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Twelfth-century Italian confraternities as institutions of pastoral care

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ABSTRACT

When studied through canon law and scholastic *pastoralia* produced in the universities in the thirteenth century and beyond, medieval pastoral care comes across as spiritual care, more specifically the administration of sacraments and preaching, provided by the clergy for the faithful. This article complicates that view by arguing that in the twelfth century, the laity alongside the clergy was active in the provision and organisation of pastoral care. The sources examined are the surviving statutes of five religious confraternities – along with the obituaries and sermons in two cases – in Italy that flourished in the twelfth century and before. Each of these confraternities was centred around a church, established after an apostolic ideal, included laymen and women and local pastoral clergy of all levels, met regularly to celebrate the Eucharist, prayed for the dead members and made public confessions. Members prayed for and attended to the corporal needs of each other in case of sickness. In the final analysis, these twelfth-century confraternities appear as transitional institutions between the early medieval monastic confraternities focusing on prayer and the late medieval and renaissance confraternities focusing on charity. Their study opens a window onto the lay expectations of and contribution to pastoral care in medieval Italy.

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In histories of medieval religious life, it has been common for a long time to assume a sharp divide in the respective roles of clergy and laity within society, based on the binary division expressed by medieval thinkers themselves, the *ordo clericorum* and *ordo laicorum*. In recent decades, scholars have increasingly focused on the role of the laity in devotional movements, in the promotion of the cult of saints, in intellectual life and in affective piety in general, and have made a case for the potential dangers of constructing the lay–clerical nexus as a firm division. Much of this scholarly work concerns the thirteenth century and subsequently, when literacy increased among the laity.¹ The

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¹ The following abbreviations are used in this article: MGH: Monumenta Germaniae Historica; BCF: Lucca, Biblioteca Capitolare Feliniana; PL: *Patrologia cursus completus: series Latina*.

Important among these are A. Thompson, *Cities of God: the Religion of the Italian Communes, 1125–1325* (University Park: Pennsylvania State University Press, 2005); Daniel Bornstein, *The Bianchi of 1399: Popular Devotion in Late Medieval Italy* (Ithaca, NY: Cornell University Press, 1993); R. Brentano, *A New World in a Small Place: Church and Religion in the Diocese of Rieti, 1188–1378* (Berkeley: University of California Press, 1994); F. Somerset, *Clerical Discourse and Lay Audience in Late Medieval England* (Cambridge: Cambridge University Press, 1998); and F. Andrews, ed., *Churchmen and Urban Government in Late Medieval Italy, c.1200–c.1450* (Cambridge: Cambridge University Press, 2013).

present article complements and builds upon this vision by revealing the participation of laity in yet another domain of religious life, namely, in the provision of care of souls, and by turning to an earlier period, the eleventh and twelfth centuries. It challenges the common understanding of pastoral care, which has regarded the clerical Church as the provider, offering sacramental services, preaching and doctrinal instruction to laypeople for the salvation of their souls, while the laity, in exchange for this spiritual service, maintained the Church with donations, tithes and oblations. A closer look at a distinct religious institution, the confraternity, reveals that laypeople and clergy came together to care for each other's souls and for the souls of their dead. The confraternity of the twelfth century appears as a step in the evolution from the monastic confraternity of the early Middle Ages to the late medieval and renaissance lay confraternity; it combines monastic and parochial aspects of worship, and allows the laity to provide for its own pastoral needs.

Background and sources

Confraternities constitute a significant element in European religious and social history. From at least the eighth century onwards, literally tens of thousands of confraternities existed all over medieval Europe, both in the countryside and in the towns and cities.² In the ninth century, Regino of Prüm, the Benedictine abbot of Prüm (882–99), instructed bishops to inquire about the confraternities active in parishes during their visitations.³ A French scholar has claimed that 40% of the parishes in thirteenth-century France had one or more confraternities.⁴ The existing literature about confraternities, however, does not cover them in a uniform way, either chronologically or geographically. Particularly in English-language publications, interest has focused largely on Italy and its late medieval to early modern confraternities, and to a lesser extent on Anglo-Saxon and late English confraternities.⁵ The Italian scholarship on confraternities has dealt, as well, with the

² For France, see C. Vincent, *Les confréries médiévales dans le royaume de France: XIII–XVe siècle* (Paris: A. Michel, 1994), and idem, *Des charités bien ordonnées: les confréries normandes de la fin du XIIIe siècle au début du XVIe siècle* (Paris: École normale supérieure, 1988). For England, see most recently G. Rosser, *The Art of Solidarity in the Middle Ages: Guilds in England, 1250–1550* (Oxford: Oxford University Press, 2015); D.J.F. Crouch, *Piety, Fraternity, and Power: Religious Guilds in Late Medieval Yorkshire, 1389–1547* (Woodbridge: York Medieval Press, 2000); and V.R. Bainbridge, *Guilds in the Medieval Countryside: Social and Religious Change in Cambridgeshire, c.1350–1558* (Woodbridge: Boydell Press, 1996). For Spain, see J. Sánchez, ed., *CXIX reglas de hermandades y cofradía andaluzas. Siglos XIV, XV y XVI* (Huelva: Universidad de Huelva, 2002). A recent contribution covering Europe is Monika Escher-Apsner, ed., *Mittelalterliche Bruderschaften in europäischen Städten: Funktionen, Formen, Akteure / Medieval Confraternities in European Towns: Functions, Forms, Protagonists* (Frankfurt/Main: Peter Lang, 2009).

³ Regino de Prüm, *De ecclesiasticis disciplinis et religione Christiana*, in *Reginonis Prumiensis abbatis ... Opera omnia*, vol. 1, ed. J.-P. Migne. PL 132 (Paris: Garnier freres editores et J.-P. Migne successores, 1880), cols. 185–370 (287A, Lib. II, cap. 5): 'Percunctandum de confratriis et fraternitatibus societatibus qualiter in paroechia agantur.'

⁴ Robert Fossier, *Paysans d'Occident: XIe–XIVe siècles* (Paris: Presses universitaires de France, 1984), 175, cited by Léopold Genicot, *Rural Communities in the Medieval West* (Baltimore: Johns Hopkins University Press, 1990), 102.

⁵ For an annotated bibliography divided by subject areas, see Nicholas Terpstra, 'Confraternities', *Oxford Bibliographies Online*, <http://www.oxfordbibliographies.com/view/document/obo-9780195399301/obo-9780195399301-0130.xml#obo-9780195399301-0130-bibitem-0001> (Accessed 20 December 2015) Another online bibliography that covers the whole of Europe is by Marina Gazzini, 'Confraternite religiose laiche', *RM: Reti medievali* <http://rm.univr.it/reptorio/confrater.html> (Accessed 20 December 2015). Significant English-language works on Italian confraternities are L.K. Little with S. Buzzetti, and G.O. Bravi, *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune* (Northampton, MA: Smith College, 1988), published simultaneously in Italian, which tied the rise of confraternities in thirteenth-century Bergamo to the development of the commune; C. Barr, *The Monophonic Lauda and the Lay Religious Confraternities of Tuscany and Umbria in the Late Middle Ages* (Kalamazoo, MI: Medieval Institute Publications, 1988); Christopher F. Black, *Italian Confraternities in the Sixteenth Century* (Cambridge: Cambridge University Press, 1989); N. Terpstra, *Lay Confraternities and Civic Religion in Renaissance Bologna* (Cambridge: Cambridge University Press, 1995), whose prologue offers a good summary of the work published on renaissance confraternities; J. Henderson, *Piety and Charity in Late Medieval Florence*

period from the late thirteenth century onward, because the bulk of records are from that period. Moreover, scholarly interest in confraternities has been largely the consequence of research into the communal and civic life of the Italian cities, which has long been the focal point of medieval and renaissance Italian studies in general, hence the contributions from this field of study to medieval religious history have been limited.⁶ Art historians have also contributed to the concentration of confraternity studies in the late medieval and renaissance period, as many Italian confraternities were active in the commissioning of works of art and in staging Passion plays and religious dramas.⁷ The twelfth-century religious confraternities, though their existence has long been known, thanks to the work of Gilles Meersseman, have received almost no sustained attention despite their obvious importance for the study of lay religious life.

The early Middle Ages saw the development of a Christian cult of the dead and the rising significance of prayers for the departed, a development that led to the founding of prayer confraternities.⁸ The term confraternity itself has monastic origins. Originally, *confraternitas* or *confratria* were used to designate the larger community of faithful formed around a monastery. A medieval monastery or a church joined with other monasteries, churches, clergy, and laymen and women, who could afford to make a one-time

(Chicago: University of Chicago Press, 1997); and more recently, Stefania Pastore, Adriano Prosperi and Nicholas Terpstra, eds., *Brotherhood and Boundaries / Fraternità e barriere. Seminari e convegni 26; Convegno nazionale di studi, Pisa, Scuola Normale Superiore, 19–20 settembre 2008* (Pisa: Edizioni della Normale, 2011). A valuable source in confraternity studies is the scholarly journal *Confraternitas*, published by the Society for Confraternity Studies in Toronto, <http://www.crrs.ca/Confraternitas/collect.htm>. One exception to the study of early confraternities in English-language scholarship that focuses on England rather than Italy, is the work of Gervase Rosser. See his short essay 'The Anglo-Saxon Gilds', in *Ministers and Parish Churches: the Local Church in Transition, 950–1200. Conference on the English Parish Church in the 11th and 12th Centuries: Papers*, ed. J.E. Blair (Oxford: Oxford University Committee for Archaeology, 1988), 31–4. For a later period, see his 'Communities of Parish and Guild in the Late Middle Ages', in *Parish, Church and People*, ed. S. Wright (London: Hutchinson, 1988), 29–55.

⁶ The first comprehensive study of Italian confraternities was published in 1927 by Gennaro Monti, who sought to establish their origins and made a survey of sources. G.M. Monti, *Le confraternite medievali dell'alto e medioevo*. 2 vols. (Venice: La Nuova Italia, 1927). Yet the truly groundbreaking work in this field has been the study by the Dominican friar, Gilles Meersseman and G.P. Pacini, *Ordo fraternitatis: confraternite e pietà dei laici nel medioevo*. 3 vols. (Rome: Herder editrice e libreria, 1977). In this study, Meersseman edited the statutes of many medieval confraternities in Italy and the rest of Europe, and commented on the history of each. Among other important book-length studies and editions are G. De Sandre Gasparini, *Statuti di confraternite religiose di Padova nel medioevo. Testi, studio introduttivo e cenni storici* (Padua: Istituto per la storia ecclesiastica padovana, 1974); U. Nicolini, E. Menestò, and F. Santucci, eds., *Le confraternite medievali di Assisi. Linee storiche e testi statutari* (Assisi: Accademia Proterziana del Subasio, 1989); Maria Assunta Ceppari, *Le pergamene delle confraternite nell'Archivio di Stato di Siena (1241–1785): registi* (Siena: Accademia senese degli intronati, 2007); L. Orioli, ed., *Le confraternite medievali e il problema della povertà: lo statuto della Compagnia di Santa Maria Vergine e di San Zenobio di Firenze nel secolo XIV* (Rome: Edizioni di Storia e Letteratura, 1984); M. Al Kalak and M. Lucchi, *Gli statuti delle confraternite modenesi dal X al XVI secolo*. Heuresis. IX, Sezione di scienze storiche (Bologna: CLUEB, 2011), where the only confraternity text from before the thirteenth century is a single paragraph about the provision of candles for a church. The two studies by the most recent Italian scholar of confraternities, Marina Gazzini, are of particular importance. These are *Confraternite e società cittadina nel medioevo italiano* (Bologna: CLUEB, 2006), and *Studi confraternali: orientamenti, problemi, testimonianze* (Florence: Firenze University Press, 2009). See also the bibliography by M. Gazzini cited in note 4.

⁷ Konrad Eisenbichler, ed., *Crossing the Boundaries: Christian Piety and the Arts in Italian Medieval and Renaissance Confraternities* (Kalamazoo, MI: Medieval Institute Publications, 1991); B. Wisch and D.C. Ahl, eds., *Confraternities and the Visual Arts in Renaissance Italy: Ritual, Spectacle, Image* (Cambridge: Cambridge University Press, 2000); B. Wisch and N. Newbigin, *Acting on Faith: the Confraternity of the Gonfalone in Renaissance Rome* (Philadelphia: Saint Joseph's University Press, 2013); and M. Nerbano, *Il teatro della devozione: confraternite e spettacolo nell'Umbria medievale* (Perugia: Morlacchi, 2006).

⁸ Among the studies that deal with this subject are the works by J. Le Goff, *The Birth of Purgatory* (London: Scolar, 1984); F.S. Paxton, *Christianizing Death: the Creation of a Ritual Process in Early Medieval Europe* (Ithaca, NY: Cornell University Press, 1990); M. McLaughlin, *Consorting with Saints: Prayer for the Dead in Early Medieval France* (Ithaca, NY: Cornell University Press, 1994), where pages 2–20 include a discussion of the scholarship; and B. Effros, *Caring for Body and Soul: Burial and the Afterlife in the Merovingian World* (University Park: Pennsylvania State University Press, 2002).

donation to the monastery to form a communion of prayer.⁹ The names of the monks, clergy and laity admitted to the brotherhood would be written in a book called *liber vitae*, *liber memorialis* or *liber confraternitatis*, and that book would be placed on the altar during the votive mass or prayer for the dead under the assumption that those whose names were in the book would participate in the spiritual benefits.¹⁰ The confraternity book of the Benedictine monastery of Reichenau, dating from 826, listed 56 monasteries and churches in a spiritual confraternity along with the names of laymen and women, who were written as *fratres conscripti*, totalling 38,282 names.¹¹ In the monastic constitutions, c.1077, of Lanfranc, archbishop of Canterbury, a separate section laid down the ritual for the reception of monks and abbots as well as of women *ad societatem* of the monastery.¹² Another form of confraternity was a community of prayer (*societas orationum*) of high-ranking clergy such as archbishops, bishops and abbots, for the benefit of the deceased.¹³ In neither of these types of confraternities, however, was there any idea or practice suggesting that all members of the confraternity were to meet at regular intervals. The confraternity book itself was the only space in which the members stood next to one another.

Moving fast-forward to the late medieval period, the term 'confraternity' has come to denote quite a different kind of community. The majority of the living members of the community came together at regular intervals.¹⁴ While the emphasis on prayer for the deceased members remained, there was a much greater diversification in the business of the confraternity; even its purpose and structure were different.¹⁵ Foremost among late medieval confraternal activities were public charity and assistance, such as running hospitals and hostels for the sick, poor, lepers, prisoners and prostitutes (in Florence alone

⁹ D. Geuernich and O.G. Oexle, eds., *Memoria in der Gesellschaft des Mittelalters* (Göttingen: Vandenhoeck & Ruprecht, 1994), is a volume dedicated precisely to this subject and contains material on the monastic confraternities. The opening article by Joachim Wollasch, 'Das Projekt "Societas et Fraternitas"', gives an introduction to the subject. See also Vincent, *Les confréries médiévales dans le royaume de France*, 99; McLaughlin, *Consorting with Saints*, 84; Karl Schmid and Otto Gerhard Oexle, 'Voraussetzungen und Wirkung des Gebetsbundes von Attigny', *Francia* 2 (1974): 71–122; and K. Schmid and J. Wollasch, *Societas et Fraternitas. Begründung eines Kommentierten Quellenwerkes zur Erforschung der Personen und Personengruppen des Mittelalters* (Berlin: De Gruyter, 1975). The twelfth-century chapter book of the Abbey of Montecassino in Montecassino, MS 47, contains a heading that explains the scope of the spiritual benefits: 'pro his qui se commendant in orationibus: Per istam regulam donamus tibi (vobis) nostram societatem, ut sis (itis) nostri particeps (participes) in orationibus, in vigiliis, in psalmis, in sacrificiis, in elemosinis, et in omnibus bonis que ad salutem anime pertinent.' Cited in Joachim Wollasch, 'Das Projekt "Societas et Fraternitas"', in *Memoria in der Gesellschaft des Mittelalters*, eds. Geuernich and Oexle, 16.

¹⁰ For examples of these books, see P. Piper, ed., *Libri Confraternitatum Sancti Galli, Angiensis, Fabariensis*. MGH (Berlin: Apud Weidmannos, 1884); E. Hlawitschka, K. Schmid, and G. Tellenbach, eds., *Liber memorialis von Remiremont (Liber memorialis Romaricensis)*. MGH, Libri memoriales, vol. 1 (Munich: MGH, 1981); D.W. Rollason, ed., *The Durham 'Liber vitae' and Its Context* (Woodbridge: Boydell, Press, 2004); and Simon Keynes, 'The *Liber vitae* of the New Minster, Winchester', in *Durham 'Liber vitae'*, ed. Rollason, 29, writes that other monasteries such as Glastonbury, Ely, Peterborough and Abingdon also had a *Liber vitae*. For Italy, a good example is the *Liber vitae* of the great Benedictine abbey of Polirone near Mantua. For a comparison of these three types of *Liber*, see H. Houben, 'Il cosiddetto "Liber vitae" di Polirone: problem terminologici e metodologici', in *L'Italia nel quadro dell'espansione europea del monachesimo cluniacense: atti del convegno internazionale di storia medievale, Peschia, 26–28 Novembre 1981*, eds. C. Violante, A. Spiccianni, and G. Spinelli (Cesena: Badia di Santa Maria del Monte, 1985), 187–98.

¹¹ E. Bishop, *Liturgica historica: Papers On the Liturgy and Religious Life of the Western Church* (Oxford: Clarendon Press, 1918), 353; *Durham 'Liber vitae'*, ed. Rollason, 144.

¹² D. Knowles and C.N.L. Brooke, eds., *The Monastic Constitutions of Lanfranc* (Oxford: Oxford University Press, 2002), 168–9.

¹³ McLaughlin, *Consorting with Saints*, chapter 4. See also O.G. Oexle, 'Memoria und Memorialüberlieferung im früheren Mittelalter', *Frühmittelalterliche Studien* 10 (1970): 70–95.

¹⁴ I thank Christopher Black for pointing out the continuation of the tradition of having names of non-participants recorded as well as dead souls to be prayed for.

¹⁵ J. Rollo-Koster, 'Death and the Fraternity: a Short Study on the Dead in Late Medieval Confraternities', *Confraternitas* 9 (1994): 3–4.

there were 30 such institutions in the fifteenth century). Devotional confraternities such as the *Laudesi*, with an emphasis on chant, formed around the Marian cult, and the *Disciplinati*, focused on penance, emerged in the thirteenth century.¹⁶ While one-off donations were sufficient to establish membership of the early medieval monastic confraternities, members of late medieval confraternities paid an entrance fee plus annual dues to sustain their membership, which in turn led to confraternities accumulating property.¹⁷ Failure to pay dues on time led to expulsion from the confraternity and hence to the sudden cessation of all benefits. In a recent article, Marina Gazzini has called attention to a confraternal evolution from the central to late Middle Ages, which she explained by four factors:

the growing prominence of charity and assistance over religious devotion among the priorities of the *sodalizio*; the more rigid observance of the (often-reformed) statutes; membership restriction (both qualitative, i.e. regarding social composition, and quantitative, that is regarding membership numbers); and increase in confraternal property.¹⁸

The twelfth-century confraternities discussed below constitute a transitional species in the evolution from monastic prayer communities that tended to be elitist (directed towards abbots, bishops, monks and laypeople from higher social strata rather than lower clergy and ordinary folk), to the late medieval confraternity that was more inclusive of people of different social status, more public and more interested in the pursuit of active charitable acts. The twelfth-century confraternities discussed here were also distinct from the guilds of medieval artisans. While the artisan guilds were concerned with temporal welfare and the defence of communal interests, the religious confraternities focused on the *salus animarum*, the spiritual well-being of their members in this life and that to come.¹⁹ The participants of the twelfth-century confraternities, i.e. the secular clergy, laymen and women, and nuns – who sometimes had difficulty finding priests to attend to their care – sought ways to sanctify one another, thus becoming a self-fashioned institution for the care of souls, which developed beyond the cloister, canon law and episcopal initiative. This institution, which included local clergy, supplemented rather than opposed or threatened the official ecclesiastical establishment.²⁰

Five Italian confraternities and their records

The evidence examined in this article comes from the records of five Italian confraternities. Named for the locality or the church/*pieve* where they flourished, these are the confraternities of San Appiano di Valdelsa (Tuscany), Santa Maria di Montefusco (Campania), San Cassiano d'Imola (Emilia-Romagna), Santa Maria di Pescia (Tuscany)

¹⁶ Henderson, *Piety and Charity*, chapter 2, 'Charity'; R.F.E. Weissman, *Ritual Brotherhood in Renaissance Florence* (New York: Academic Press, 1982); and Terpstra, *Lay Confraternities and Civic Religion*, 171–2, 179. Augustine Thompson, *Cities of God: the Religion of the Italian communes, 1125–1325* (University Park, PA: Pennsylvania State University Press, 2005), 74–102, is an excellent introduction to the penitential confraternities in the communal Italy.

¹⁷ For a detailed discussion of confraternal income and property, see Terpstra, *Lay Confraternities and Civic Religion*, 151–70.

¹⁸ M. Gazzini, 'Solidarity and Brotherhood in Medieval Italian Confraternities: a Way of Inclusion or Exclusion?', *Reti Medievali Rivista* 13, no. 2 (2012): 2.

¹⁹ Meersseman and Pacini, *Ordo fraternitatis*, 1: 8.

²⁰ On the subject of the *cura monialium*, the spiritual care of nuns, and the unwillingness of some clergy to do that, see F.J. Griffiths, 'The Cross and the *Cura monialium*: Robert of Arbrissel, John the Evangelist, and the Pastoral Care of Women in the Age of Reform', *Speculum* 83 (2008): 303–30 (312).

and San Giuliano in Gozzano (Piedmont).²¹ They have been chosen primarily because they are the earliest known confraternities in Italy for which there is at least one set of statutes extant. In the case of Santa Maria di Montefusco and Santa Maria di Pescia, there are also sermons and liturgical texts used at meetings of the confraternity. The statutes of San Giuliano di Gozzano are unfortunately not complete, but what survives confirms the practices in other confraternities. Another twelfth-century religious confraternity, that of the Basilica of San Lorenzo in Florence, is attested by witness testimonies in a dispute over parish boundaries; however, there are no other surviving documents from this confraternity.²²

The earliest records of these five confraternities are the eleventh-century statutes of San Appiano di Valdelsa, which are found on the last two pages of an eleventh-century copy of the *Liber regulae pastoralis* of Gregory the Great.²³ Massimo Papi and Charles M. de La Roncière also studied this confraternity, and both accepted its statutes as the earliest known in Italy.²⁴ A thirteenth-century note of ownership at the end of the manuscript indicates that the book belonged to the *pievano* of San Appiano, and was lent out to Gerard of Prato, *minister Tusciae*.²⁵ Valdelsa, literally the valley of the river Elsa, in north-west Tuscany, is generally rich in archival material on medieval religious life.²⁶ San Appiano is recorded from the tenth century, and was in the contado of Florence. Meersseman considered this confraternity a rural one: San Appiano is in the countryside, away from urban centres, and the internal evidence of the statutes supports this.²⁷ Since no list of members' obits has survived, there is no information about how large the confraternity was.

The second confraternity is that of San Cassiano di Imola in Emilia-Romagna. As with Valdelsa, only the statutes survive.²⁸ Founded in 1160, it appears to have been a small fraternity of 30 men who had made a pilgrimage to Santiago de Compostela. The names of the members present at a gathering are noted at the end of the document. From the fifth

²¹ The Italian *pieve* is a structure similar to the English minster. It is a collegiate baptismal church, usually served by more than one priest, where the *pievano*, the head priest, has jurisdiction over the governance of smaller daughter churches serving villages around the *pieve*. The classic essay on this subject is C. Violante, 'Le strutture organizzative della cura d'anime nelle campagne dell'Italia centrosettentrionale (secoli V–X)', in *Cristianizzazione ed organizzazione ecclesiastica delle campagne nell'alto medioevo: espansione e resistenze*, 10–16 Aprile 1980. Settimane di studio del Centro italiano di studi sull'alto medioevo, 28 (Spoleto: Centro italiano di studi sull'alto medioevo, 1982), 1012 ff.

²² William Bowsky, 'Populus Sancti Laurentii': Care of Souls, a Parish, and a Priest', in *Le radici cristiane di Firenze*, eds. Anna Benvenuti Papi and others (Florence: Alinea, 1994), 154. One female lay witness interrogated (recorded in a document dated to 1202–13) testified that parishioners in the disputed area had been members of the confraternity of the church of San Lorenzo for the preceding 50 years; another lay witness testified to the same, naming a period of 40 years.

²³ These statutes can be found in Florence, Biblioteca Medicea Laurenziana, Plut. XIX dex 8, ff. 94v–96r and are accessible online at <http://teca.bmlonline.it/ImageViewer/servlet/ImageViewer?idr=TECA0001357509#page/197/mode/1up>. The statutes have been edited by both Monti and Meersseman: the latter's edition is used here. Monti, *Le confraternite medievali*, 2: 139–43; Meersseman and Pacini, *Ordo fraternitatis*, 1: 61–5.

²⁴ M.D. Papi, 'Devozione laicale e forme associative nel territorio valdelsano: la confraternita di Sant'Appiano', in *Religiosità e società in Valdelsa nel basso medioevo: atti del convegno di S. Vivaldo, 29 settembre 1979* (Florence: Società storica della Valdelsa, 1980), 101–12; C.M. de La Roncière, 'La place des confréries dans l'encadrement religieux du contado florentin au XIVe s. (II)', *Mélanges de l'École Française de Rome. Moyen-Age, Temps Modernes* 85 (1973): 633–71.

²⁵ There was a Franciscan friar, Gerardus of Prato (d. 1283), who was active as a lector in Tuscany in the mid-thirteenth century, although there are no Franciscan sources indicating that he was the provincial minister of Tuscany. A. Teetaert and Gérard de Prato, in *Dictionnaire de théologie catholique*, vol. 12.2 (Paris: Letouzey et Ané, 1935), cols. 2790–2.

²⁶ For the Valdelsa region, see *Religiosità e società in Valdelsa nel basso medioevo: atti del convegno di S. Vivaldo, 29 settembre 1979* (Florence: Società storica della Valdelsa, 1980).

²⁷ Meersseman and Pacini, *Ordo fraternitatis*, 1: 64. Statutes refer to members travelling on bad roads, bringing their hunting animals to the meetings, etc.

²⁸ Edited by Meersseman and Pacini, *Ordo fraternitatis*, 1: 66–7.

century onwards, there was a basilica dedicated to San Cassiano outside the walls of Imola and a fortified settlement (*castrum*) emerged in the early Middle Ages around it. In the eleventh century, this was the seat of the bishops of Imola. In 1175, the fortifications were razed by the commune of Imola.²⁹ The group of pilgrims were from this fortified settlement. Meersseman groups this confraternity with the rural confraternities.³⁰

The third confraternity is that of Santa Maria di Montefusco, in the province of Campania in southern Italy. Giovanni Vitolo edited the twelfth-century codex of documents belonging to this confraternity, including its statutes, the sermons preached at gatherings of the confraternity, liturgical texts such as those in Masses used for penance, the sick, the dead and for the month's mind; the *ordo* for prayers for the sick; and the *matricula*, with the names of all members.³¹ Vitolo suggests that it possibly began as a clerical confraternity around the tenth or eleventh century, but was later opened up to lay membership, as an early version of the statutes mentions only clergy as members. Judging by the entries in the *matricula*, the confraternity was active at least until 1330.

The fourth confraternity originated in the countryside of Pescia, today a small town near Lucca. A volume of records for this confraternity is extant and preserved today in the capitular archive of Lucca. It dates from the twelfth century and contains three different versions of statutes of the confraternity: the list of obits, eight sermons preached to the congregation and the liturgy of the confraternity.³² Of these, only the obit list, which contains approximately 250 names, has thus far been published.³³ A medieval note of ownership on the flyleaf of the volume gives the provenance of the codex as the Camaldolese monastery of Pozzeveri, near Lucca. According to Mari, who edited the obit list, the confraternity was founded early in the twelfth century and remained active until the beginning of the thirteenth century.³⁴

Neither Spicciani nor Mari have discussed the sermons contained in this codex, but their incipits reveal some interesting points. Two of eight sermons are taken verbatim from the psalm commentaries of St Bruno of Segni (1049–1123).³⁵ The incipits of the other six are not known elsewhere, but some of these sermons contain passages from

²⁹ Andrea Ferri, *Imola nella storia. Note di vita cittadina* (Imola: Nuovo Diario Messaggero, 1992), 45–67.

³⁰ For the medieval *pieve* and later cathedral of San Cassiano, see M. Ronzani, 'Le istituzioni ecclesiastiche nel medioevo: pievi e parrocchie a Imola e nella Romagna', in *Medioevo Imolese* (Bologna: University Press, 1982), 116–30.

³¹ G. Vitolo, *Istituzioni ecclesiastiche e vita religiosa dei laici nel Mezzogiorno medievale: il codice della Confraternita di S. Maria di Montefusco (sec. XII)* (Rome: Herder, 1982). Meersseman was seemingly unaware of this confraternity, as it is not included in his *Ordo fraternitatis*.

³² A description of the contents of BCF, MS 530, can be found in the Appendix. For the dating and the identification of the church of this confraternity, see A. Spicciani, 'Santi e devozione in una confraternita rurale della lucchesia del secolo XII: Biblioteca Capitolare di Lucca cod. 530', in *Profili istituzionali della santità medioevale: culti importati, culti esportati e culti autoctoni nella Toscana occidentale e nella circolazione mediterranea ed europea*, eds. Gabriella Rossetti Pepe and Cesare Alzati (Pisa: GISEM, 2008), 263–70; also mentioned in R. Savigni, 'Le confraternite lucchesi (sec. xiv–xv) e l'evoluzione della religione civica: relazioni tra chierici e laici e ridefinizione dei confini', in *Brotherhood and Boundaries*, eds. Pastore, Prosperi and Terpstra, 423–46.

³³ First edited by Fausta Testa, 'Ricerche sui necrologi lucchesi. I ms. 618 e 530 della Biblioteca Capitolare Feliniana e 428 della Biblioteca Statale di Lucca' (PhD diss., Università Cattolica del S. Cuore, 1968–9), appendices XXXVII–LXXXVIII. It has been published in F. Mari, 'L'obituario di una confraternita di laici e di chierici del territorio pesciatino biblioteca capitolare di Lucca, cod. 530 cc. 3r–10v', in *Profili istituzionali*, eds. Pepe and Alzati, 271–87. Testa calls the text a 'necrology', and Mari an 'obituary'. Scholars of medieval confraternities employ both terms, often interchangeably, to designate the list of the names of the dead on a calendar in the confraternity books. For a discussion of the usage of both terms, see Rollo-Koster, 'Death and the Fraternity', 6.

³⁴ Mari, 'L'obituario', 272.

³⁵ The psalm commentaries of Bruno de Segni are edited in *S. Brunonis Astensis abbatis Montis Casini et episcopi Signiensium Opera omnia*, ed. J.-P. Migne. PL 164–5 (Paris: Garnier fratres editores et J.-P. Migne successores, 1884).

Bruno's biblical commentaries.³⁶ Bruno de Segni was the bishop of Segni and the abbot of the Benedictine abbey of Montecassino, at the time when this confraternity was newly founded. It is possible the sermons were compiled and authored by a cleric who had access to the library of the abbey of Pozzeveri, which is likely to have held the works of this famous Benedictine bishop.

The statutes of the Pescia confraternity (published for the first time in the Appendix to this article) constitute rare evidence for understanding how a twelfth-century confraternity was supposed to function.

The fifth confraternity, that of the *pieve* of San Giuliano, was in Gozzano, close to the Swiss Alps. The statutes of this confraternity are from the late twelfth century and survive among the charters of the chapter of Gozzano, which was a collegiate church served by a community of 12 canons including their leader, a provost.³⁷ The earliest charter is from 1002, but the church was in existence before that although the exact date of its foundation is unknown. The editor of these records, Mario Borì mentions that the original charter is heavily damaged, and the statutes, as they are edited, end abruptly. However, what remains displays substantial similarities to other confraternity statutes.

Apart from the statutes and sermons recorded in the confraternity books, no other evidence from the twelfth century and beyond seems to have survived for the activities of these five confraternities – and there is no means of knowing to what extent these statutes were followed.³⁸ Nonetheless, the statutes and their analysis are invaluable for revealing the mentality and aspirations of the members of the confraternity, who most probably drafted and promised to follow these statutes.

The community and unity

One of the most interesting aspects of these confraternities is membership. With the exception of the confraternity of Imola, these confraternities had mixed memberships of clergymen and laypeople of both sexes. In the Valdelsa confraternity, 'priests or deacons or clerics, as well as laymen or the female sex' could be accepted into the membership, after 'it is pronounced to them three times to observe everything faithfully'.³⁹ The Pescia codex tells us that the *congregatio*, 'which is commonly called a confraternity', was made up of 'god-fearing' clerics, laymen and women.⁴⁰ The confraternity of San

³⁶ The third sermon in Lucca, BCF, MS 530, f. 16r, contains passages from Bruno de Segni's commentary on the Gospel of Matthew, edited by J.-P. Migne, 'Commentaria in Matthaeum'. PL 165, cols. 63–314.

³⁷ Mario Borì, *Le carte del Capitolo di Gozzano (1002–1300)*. Corpus Chartarum Italiae, 54 (Pinerolo: Biblioteca della Società storica subalpina, 1913), 59–60. The original charter is in the Archivio di Stato di Torino. I have not had a chance to consult it.

³⁸ In 1990, Daniel Bornstein had noted that confraternity statutes, by themselves, are insufficient to write any sort of social history and other types of evidence – such as the confraternity account books, wills and judicial records – are needed to determine to what extent or how the statutes were followed. Such records are in abundance for the fifteenth century and beyond, but non-existent for the twelfth century. See Daniel Bornstein's review of Lester K. Little's *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune* (Northampton, MA: Smith College and Pierluigi Lubrina Editore, 1988), in *Church History* 59 (1990): 548–50.

³⁹ 'Si postea [after the meeting starts and the abbot is elected] alii, sacerdotes aut diaconi aut clerici, sive laici aut sexus femineus in ipsa fraternita [cum dilectione] intrare voluerint, non eis consentiat ille abbas, qui super omnes est magister, usque dum tribus vicibus predicetur eis omnia fideliter custodire.' Meersseman and Pacini, *Ordo fraternitatis*, 1: 60, cap. 1.

⁴⁰ 'Ideo nos in Jesu Christi nomine quendam facientes congregationem, que vulgo dicitur fraternitas, tam ex clericis quam laicis et mulieribus deum timentibus statuimus . . .'. Lucca, BCF, MS 530, f. 49r.

Giuliano, too, uses the term *congregatio* to refer to the confraternity. Its foundation seems to have been a joint enterprise of the canons of San Giuliano and their parishioners.⁴¹

The surviving obit list of the Pescia confraternity gives us an invaluable glimpse into the diversity of its membership.⁴² Among c.250 names that are listed as brothers and sisters, several are *plebani*, archpriests, cathedral canons, priests, deacons, rectors of hospitals, women (*soror*, *consoror* or *confratissa*), one of whom is referred as *domina*, one *monacha*, and three abbesses (*abbatissa*).⁴³ In the statutes of Montefusco, the evidence for mixed membership comes from different obligations assigned to clerics and laymen, the existence of *laici* and *femine* as distinct categories under prayers for the dead, and female names on the *matricula*.⁴⁴ This mixed lay-clerical membership distinguished twelfth-century confraternities from late medieval confraternities, which tended to have only lay members.

The presence of women in these confraternities is also noteworthy. It is true that the monastic confraternities of the previous centuries had invariably included women, but what makes their inclusion in these twelfth-century confraternities important is the nature of the confraternity's activities. As will be discussed below in greater detail, the members regularly came together, ate communally, and took part in funeral services and visiting the sick. As far as one can tell from the evidence considered here, there were no statutes that restricted the membership of women in scope or number, and no indication that within the confraternity they were in a position inferior to men, though it is likely that the customary social roles would have prevented them from taking on positions of leadership.⁴⁵ A document from 1189 mentions a certain Bianca as the *rectrice* of the fraternity of the Church of San Biagio in Lucca.⁴⁶ The presence of nuns and abbesses in the obit list described as *confratissa* is of particular interest. The question of whether they left their cloisters to come to the confraternal meetings is an intriguing one: the statutes do not mention any exception for cloistered members.⁴⁷

In fact, it seems to be precisely this mixing of lay and clergy and of the two sexes in the same community that brought the confraternities to critical attention in certain areas. In 1190, the synod of Rouen passed a statute against 'societies or fraternities' of laymen and clerics, who sought to help one another in whichever cause or trade, declaring them uncanonical and threatening their members with anathema.⁴⁸ It should be noted,

⁴¹ 'Recordatio qualiter gaudianenses canonici cum suis plebanis [ad dei ho]nore et pro animarum suarum remuneratione congregationem [fecerunt]'. Bori, *Il capitolo*, 59.

⁴² Mari, 'L'obituario di una confraternita', 272.

⁴³ Two abbesses are from the monastery of St Michael in Pescia, and one abbess and a nun from the abbey of Tolle.

⁴⁴ Vitolo, *Istituzioni*, 176, 180.

⁴⁵ Female membership of confraternities has been little studied. See, for example, Giovanna Casagrande, 'Women in Confraternities between the Middle Ages and the Modern Age: Research in Umbria', *Confraternitas* 5, no. 2 (1994): 3–13, which suggests that 'women were generally excluded from the official management', though her evidence is from a later period. For women's confraternities in a later period, see Sharon T. Strocchia, 'Sisters in Spirit: the Nuns of Sant'Ambrogio and Their Consorority in Early Sixteenth-century Florence', *Sixteenth Century Journal* (2002): 735–67.

⁴⁶ Savigni, 'Le confraternite lucchesi', 423, n. 16.

⁴⁷ Thirteenth-century confraternities also included the female religious. See Maria T. Brolis, 'Thousand and More Women: the Register of Women for the Confraternity of Misericordia Maggiore in Bergamo, 1265–1339', *Catholic Historical Review* 88 (2002): 230–46 (241–2).

⁴⁸ 'Sunt quidam clerici, quam laici, huiusmodi societatem ineuntes, ut de cetero in quibuslibet causis vel negotiis mutuum sibi praestent auxilium; certam in eos poenam statuantes, qui contra huiusmodi veniunt constitutionem. Et quoniam huiusmodi societates seu fratias circa personas utriusque ordinis canonica detestatur scriptura, eo quod earum observantia quosdam etiam usque ad crimen perjurii perducat; ne amodo fiant, aut si factae fuerint, ne observentur, sub interminatione anathematis prohibemus.' Giovanni Domenico Mansi, ed., *Sacrorum conciliorum nova, et amplissima collectio*. 31 vols. (Florence: Expensis Antonii Zatta, 1759–98), 22: 585, n. 25. On the hostility of bishops, see also G.G. Meersseman,

though, that such local legislation never found its way into medieval canon-law collections, which are completely silent on the subject of confraternities.⁴⁹

Confraternal statutes did not assign the clergy a position of superiority. In the Valdelsa confraternity, there seems to have been some anxiety about the morality of clerical members and, consequently, there was an attempt to control the entry of clerical postulants. Its statutes dedicated an entire clause to the moral qualities that the priests of the confraternity should have. There were no such clauses for the admission of laity. Priests were expected to be chaste, humble, merciful, peaceful and charitable; they were not to be covetous, greedy, after material gain, angry, violent or men who talked idly or maliciously about others; rather, they should provide a good example.⁵⁰ Pescia's statutes mentioned a group within the confraternity called *praepositi*, which can be translated as 'superiors', but there was no indication of who they were and how they were selected. The first item in the statutes of the Valdelsa confraternity concerned the election of the head of the confraternity, who was to be called *magister* and *abbas* by its members. The only instructions about the abbot were that he should be devout and learned in the Scriptures (*doctus in Scripturis*).⁵¹ There were no conditions as to whether he should be lay or cleric, male or female, though it was probably quite unusual and rare – but not impossible – for a layman to be well versed in the Scriptures.⁵² In any case, it is significant that among the conditions for leadership, there was no explicit mention of lay or clerical status. All members were to obey the leader, who would preach to them, and they were to keep to the law of God.⁵³

The lay members could be rich, poor, noble or non-noble, and the clergy could be from varying ranks, from archpriest down to clergy in minor orders. Poor people who could not pay the entrance fee, which was fixed at 6 *denarii* in the Pescia confraternity, were to be approached with mercy and still accepted into the confraternity.⁵⁴ The statutes and sermons alike preached caution against assuming hierarchies within the confraternity based on one's social position. The statutes of Montefusco state that:

'Die Klerikervereine von Karl dem Grossen bis Innocenz III', *Zeitschrift für Schweizerische Geschichte* 46 (1952): 1–42, 81–112 (18–19). Meersseman also notes that no canon-law text of the Middle Ages provides a definition of confraternities. Meersseman and Pacini, *Ordo fraternitatis*, 1: 62, cap. 8.

⁴⁹ This is noted by Maria Clara Rossi, 'Vescovi e confraternite', in *Studi confraternali: orientamenti, problemi, testimonianze*, ed. Marina Gazzini (Florence: Firenze University Press, 2009), 127. Rossi cites G. Le Bras, *Le istituzioni ecclesiastiche della cristianità medievale* (Turin: G. Pelliccia, 1974), 546.

⁵⁰ 'Sit <sacerdos> castus et humilis, misericors, pacificus et elemosinarius non sit avarus, non turpis lucri cupidus, non iracundus, non violentus; non sit detractor[em], non desideret otiose verba; provideat ut in omnibus det exemplum bonum.' Meersseman and Pacini, *Ordo fraternitatis*, 1: 62.

⁵¹ 'In primis quando insimul congregati fuerint eligant sibi magistrum et abbatem adeo timoratum et doctum in scripturis ut ipsam fraternitatem optime predicare et corripere possit.' Meersseman and Pacini, *Ordo fraternitatis*, 1: 62, cap. 1.

⁵² In Odo of Cluny's eleventh-century *Vita Sancti Geraldii Auriliacensis comitis*, Count Gerald devotes himself to the study of the Bible and is said to have acquired a knowledge superior to that of many clerics. 'Unde factum est, ut propemodum pleniter Scripturarum seriem disceret, atque multos clericorum quantumlibet sciolos in ejus cognitione praeiret.' *Sancti Odonis abbatis Cluniacensis secundi Opera omnia*, ed. J.-P. Migne. PL 133 (Paris: Garnier fratres editores et J.-P. Migne successores, 1881), cols. 645C–D.

⁵³ 'Ut omnes oboedientes sint suo magistro et abbati. Que ipsos predicaverit, et lex Domini precipit, custodiant.' Meersseman and Pacini, *Ordo fraternitatis*, 1: 62, cap. 1.

⁵⁴ 'Hoc quoque si aliquis paupertate coactus adimplere non potuerit, voto prius adimpleto, prepositi misereantur ei secundum quod miserendum cognoverit.' Lucca, BCF, MS 530, f. 50r.

No brother should presume to pronounce words of hatred or sit at the head of the table or presume to be superior, but should consider all his equals; there is no greater falsity or danger or detraction than the jealousy among the brothers, for it cannot please God.⁵⁵

In the Pescia codex, one of the sermons preached to the confraternity took equality as its subject. The sermon is taken from Bruno of Segni's commentary on Psalm 132:

'You are all brothers and should not call anyone on earth father, for one is your father who is in heaven.' This is what we say every day. 'Our Father who is in heaven.' And rich and poor, noble and non-noble, God and servant, emperor and beggar, all say by one voice 'Our Father who is in heaven.' So they appear to be children of one father and to be brothers.⁵⁶

The most significant markers of inequality in medieval society were, arguably, birth condition, money and education. Another of the sermons in the Pescia codex indicates that the preacher, who was most likely the head of the confraternity, was aware of the disruption that might arise from having ignorant laymen and educated priests in the same community; it argued that true wisdom came through faith alone, rather than study. The relevant passage from the sermon deserves to be cited in full:

You are the salt of the earth (Matt. 5:13), you are the condiment of men, other men have to be instructed by your example, to be taught by your wisdom, and to match up to your humility and patience. The salt means wisdom not only in Holy Scripture but also in secular literature ... That is why boys coming to the faith should from the beginning be fed salt, because without wisdom one cannot have faith nor can one know his Lord. We do not talk of the wisdom of the world, which is stupidity in the house of God, but rather of the kind of wisdom that leads men to eternal life. We do not speak of what Plato and Aristotle teach, but rather what Peter and Paul teach through the spirit. This kind of wisdom is learned easily, because it is found in believing. Be wise: fear God and follow his commands. Because the beginning of wisdom is fear of God, the fishermen and peasants who fear God are wiser than those bishops and priests who are very learned but negligent. The wisdom of Christians is this: to stay away from bad and do good.⁵⁷

The preacher's message rejected the kind of wisdom that came through study and placed the simple but believing folk on higher ground than those revered for their learning. Wisdom was quite simply fearing God and following his commands. This message was very similar to that given by Francis of Assisi who was faced with a similar dilemma of

⁵⁵ 'Unusquisque frater non presumat ad verba odii aut discumbat in primo loco aut maiorem esse, sed omnes coequales; et non est fortior falsitas aut periculum aut detractio, quam si est inter fratres invidia, quia Deo placere non potest.' Vitolo, *Istituzioni*, 111.

⁵⁶ 'Et alibi. Omnes vos fratres estis, et patrem nolite vocare vobis super terram unus est pater voster qui in celis est. Ipse est autem cui cotidie dicimus. "Pater noster qui est in celis." Et dives et pauper, nobilis et ignobilis, dominus et servus, imperator et mendicus, omnes una voce dicunt "pater noster qui est in celis" ut se unius patris filios et se fratres esse ostendant.' Lucca, BCF, MS 530, f. 11r. For the full text of the commentary, see Bruno of Segni, 'Expositio in Psalmos'. PL 164, col. 1188A.

⁵⁷ '*Vos estis inquit sal terrae, vos estis hominum condimentum, vestro exemplo instrui, vestra sapientia doceri, vestra humilitate et patientia caeteri homines componi debent.* Sal enim non solum in divina pagina, sed etiam in litteris secularibus sapientia significant ... Unde et pueri ad fidem venientes statim a principio sale cibatur, quia sine sapientia nec fidem habere nec dominum ipsum congoscere possunt. Non loquimur modo de sapientia mundi que stultitia est apud deum, sed potius de illa sapientia que ducit homines ad vitam eternam. Non loquimur de illa quam docuit Plato et Aristoteles, sed potius de illa quam per spiritum docuit Petrus et Paulus. Hec sapientia facile discitur, quia credendo invenitur. Vis esse sapiens: time deum et observa eius mandata. Quia initium sapientiae timor domini. Sapientiores sunt piscatores et rustici dominum timentes quam ipsi episcopi et sacerdotes valde litterati et negligentes. Haec est igitur sapientia Christianorum declinare a malo et facere bonum.' Lucca, BCF, MS 530, f. 16v. The passage in italics is from Bruno of Segni's commentary on the Gospel of Matthew.

keeping his brotherhood unstratified after the entry of learned schoolmasters to his Order. Like these confraternities, the brotherhood of Francis also accepted in its early years both clerics and laymen from different social strata and with different levels of education, though it shunned the presence of women. Francis of Assisi was reluctant to promote learning among his followers because it would impede a genuine brotherhood of friars and create an unwelcome hierarchy among them.⁵⁸

Congregating as a sacrament

‘We come together just as the 12 apostles came together in one, and we have death before our eyes and maintain a vigil daily, so that when the Lord’s order comes, it will find us unanimously vigilant.’ So declared the statutes of the Montefusco confraternity.⁵⁹ In his *Religious Movements of the Middle Ages*, Grundmann observed that the movement of the twelfth century ‘expressed itself in the demand for itinerant preaching and voluntary Christian poverty’, which he called the ‘apostolic ideal’.⁶⁰ Looking at the confraternities, one cannot help but notice that their apostolic ideal was different. The creation of and participation in a confraternity also constituted a realisation of an apostolic ideal. Indeed, the concept of solidarity lies at the centre of the most recent study on medieval English confraternities.⁶¹ Even though they were drawn up in different parts of Italy, the statutes of three twelfth-century confraternities – Imola, Pescia and Montefusco – cited the same biblical text to explain the rationale behind their congregation: ‘When two or three gather in my name, I am in the midst of them’ (Matt. 18:20). In a sermon in the Montefusco codex we read:

You see, brothers, just as you see me doing and the same you do, as it says in the Gospels: ‘where two or three come together in my name, I am in the midst of them.’ (Matt. 18:20) So says the Lord and so we do among us, brothers priests, deacons, sub-deacons and clergy of this congregation. The Psalmist witnesses: ‘Behold, how good and pleasant it is that friars dwell in unity.’ And Solomon says: ‘If a brother helps a brother, they will be both exalted’ (Prov. 18:19), and also: ‘Who prays for others, helps himself.’ Therefore let us pray among us, brothers, so that we can be worthy of reaching to the celestial reign.⁶²

At another point, the same statutes describe the coming together of Christians in such a confraternity as the quintessential pastoral act:

⁵⁸ This is an argument of my, *The Poor and the Perfect: the Rise of Learning in the Franciscan Order, 1209–1310* (Ithaca, NY: Cornell University Press, 2012); see, in particular, 48–9.

⁵⁹ ‘Congregemus nos sicut duodecim apostoli congregare sunt in unum, et mortem ante oculos nostros habeamus et cotidie vigilemus, ut cum venerit eius mandatum unanimiter vigilantes nos inveniat.’ Vitolo, *Istituzioni*, 112.

⁶⁰ H. Grundmann, *Religious Movements in the Middle Ages: the Historical Links between Heresy, the Mendicant Orders, and the Women’s Religious Movement in the Twelfth and Thirteenth Century, with the Historical Foundations of German Mysticism* (Notre Dame, IN: University of Notre Dame Press, 1995).

⁶¹ Rosser, *Art of Solidarity*.

⁶² ‘Videte, fratres, sicut me videtis facere ita et vos facite. Et quod in evangelio dicit: ubi duo vel tres congregati in nomine meo, in medio eorum sum, (dicit dominus) et nos faciamus inter nos, fratres presbyteri, diacones, subdiacones et clerici istius congregationis, psalmista testante: “Ecce quam bonum et quam iocundum habitare fratres in unum.” [Psalm 133] Salomon dixit: “si quis frater fratrem adiuvaverit, ambo exaltabuntur”, et alibi: “si quis pro aliis oraverit, sibi adiuvat.” Ergo [f. 23v] oremus inter nos, fratres, ut ad celestia regna mereamur accedere.’ Vitolo, *Istituzioni*, 107. As Vitolo remarks, the Latin Vulgate does not have a verse ‘si quis frater fratrem adiuvaverit, ambo exaltabuntur’. What is closest in meaning and word is Prov. 18:19, which says ‘Frater qui adjuvatur a fratre quasi civitas firma, et iudicia quasi vectes urbium.’ The statutes of Valdelsa also quote the same verse ‘si quis frater fratrem adiuvaverit, ambo exaltabuntur’. Meersseman and Pacini, *Ordo fraternitatis*, 1: 63, cap. 11.

Therefore let us pray among ourselves so that we may merit access to the celestial reign. Let us send among us the holy gatherer [*congregator*] who may bring us together where the apostle brings [people] together; where no one is ruined, and where shepherds are gatherers, because while the good shepherd gathers [his flock], the bad shepherd scatters [his]. He [the good shepherd] gathers just as the Lord says: 'I am the good shepherd; the good shepherd gives his soul for his sheep.'⁶³

Similarly, in the statutes of Pescia:

The love of the omnipotent God and of sacred fraternity make the believers of Christ live saintly in this life, and those who are joined together say every day with God himself 'when two or three come together in my name, I am in the midst of them' and in the future it shall make them remain with Christ in eternal glory.⁶⁴

The Imola confraternity was established by a community, who went on a pilgrimage to Santiago de Compostela, and its foundational purpose was to help pilgrims continue their commitment to a life of devotion.

Therefore we pilgrims from Castro of San Cassiano, who have come from Santiago, form a fraternity to the honor of God, St James and blessed George, following that which God says in the Gospels: 'Where two or three come together in my name, there I am in the midst of them,' God granting generously through this those things which will pertain to the progress and utility of their souls and bodies.⁶⁵

These texts suggest that the act of gathering rendered the confraternity sacred. Christ was present among the faithful every time they assembled together. Since the meeting acted as an agent of sacrality, presence at the meetings of the confraternity was strictly enforced for all members, on pain of being cast out. The Valdelsa statutes obliged all members to come to three meetings of the confraternity a year, unless impeded by sickness, flooding of the roads, or old age. Those who did not appear without good cause were to be excommunicated *iuxta canonicam sententiam*.⁶⁶ The San Giuliano confraternity was to meet four times a year to hold vigils and Masses for the brothers and for the souls of all the dead. If any member, from necessity, was absent, he or she had to give money to the poor.⁶⁷ The Montefusco confraternity similarly dictated that any member who was absent from a meeting should have a witness among the brothers who could vouch for him or her during the meeting and explain the absence, so that he or she could be absolved. For those who could not provide a witness, the congregation would make a judgement, presumably about whether the person in question would be allowed to remain a member or be expelled.⁶⁸ In the Pescia confraternity,

⁶³ 'Ergo [f. 23v] oremus inter nos, fratres, ut ad celestia regna mereamur accedere. Mittamus inter nos sanctum congregatorem qui nos congreget ubi congregat apostolus, ubi vero nemo corruiet et ubi sunt pastores congregatores, quia bonus pastor congregat, malus autem dispergit. Congregat sicut Dominus dicit: "ego sum pastor bonus; bonus pastor animam suam dat pro ovibus suis."' Vitolo, *Istituzioni*, 107.

⁶⁴ 'Quem dei omnipotentis et sancte fraternitatis dilectio in hac vita Christi fideles facit sancte vivere et cum ipso coniuntos cotidie dicente ipso domino "ubi duo vel tres congregati fuerint in nomine meo. Ego sum in medio eorum", et in futuro faciet illos cum Christo permanere in eterna gloria.' Lucca, BCF, 530, f. 49r.

⁶⁵ Meersseman and Pacini, *Ordo fraternitatis*, 1: 66: '... idcirco nos horatores de castro Sancti Casiani, qui olim venimus de Sancto Iacobo, facimus fraternitatem ad honorem Dei et sancti Iacobi et beati Georgii, secundum illud quod Dominus dicit in evangelio (Matt. 18:20): "Ubi duo tres in nomine meo sunt congregati, ibi ego in medio eorum sum", ea Deo largiente per hoc operaturi, que ad profectum et utilitatem animarum et corporum pertinebunt.'

⁶⁶ Meersseman and Pacini, *Ordo fraternitatis*, 1: 60, cap. 1. As no part of canon law concerns itself with confraternal attendance, it is difficult to make sense of this expression.

⁶⁷ 'Si quis vero e fratribus aliqua interveniente necessitate [se absentare debuerit] predicti fratris expensas pauperibus dare debent.' Bori, *Il capitolo*, 60.

⁶⁸ Vitolo, *Istituzioni*, 110, nos. 2–3.

those who did not appear at a meeting had to eat alone at the next communal supper.⁶⁹ The strict concern for attendance suggests that a member's failure to attend meetings was interpreted as a serious offence.

Eating together, exclusivity and secrecy

The quintessential communal activities in the meetings of all these confraternities were public confession, the celebration of Mass and a communal refreshment (*refectio*). The last feature also placed these confraternities midway in their evolution from monastic confraternities, where the confraternity members did not have a communal supper, to the late medieval ones, which invariably did. The origins of commensality can be explained in a number of ways. It might have grown out of the tradition of *collatio* established during the Carolingian period, where once a month rural clergy gathered in their *pieve* under the direction of a *plebanus* to celebrate Mass, for spiritual reflection and for a communal meal.⁷⁰ It may also have been a more elaborate form of *eulogia*, the parochial rite of sharing holy bread at the end of the Mass.⁷¹ Whatever its origin, the communal meal served the purpose of providing social cohesion to a community of people from different social backgrounds.⁷²

Caroline Bynum's *Holy Feast, Holy Fast* has shown the significance of food in medieval devotion, the connection between food and the Eucharist, and in particular the act of feasting as a social event; and she has made a case for Eucharistic piety as a communal and corporate piety rather than an individualistic one.⁷³ This argument finds affirmation within the context of the confraternities discussed here. The communal meal was the last activity performed at the gathering of a confraternity, coming immediately after the Mass. In the Valdelsa statutes, the gatherings were initiated by the abbot with the reading of statutes, followed by a public confession of sins, the Mass, and then the supper before the members parted ways.⁷⁴ While discussing the rules governing the communal meal, the Pescia statutes mention that some people had raised objections against such communal eating, calling it undignified. The statutes defended the practice, arguing that the communal *refectio* was only just and fair, as there were members who came together from various places and long distances (hence presumably they needed to eat before heading back), and that it strengthened brotherly love and love of God.⁷⁵ Clerical criticism of the communal meal seems to have been commonplace elsewhere in

⁶⁹ Lucca, BCF, MS 530, f. 50r.

⁷⁰ Amleto Spicciari, 'Una confraternita rurale nella Lucchesia del secolo XII: appunti per una ricerca', *Confraternitas* 2 (1991): 9–12.

⁷¹ G. Rosser, 'Going to the Fraternity Feast: Commensality and Social Relations in Late Medieval England', *Journal of British Studies* 33 (1994): 430–46 (434–5). See also, Franco Franceschini, 'The Rituals of the Guilds: Examples from Tuscan Cities (Thirteenth to Sixteenth Centuries)', in *Late Medieval and Early Modern Ritual. Studies in Italian Urban Culture*, eds. Samuel Cohn and others (Turnhout: Brepols, 2013), 65–92.

⁷² Oexle, 'Die mittelalterlichen Gilden', 212–13. J. Heers, *Fêtes, fêtes, jeux et joutes dans les sociétés d'occident à la fin du moyen âge* (Montréal: Institut d'études médiévales, 1971), 77–8.

⁷³ C.W. Bynum, *Holy Feast and Holy Fast: the Religious Significance of Food to Medieval Women* (Berkeley: University of California Press, 1987), 60–1.

⁷⁴ Meersseman and Pacini, *Ordo fraternitatis*, 1: 60, cap. 1.

⁷⁵ 'Moveat fortasse aliquos huius reprehensionis questio et iaculo mordacitatis, quod non debent, indiscrete feriant, dicentes indignum esse fratres qui sic conveniunt, antequam recedant corporaliter refici, quibus inter multa aliaque rationabiliter contra illos dici possunt. Hoc illi responsum sufficiat. Non indignum sed equum et iustum est ut qui extra diversis et longis locis pro Dei amore et fraterna caritate conveniunt, cibo anime satiati ad propria redeant corporis alimento refecti. Exemplo enim salvatoris nostri probatur non rectum esse quod dicunt. Quia misericordia commotus

Europe, generally focusing on the inappropriateness of the practice. As early as the eighth century, a number of synods condemned the communal meals of confraternities for having given occasion to brawls and drunkenness.⁷⁶ The statutes of the Pescia confraternity, however, which order that one quarter of the food be given to the poor, describe the communal meal as an act of benevolence to the brothers, the poor and the guests, aimed at sustenance of body rather than its satiety, and as a *refectio* rather than a *prandium* (a main meal).⁷⁷ The statutes of the Montefusco confraternity prohibited any kind of idle or worldly talk during the communal meal, which was not unusual since it was inspired by monastic practice.⁷⁸ Members of the Pescia confraternity were to eat their meal in silence accompanied by a *lectio*. Communal meals remained a tradition all through the later Middle Ages, and served further to strengthen the ties of brotherhood and equality by making members of different ranks sit around the same table.⁷⁹

Another interesting feature of these confraternities is their secrecy and exclusivity. The statutes insist that whatever was said during any part of the gathering should remain secret, lest 'our sayings are ridiculed among people'.⁸⁰ The Pescia statutes command that no one from outside be accepted at the communal table except a person the members were obliged to admit under obedience or to whom they had to exhibit special reverence, or if this person was one of high esteem. Only then would he be allowed to eat with one of the brothers.⁸¹ The Valdelsa statutes ordered that if the members came to the meeting with their dogs or with someone accompanying them, they were not to be admitted to the meeting but had to wait in another place.⁸² In the San Giuliano confraternity, no clergy except the members of the confraternity could administer the sacraments in the confraternity meetings.⁸³

Mission: the care of souls

Praying for the dead and the sick

Commemoration of the dead through prayers, Masses and almsgiving was the central reason for the existence of monastic confraternities. This remained essential to the confraternities under consideration here, as well as to the late medieval ones. In some parts of

turbas multotiens satiavit ne deficerent in via. Huius ergo auctoritate confirmati dicimus non vitiosam esse talem refectio-
tione sed caritate verissime prehornatam.' Lucca, BCF, MS 530, f. 50v.

⁷⁶ Rosser, 'Going to the Fraternity Feast', 434; Otto Gerhard Oexle, 'Die mittelalterliche Gilden: ihre Selbstbedeutung und ihr Beitrag zur Formung sozialer Strukturen', in *Soziale Ordnungen im Selbstverständnis des Mittelalters*, eds. A. Zimmermann and G. Vuillemin-Diem (Berlin: De Gruyter, 1979), 203–26. For the communal meal and its social underpinnings, see 212–16.

⁷⁷ 'Et ad querendas nichil aliud inde fieri probamus, nisi cum summa caritatis benevolentia fratribus et pauperibus et hospitibus non prandium sed refectioem, non saturitatem sed corporis sustentationem honeste preparari.' Lucca, BCF, 530, f. 50r.

⁷⁸ Vitolo, *Istituzioni*, 96, cap. 8. For the Cluniac observance of silence in the refectory and elsewhere, see S.G. Bruce, *Silence and Sign Language in Medieval Monasticism: the Cluniac Tradition c.900–1200* (Cambridge: Cambridge University Press, 2007), 26 and *passim*.

⁷⁹ Rosser, 'Going to the Fraternity Feast', 432–4.

⁸⁰ 'Quandocunque convenimus, illud quod inter nos dicimus sit secretum, ne ex dictis nostris ridiculum sit inter populum.' Vitolo, *Istituzioni*, 97.

⁸¹ 'Nulla persona extranea ad communem mensam recepta nisi talis sit cum specialiter obedientiam fratres debeant vel cui reverentia exhiberi conveniat. Alia vero si honorabilis persona fuerit extra, cum aliquo ex fratribus [f. 50v] honorifice comedat.' Lucca, BCF, 530, ff. 50r–v.

⁸² Meersseman and Pacini, *Ordo fraternitatis*, 1: 63, cap. 13.

⁸³ 'Quod nullus nisi ex sotti debet fratribus ministrare, decu[manis etiam] ecclesia debet servire.' Bori, *Le carte*, 60.

early medieval Europe, prayer for the dead was one of the expectations of the laity from the clergy in their church. In the early Irish laws, prayers for the dead, baptism and communion were the three principal duties that every church had to fulfil for each of the faithful of its congregation.⁸⁴ In return the laity provided the church with tithes and first fruits. Prayers for the dead were therefore firmly built into the early medieval care of souls at a time when preaching and penance were not yet considered to be among the pastoral duties of the churches.

In the Valdesa statutes, the priests were charged with the formal obligation of celebrating three Masses for each member of the confraternity. When a member died, the priests would celebrate 30 Masses, one each day for the 30 days immediately after his or her death; the deacons and other clergy would chant 10 complete psalters within 30 days for the soul of the departed. The statutes required the lay members to feed 40 poor people for 40 days after the death. All members were ordered to remember the departed in their prayers.⁸⁵ Members' obligations towards a sick brother were the same, except that the number of Masses and psalters to be sung and poor to be fed was only 10.⁸⁶

In the Pescia confraternity, if a member died, then all others were obliged to attend the funeral services and donate 1 *denarius*. If the dead member were a priest or cleric, each priest in the confraternity would celebrate a Mass for him daily, up to 30 days after his death. The clerics, on the other hand, would chant 25 psalms during the same period. The lay members would say 20 paternosters for each departed cleric or priest daily for up to seven days. If they ran out of time, they were to fulfil their obligation within 40 days. If the deceased were a layperson, then the priest would celebrate one Mass daily, and clerics would chant 12 psalms, for up to seven days. Those who were on pilgrimage or in school were excused from all these obligations.⁸⁷ The San Giuliano confraternity dedicated 12 Masses to the soul of a deceased priest and three to that of a deceased cleric, and the deceased was to be remembered in the Masses for 30 days. If the deceased were a layperson then the priests in the confraternity had to celebrate five Masses and chant two psalters. Laypeople were to arrange for three Masses to be celebrated for the priests, for the clerics, and for themselves.⁸⁸

The development of votive Masses, including the Masses for the dead, has been attributed to the popularisation of a number of ideas: that each Mass had a specific expiatory value, that a Mass offered for a specific person was considered more effective than a Mass for all the faithful, and that the more Masses offered for a deceased person the better.⁸⁹ The evidence presented here corroborates each of these three points. But there is an important dimension that the twelfth-century confraternities add to the existing scholarship on prayers for the dead, and that is the involvement of the laity as providers of prayer rather than merely as recipients. Laymen and women in the confraternities

⁸⁴ Thomas Charles Edwards, 'The Pastoral Role of the Church in the Early Irish Law', in *Pastoral Care before the Parish*, eds. John Blair and Richard Sharpe (Leicester: Leicester University Press, 1992), 69–71.

⁸⁵ Meersseman and Pacini, *Ordo fraternitatis*, 1: 60–1, cap. 2–4.

⁸⁶ Meersseman and Pacini, *Ordo fraternitatis*, 1: 61, cap. 5.

⁸⁷ Lucca, BCF, MS 530, f. 2r (see Appendix, below).

⁸⁸ 'Pro eius anima xii missas qui sacerdos est, qui clericus iii debent celebrare et usque ad xxx diem eius memoriam habere. Si ecclesias de[functi] aliquid habuerit] refectiones inde debent habere, quod si non habent, de proprio retitiantur si placet. [Hoc autem de] sacerdote vel de clerico dictum est. Pro laico vero, qui sacerdos est v missas debet canere et ii psalteria. Laici pro sacerdotibus seu pro clericis vel pro se ipsis iii missas [cani facere debent].' Bori, *Le carte*, 60.

⁸⁹ See McLaughlin, *Consorting with Saints*, 12.

offered the paternoster for the benefit of one another; they also gave alms to the poor, and thereby helped the soul of the departed. This tradition of suffrages for the dead can be traced back to Augustine who saw almsgiving, prayers and Masses as proper offerings for the dead, and this was repeated by Peter Lombard in the fourth book of his *Sentences* under the title *De suffragiis defunctorum*.⁹⁰ All these activities might also be observed in the later confraternities.

Prayers and care for the sick appear to have been an equally important part of the confraternal mission as the prayers for the dead. In the statutes of Montefusco, the care for the sick was the primary founding purpose of the confraternity.

We establish this confraternity for the redemption of our souls in such a way that if any of us falls ill, others will serve him day and night, if necessary, by keeping vigil at night, and consoling, comforting him and his people, devoting themselves to charity.⁹¹

If the sick brother died, then all priests were to keep vigil in the church with psalms and litanies, and each of them was to celebrate Mass in the morning. Clerics were to sing 50 psalms, and this they were to do for seven days, except on Sundays. Moreover, three times a year, and particularly on the day of the Lord's Supper, the confraternity was to give alms for the souls of all departed and living brothers and sisters and in this way ask God for indulgence for their sins.⁹²

In the confraternity of Imola, the members were obliged to visit a sick brother with lights and keep a close eye on him during the night. If any member fell ill within 10 miles of his house, other brothers would have taken him back to his home either personally or through their representatives. If the sick member died, then all brothers and sisters were to come for the washing of his body, and would dutifully carry it to the church, and remain with the corpse until it was buried, on pain of a fine of 1 *denarius*, and on the day of the burial they would celebrate Mass for him or her, and repeat this four times annually.⁹³

The Pescia confraternity, too, made detailed regulations for the care of the sick and dead. The statutes state that, 'by the authority of wise and religious men', the members would, on occasion, come together in a church and celebrate Mass together for all the deceased faithful, but above all for the deceased brothers of the congregation.⁹⁴ If any member were sick, all others, especially the *prepositi*, were obliged to visit him or her.

Dying without access to a priest, without confession and receiving the last rites, was a major worry to medieval people, one which explains the great number of churches in Italy dedicated to or with frescoes of St Christopher. It was believed that one glance at St Christopher would protect a person from sudden death on that day: it was commonplace to put some form of representation of St Christopher on town gates to protect those who ventured outside of the city's walls from death without last rites.⁹⁵ The fear of dying in this way was intensified by the fact that many priests would either neglect the visitation of

⁹⁰ Peter Lombard, *The Sentences*, ed. Giulio Silano. 4 vols. (Toronto: Pontifical Institute of Mediaeval Studies, 2007), Book IV, Distinctio 45; C. Hilken, 'Monastic Remembrances of the Dead: In the Shadows of Monte Cassino and Santa Sofia di Benevento: an Edition and Study of the Necrology of Santa Maria Del Gualdo Mazzocca' (PhD diss., University of Toronto, 1994), 7.

⁹¹ 'Facimus confraternitatem pro redemptione animarum nostrarum tali modo ut, si aliquis nostrum egrotaverit, serviat ei ab aliis die noctuque ut opus fuerit, videlicet vigilando, consolando, confortando et de suis, si opus fuerit, pro caritate impendendo.' Vitolo, *Istituzioni*, 91.

⁹² Vitolo, *Istituzioni*, 112.

⁹³ Meersseman and Pacini, *Ordo fraternitatis*, 1: 66.

⁹⁴ Lucca, BCF, MS 530, f. 49v: see Appendix, below.

⁹⁵ C. Frugoni and A. Frugoni, *A Day in a Medieval City* (Chicago: University of Chicago Press, 2005), 28–30.

sick parishioners, or perhaps would be unable to make it in time, since a priest might have to travel a long way at night or in the winter on muddy roads to get to the house of the sick person. Episcopal visitation records in Italy bear evidence of complaints against priests examined in front of the bishop. The register of the 1290 episcopal visitation of Fiesole records a case where a priest was called upon to visit a sick man by a relative. He promised to visit later, but never made it there, and the sick man died without last rites. The bishop and his retinue therefore interrogated the priest to establish his fault.⁹⁶

When put in this context, it becomes all the more understandable that many laypeople would find it advantageous to join a confraternity involving clergy, particularly in a rural setting where the state of the roads, at night or in winter, made it much more difficult than in a city setting for a priest to reach a sick or dying parishioner. The priests in the confraternity were obliged, under the statutes of the confraternity, to visit sick members, regardless of whether they had an official pastoral obligation towards that particular member. Lay members, therefore, had a higher probability of access to a priest and to the last rites at the time of sickness, and were not solely dependent on the services of their own parish priest.

Public confession

The inclusion of public confession among their activities sets twelfth-century confraternities apart from the earlier prayer confraternities and represents a step toward the late medieval penitential confraternities. The confraternities of both Montefusco and Valdelsa advocated public confession, in that the members were required to confess their sins to the rest of the congregation during the meetings, receive admonitions to make amends and pray together afterwards for the salvation of their souls.⁹⁷ Those who did not come to the confession and who did not listen to the admonitions were likened to the traitor Judas.⁹⁸ In the Valdelsa confraternity, the abbot prompted public confession by asking the congregation whether there were any among them who had engaged in usury, adultery, perjury, homicide or any other crime. Anyone found guilty of these crimes, or who, when admonished, did not make amends, was to be cast out of the confraternity.⁹⁹ These public confessions were similar to those that took place in monastic chapters, where each monk or nun confessed their venial sins to the community during the meeting, which was usually held daily.¹⁰⁰

⁹⁶ For England, see C. Daniell, *Death and Burial in Medieval England, 1066–1550* (London: Routledge, 1997), 35. 'Presbiter Duccius Rector ecclesiae de Castagno constitutus ut supra interrogatus super primo capitulo inquisitionis, respondit se nichil sciret. Super omnibus aliis capitulis inquisitionis interrogatus respondit se nichil sciret, nisi que quadam vicinae quedam populanis nomine Stephanus infirmabatur et dum transiret per viam iuxta domum illius quedam mulier cognata dicti Stephani venit ad hostium vicine et vocavit ipsum sacerdotem dicendo "Venite ad Stephanum que patitur quia vult penitentiam" et ipse sacerdos respondit "Ego vado usque ad talem locum ego revertar statim et veniam ad eum et si forte non recordare mittatis per me". Et postea non fuit recordatus, non ivit nec missus fuit pro eo et in sequenti nocte obiit supradictus Stephanus absque penitentiam.' Fiesole, Archivio Vescovile di Fiesole, Sezione V, No. 1, f. 1v.

⁹⁷ 'Hec nos, fratres, confessio parva que ad Dominum confessi sumus sufficiat; nunc autem ad ordinem redeamus quomodo unumquemque confiteamur peccata nostra et invicem oremus et salvi fieri mereamur.' Vitolo, *Istituzioni*, 108.

⁹⁸ Vitolo, *Istituzioni*, 111, cap. 8.

⁹⁹ 'Et tunc interroget omnes, qui <s> est inter eos qui usuras faciat, aut adulterium, aut periurium, aut homicidium, aut falsitatem committat, aut reliqua crimina, que dinumerare longum est, et si super eius <modi> personam <inculpata> invenerit et monitus non se emendaverit, abiciatur a consortio eorum.' Meersseman and Pacini, *Ordo Fraternalitatis*, 1: 63.

¹⁰⁰ W. Scheepersma, *Medieval Religious Women in the Low Countries: the 'Modern Devotion', the Canonesses of Windesheim, and Their Writings* (Woodbridge: Boydell Press, 2004), 56–8.

Writing of renaissance confraternities in Bologna, Nicholas Terpstra has argued that ‘the rituals of public confession and mutual admonition were deliberately patterned as lay equivalents of sacramental confession and penance.’¹⁰¹ The comparison thus drawn is certainly correct. However, the evidence considered here from an earlier period may reverse the order and lead us to think that perhaps the sacrament of penance was in fact patterned as the institutional equivalent of lay public confession. After all, the Valdelsa statutes promoting public confession date from the eleventh century, long before the theologians active in Paris made confession to a priest a necessary part of the sacrament of penance. It is possible that the sacrament of penance, particularly the obligation to confess to one’s parish priest as promulgated for the first time at the Fourth Lateran Council of 1215, constituted an attempt to bring the practice of public confession within the sacramental framework of the Church. Such a policy replaced the confraternal community as confessor with the lone figure of a parish priest controlled by the episcopal administration. Late medieval and renaissance confraternities can therefore be thought of as following the uninterrupted tradition of confraternal public confession, which in turn was rooted in the monastic chapter of faults.

Similarities between Italian and Anglo-Saxon confraternities

While the evidence thus far concerns only twelfth-century Italian confraternities, confraternities from other parts of Europe displayed similar organisational structures and pastoral functions. It is important to adhere rigidly to contemporary examples in making any comparison: confraternities from later periods were more sophisticated in their organisation, and their activities more diversified. A good parallel, therefore, is with the five Anglo-Saxon confraternities of roughly the same period (before c.1100), whose statutes survive.¹⁰² These were in Abbotsbury, Bedwyn, Cambridge and Exeter (two). Just as the Italian confraternities grew around a *pieve*, the Anglo-Saxon guilds (to use the native term in their statutes) were formed around a minster, the English counterpart of the Italian *pieve*, essentially a collegiate church, though it is not uncommon that the word is used for a monastery. The most striking similarity between the Anglo-Saxon and Italian confraternities is the purpose of their foundation. The major concern in all Anglo-Saxon guild ordinances is the provision of funeral rites and memorial Masses for members. Gervase Rosser notes that the guilds were founded through lay initiative, and the laity, both men and women, were dominant among their members, but their membership included clergy as well.¹⁰³ Remarkably, as was true of the confraternity of Imola, the members of the guild of Abbotsbury undertook to fetch the body of a member who had fallen ill or died within 60 miles of his home or to take it to the minster. (The same responsibility is also present in the Cambridge guild ordinances). The tenth-century Bedwyn guild prescribed five Masses and five psalters for each deceased member. The similarities between the Anglo-Saxon and Italian confraternities extend also to regulations concerning disputes between members. In the statutes of the Abbotsbury guild, a member who

¹⁰¹ Terpstra, *Lay Confraternities and Civic Religion*, 136.

¹⁰² The surviving statutes of these guilds are published in B. Thorpe, ed., *Diplomatarium Anglicum aevi Saxonici* (London: Macmillan, 1865), 605–17. A brief analysis of these statutes has been published by Rosser, ‘Anglo-Saxon Guilds’, 31–4.

¹⁰³ Rosser, ‘Anglo-Saxon Guilds’, 31.

insulted another had to make atonement to the entire confraternity.¹⁰⁴ In the Cambridge guild, too, if a member insulted another, he was ‘to pay a sester or honey unless he can clear himself with his two bench-comrades’.¹⁰⁵ Similarly, the statutes of the confraternity of San Giuliano stipulated that whenever an argument arose between two members, before they went before a judge, they should first bring the dispute to the confraternity, which was then obliged to examine it.¹⁰⁶

One notable difference between the Italian confraternities and the Anglo-Saxon ones concerns devotion to a particular saint. The only Italian confraternity to have a devotion to a particular saint was that of Imola, mentioning St James and St George, whereas three Anglo-Saxon confraternities out of five had a particular devotion to St Peter. They directed prayers to St Peter and asked him to intercede on behalf of the members, since he had the power to bind or loose.¹⁰⁷

Conclusion

The twelfth-century Italian confraternities were therefore para-ecclesiastical institutions, whose main purpose was the care of souls. A member had privileged and guaranteed access to the sacraments of the Eucharist and last rites, and benefited from the prayers of the community both while living and after death. The confraternity served as a venue for public confession and penance. To all intents and purposes, care of souls was a communal and social enterprise, not a uni-directional one, in which the parish priest cared for the souls of his parishioners, as is thought to have been the case for the later Middle Ages. What the people who gathered in these confraternities seem to have cared about most was to have the assurance that many people would pray for their souls after their death and that if they became sick, they would have access to sacraments as well as practical help. These concerns were common to all five confraternities discussed here and to the Anglo-Saxon guilds.

The debt of the confraternities to the monasteries is also visible in administrative aspects such as record-keeping. In this respect, the confraternity books bear a strong resemblance to the monastic chapter books. The codex of the Pescia confraternity starts with a single page of statutes for the confraternity, followed by an obit list, a collection of homilies, a *rituale* and two versions of a fuller set of statutes. If one compares this to the chapter book of the Benedictine monastery of Santa Maria del Gualdo Mazzocca from Benevento in Italy, copied in 1200, which had a prayer confraternity, the similarities become evident. The chapter book of Santa Maria opens up with a martyrology, followed by the Rule of St Benedict, a homiliary, a necrology, a rite for monastic profession and fragments of statutes from a monastic customary.¹⁰⁸

This study revises the more traditional view held by scholars, in which the Church – with its ecclesiastical officers, its priests and bishops – was the ‘provider’ of the care of souls and the laity was the ‘recipient’. Instead, the confraternity presents a structure in

¹⁰⁴ Thorpe, ed., *Diplomatarium Anglicum*, 606.

¹⁰⁵ Thorpe, ed., *Diplomatarium Anglicum*, 612.

¹⁰⁶ ‘Preterea ordinaverunt quod si qua[ndoque] questio] vel lis inter eos oriretur ante quam add[ucatur] ad iudicium ipsi debent] congregationi [deferre questionem] et litem vero congregatio debet examinare.’ Bori, *Le carte*, 60.

¹⁰⁷ Thorpe, ed., *Diplomatarium Anglicum*, 608–9.

¹⁰⁸ Hilken, *Monastic Remembrances of the Dead*, 74–5.

which each member, be they clerical or lay, was both the recipient and provider of the care of souls. In the final analysis, what emerges is the presence and strength of a Church in the literal sense of *ecclesia*, that is, a community of the faithful, taking care of its own spiritual needs, at times even regulating the scope and quality of the clerical mediation it needed.

Appendix: A diplomatic edition of the twelfth-century statutes of the Pescia confraternity (Lucca, BCF, MS 530, ff. 2r-2v, 49v-50v)

Lucca, BCF, MS 530 is a twelfth-century codex, of parchment, 50 ff. (with two modern paper flyleaves); 285 × 190 mm, modern binding. Multiple hands, all twelfth-century (the obit list on ff. 3r-10v has the names of the deceased written in a variety of hands). Its contents are:

- f. 1r: blank
- f. 1v: a note of ownership. On the upper margin 'Iste liber est sancte trinitatis vel congregationis'. Below in a different hand 'Iste liber sancti Petri de Potheoli'.
- ff. 2r-v: a fragment of the statutes of the confraternity (edited below)
- ff. 3r-10v: kalendar containing obits of the confraternity members and of others
- ff. 11r-38r: sermones de congregatione
- ff. 38v-40r: statutes of the confraternity
- ff. 40v-49r: various formularies for the Mass (Masses for the congregation, for the sick, for the dead, etc.)
- ff. 49v-50v: statutes of the confraternity (edited below)

The statutes on ff. 38v-40r are identical to the ones on ff. 49v-50v, except for an additional sentence at the end of f. 40r: 'Et tali modo sanctis moribus ornate sanctisque virtutibus decorate hanc vitam in sanctitate perficiant et post hanc eternam gloriam habeant in Christo domino nostro, qui cum domino patre et sancto spiritu vivit et regnat in secula seculorum.'

In this edition, the following editorial conventions have been employed. All abbreviations and contractions have been expanded. Capitalisation has been kept as it is in the manuscript. All punctuation is editorial. The phrases in the caret brackets indicate when a word in the manuscript has been corrected grammatically or for spelling. In these cases, the version in the manuscript is given in the footnotes.

[f. 2r] Constituit sane sacer iste conventus ut volentes ingredi hanc sanctam congregationem: si alicuius ecclesiae prepositus est unum ferculum iuxta prepositorum dispositionem cunctis fratribus tribuat. Si vero laicus est vel clericus preposituram non habens, secundum prepositorum bene placitum fiat eis. In unum autem congregantur, sex denarios unusquisque offerat. Si autem paupertate coactus adimplere minime potuerit, prepositura miserentur ei secundum quod miserendum cognoverint. Comuni etiam consensu laudamus, ut si quis ex fratribus clericus vel laicus vel mulier ad comunem conventum <...>¹⁰⁹ a propositis nostris ordinatus fuerit aliqua inevitabili causa inpeditus venire nequeverit, mittat congregationi non per extraneum set per aliquem ex fratribus qui remanserit. Que vero venire <contempserit>,¹¹⁰ vel alium mittere secundum quod dictum est

¹⁰⁹ MS: one word illegible.

¹¹⁰ MS: 'contepserit'.

neglexerit, xii denariorum pena plectarat. Si autem inter fratres aliqua fuerit mota discordia, et requisiti appropositis eorum voluntatibus parere noluerint, a consortio huius sancte congregationis sint alieni. Preterea si quis ex congregatione infirmatus fuerit, ab omnibus diligenter visitetur et precipue a propositis. Cum vero aliquis ex fratribus mortuus fuerit, statuimus sepulture obsequi cum magno studio omnes in simul et unanimiter celebrare scilicet in obitu cum oblatione unius denarii. Id insuper non duximus obmittendum ut quando [f. 2v] aliquis fratrum viam universe carnis secutus fuerit, iuxta proprium arbitrium aliquid pro anima sua congregationi relinquat. Statuimus etiam ut quando aliquis sacerdos vel clericus decesserit, unusquisque presbiter pro eo singulis diebus usque ad trigessimam missam celebret. Clericus vero usque ad prefatum diem pro sacerdote et pro clerico xxv psalmos decantet. Pro laico, presbiter singulis diebus usque ad vii diem missam ducat et clericus unaquaque die usque in predictum diem xii psalmos cantet. Laicus siquidem pro presbitero et clerico xx Pater Noster singulis diebus usque ad vii diem dicat. Si autem intra constitutos dies hoc ad implere minime <potuerit>,¹¹¹ usque ad lx dies emendare studeat. In peregrinatione autem existentibus aut in scholis demorantibus hec omnia misericorditer indulgentur. Decrevimus etiam ne aliquis ad comunem conventum verbum faciat de aliquo volente associari congregationi, nisi secundum preordinationem et consilium prepositorum, cuius receptio taliter fieri debet. Secundum enim hanc scripturam huius observationis obedientiam quam in hac scriptura continetur, fideliter per librum et scolam fratribus per eundem librum investituram recipere debet cum pro missione orationum et omnium benefactorumque a tota congregatione futura erunt.

[f. 49r] Quem dei omnipotentis et sancte fraternitatis dilectio in hac vita Christi fideles facit sancte vivere et cum ipso coniunctos cotidie dicente ipso domino 'ubi duo vel tres congregati fuerint in nomine meo, ego sum in medio eorum' [Matt. 18:20], et in futuro faciet illos cum Christo permanere in eterna gloria. Unde ipse dominus ait in evangelio: 'ubicumque ego sum illic et minister meus erit' [John 12:26] et 'ubicumque fuerit corpus illic congregabuntur et aquile' [Matt. 24:28]. Ideo nos in Jesu Christi nomine quandam facientes congregationem, que vulgo dicitur fraternitas, tam ex clericis quam laicis et mulieribus deum timentibus statuimus et sapientium et religiosorum virorum auctoritate firmavimus, unitate mentis muniti et fidei dilectione accensi ad aliquam ecclesiam interdum in unum convenire, et pro omnibus fidelibus defunctis et maxime pro illis fratribus qui in nostra congregatione fuerunt et defuncti sunt magna mentis devotione missam communiter celebrare. Qualiter autem hanc congregationem aliquis ingredi debeat, et quanta caritatis diligentia illam tenere et custodire debeat, his litteris aperire curavimus. [f. 49v] Primum igitur excepto et constituto sacerdotum priorum scilicet quia tota congregatione pro tempore eliguntur ut illorum providentia ordinate ac rationabiliter que fratribus conveniunt disponantur ad constitutum locum omnes convenire debemus. Hoc modo: si dies soluta fuerit summo mane, sin autem ieiunium hora tertia. Omnibus itaque congregatis ecclesiam ad missam celebrandam cum sancta devotione intrare debemus, nichil aliud ibi dicendo quam orare et psallere, nisi aliquis ex clero communiter sermonem ad fratres fecerit. Misse quoque oblationes qualiter et quante esse debeant a fratribus omnibus cognosci volumus. Quotiens enim anniversarium fratris nostri alicuius vel foris fuerit, unusquisque sacerdos antequam ad communem conventum in die anniversarii

¹¹¹ MS: 'potuerint'.

venerit, in sua ecclesia missam ei faciat, et clericus quinquaginta psalmos cantat. Cum vero in simul venerint tam laici quam clerici, et mulieres tot denarios unusquisque offerat, quot fratrum anniversaria de congregatione fuerint intestationem preteritam et futuram. Cum vero aliquis ex fratribus mortuus fuerit, statuimus sepulture obsequium cum magno studio omnes insimul et unanimiter celebrare scilicet in obitu cum oblatione iiii denariorum. Et in septima die iiii^{or} denarios offerre et in trigesimo totidem et in futuro anniversario sequentis anni similiter iiii denarios ut inter obitum et septimam et trigesimum et anniversarium unusquisque laicus compleat illi defuncto missas xvi. Et in uno quoque die usque ad trigesimum xii Pater Noster. Et sacerdos quisque xxiiii missas et clericus L psalmos. Verumtamen in obitu vel in septima alicuius fratris vel in trigesimo pro occasione [f. 50r] aniversarii venientis in eadem die oblatio non procedat ultra iiii^{or} denarios, similiter in anniversario non ultra iiii^{or}. Hoc quoque si aliquis paupertate coactus adimplere non potuerit, voto prius adimplete, prepositi misereantur ei secundum quod miserendum cognoverit. Comuni etiam consensu laudamus ut si quis ex fratribus clericus vel laicus vel mulier ad comunem conventum quia prepositis nostris ordinatus fuerit, aliqua inevitabili causa impeditus venire nequeverit, mittat congregationi non per extraneum sed per aliquem ex fratribus qui remanserit, et quid ille suppleat pro persona illius vel in oblatione vel in alio aliquo quod ipse deberet peragere. Qui vero venire neglexerit talem, inde poenitentiam habeat quod ad comunem mensam cum fratribus non sedeat, et nullius officii obedientia sibi inposita: solus sine omni socio comedat et quotiens venire neglexerit totiens hanc talem penitentiam habeat. De oblatione vero predicta et de alia aliqua benedictione quam congregationi dominus dederit, vel per testamentum alicuius vel per terras iam deo gratias adquisitas et ad querendas nichil aliud inde fieri probamus, nisi cum summa caritatis benevolentia fratribus et pauperibus et hospitibus non prandium sed refectionem, non saturitatem sed corporis sustentationem honeste preparari. Post missam itaque communem completam et quarta totius refectionis pauperibus erogata ad mensam cum gratia actione accedant et cum silentio et lectione reficiantur. Nulla persona extranea ad communem mensam recepta nisi talis sit cum specialiter obedientiam fratres debeant vel cui reverentia exhiberi conveniat. Alia vero si honorabilis persona fuerit, extra cum aliquo ex fratribus [f. 50v] honorifice comedat. Moveat fortasse aliquos huius reprehensionis questio et iaculo mordacitatis, quod non debent, indiscrete feriant, dicentes indignum esse fratres qui sic conveniunt, antequam recedant corporaliter refici, quibus inter multa aliaque rationabiliter contra illos dici possunt. Hoc illi responsum sufficiat. Non indignum sed equum et iustum est ut qui extra diversis et longis locis produm amore et fraterna caritate conveniunt, cibo anime satiati ad propria redeant corporis alimento refecti. Exemplo enim salvatoris nostri probatur non rectum esse quod dicunt, quia misericordia commotus turbas multotiens satiavit, ne deficerent in via. Huius ergo auctoritate confirmati dicimus non vitiosam esse talem refectionem sed caritate verissime prehormatam. Preterea si quis ex congregatione infirmaverit, ab omnibus diligenter visitetur et si in aliquo indigerit, multa caritatis ei benevolentia alacriter subveniatur. Unde apostolus: 'Hilarem enim datorem diligit deus.' [2 Cor. 9:7] Et alibi: 'Alter alterius <onera>¹¹² portate, et sic adimplebitis legem Christi.' [Gal. 6:2] Statuimus etiam ne aliquis ad comunem conventum verbum faciat, de aliquo volente associari congregationi, nisi secundum preordinationem et consilium prepositorum cuius receptio

¹¹² MS: 'honera'.

taliter fieri debet. Secundum enim hanc scripturam huius observationis obedientiam que in hac scriptura continetur, fideliter per librum et scolam fratribus per eundem librum investituram recipere debet, cum promissione orationum et omnium benefactorumque a tota congregatione futura erunt.

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