, can not be drawn, as for the Late Middle Ages.

²¹⁷Budak, "Struktura i uloga," 353-55.

²¹⁸*Hrvatsko obiteljsko pravo*, 24. . . . et ut heredes suos, servos suos litterate studiis tradant. *Quicumque n christianitatem perfectam habere cupiunt, ut illi eos instanter corripiant et ipsi eos libenter exaudiant, non ut peregrinos, sed ut proprios.* (CD, 32).

²¹⁹CD, 210.

Conclusion

This research on family structure of the Dalmatian protopatriciate in the tenth and eleventh centuries has been conducted through different aspects of its manifestation in preserved sources: charters, cartulary records and stone inscriptions. Since those are scarce and because of their purpose limited in regard to family structure, it should be accepted that the results of the research have to be equally limited and in many cases open to discussion and argument. However, the sources do provide us with some possibilities to examine the features of family structure.

The first of them is the observance of how individuals identified themselves in public documents through kinship ties (relation to another member of a kin). The results show that most people identified themselves only by their first names or nicknames and the secular or ecclesiastical position they held in the community. However, those who also decided to refer to relatives were not strictly limited to their immediate first male ancestors, that is, fathers, (although this was most frequent in the eleventh century) but could refer to other relatives if those were considered to be a factor more relevant to the community. This relative could also be a woman if she provided a link to a more important family or individual. Thus, a person could refer even to his/her mother if she belonged to the more prominent family as was, for example, the case with the Madii in Zadar. Horizontal family ties, those to brothers or uncles, were also important if those persons held important positions in the structures of power. Married women or widows would also continue to refer to their parents' families, and occasionally even their husbands could choose to refer to prominent affine relatives (father- or brother-in-law). Even if in the eleventh century, a reference to a father was the most frequent in the identification through kinship ties, the existence of choice suggests that the pattern was not yet firmly established.

Another area of research in family structure is the study of name-inheriting patterns. This proved to be difficult not only because of the scarcity of sources and the problems with their exact dating, which deprive us of the possibility of constructing

accurate genealogies but also because of the frequent use of nicknames (especially in Split). For these reasons the research has been focused mainly on Zadar. It shows the absence of a definite pattern or rather the presence of several patterns at the same time: naming children after grandparents and grandmothers—a vertical naming pattern which would become predominant in later period—together with naming after uncles—a horizontal naming pattern. The existence of both patterns or the absence of a definite one indicates the presence of change taking place.

The study of relations between male and female members of the family points to changes, that are happening in this period induced by the reform of behaviour of the laity being pursued by the Church, regarding divorce, endogamous marriages, bigamy, illegitimate marriages, and illegitimate children. The importance of women in many cases can be seen through the exercise of their rights to family inheritance and their role in disposing of family property.

Attempts to trace family genealogies also proved to be difficult not only because of the absence of sources but also because of the limitation of family memory, the unreliability of identification through relatives, and the lack of an unequivocal name-inheriting pattern. Some families from eleventh-century Split who assumed a nickname as a family name can be traced into the twelfth and even thirteenth century. Family estates and patronage rights over ecclesiastical institutions played an important role in the preservation of family memory. These were, however, not strong enough to preserve family memory for the families of the tenth and the beginning of the eleventh century. This is understandable if we consider the different perception of family borders which could change with every new generation, the placement of importance on horizontal lines of the family, and marriage ties.

The final conclusion can be thus that family structure of the Dalmatian protopatriate in the tenth and the eleventh century appears to be in a transitional phase from the cognatic model of a family which equally emphasizes both lines of descent, paternal and maternal, into an agnatic one which concentrates only on the paternal line. The first type is oriented more on horizontal ties among living kinsmen;

the second concentrates chiefly on vertical bonds which connect a person to more distant ancestors. As has been observed, the elements of both are present in the case of the families of the Dalmatian protopatriciate. The reason for this is that the change from the cognatic model to the agnatic one was a long and gradual process which could last decades and sometimes even centuries. The beginning of this process and its duration depended on the specific development and features of each medieval urban community. Nevertheless, the family structure of the Dalmatian protopatriciate yields certain characteristics which fit well into general processes which family structure was going through in early medieval Europe.

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Persons related to Archbishop Paul of Split (cca. 1000-1060s)

