BETWEEN OSTROGOTHIC AND CAROLINGIAN ITALY

Survivals, revivals, ruptures

edited by
Fabrizio Oppedisano

Reti Medievali E-Book

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Ruling in hard times
Patterns of power and practices of government
in the making of Carolingian Italy

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Front cover: Nicholas and workshop: *Theodoric hunts in hell*, c. 1100-1150 (Verona, facade of the basilica of San Zeno). Photo credit: Fabio Coden, by permission of the Ufficio per i beni culturali ecclesiastici, Diocese of Verona (17 Jan. 2023).

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This book is printed on acid-free paper
Printed in Italy

Ruling in hard times.
Patterns of power and practices of government
in the making of Carolingian Italy

Project Coordinator Giuseppe Albertoni

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Abbreviations

AE = L'Année épigraphique
CCCM = Corpus Christianorum, Continuatio Mediaevalis
CCM = Chronicon Moissiacense Maius
CCSL = Corpus Christianorum, Series Latina
CDS = Cross Database Searchtool
ChLA = Chartae Latinae Antiquiores
CIL = Corpus Inscriptionum Latinarum
CIMAH = Corpus Inscriptionum Medii Aevi Helvetiae
CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum.
CSHB = Corpus Scriptorum Historiae Byzantinae
EDCS = Epigraphische Datenbank Clauss-Slaby
EDH = Epigraphic Database Heidelberg
EDR = Epigraphic Database Roma
FSI = Fonti per la Storia d'Italia
ICI = Inscriptiones christianae Italiae septimo saeculo antiquiores
ICUR = Inscriptiones Christianae Urbis Romae septimo saeculo
ILCV = Inscriptiones Latinae Christianae Veteres
InscrIt = Inscriptiones Italiae
LLT = Library of Latin Texts
LP = Liber pontificalis
MGH = Monumenta Germaniae Historica
        AA = Auctores antiquissimi
        Capit. = Capitularia regum Francorum
        Conc. = Concilia
        Fontes iuris = Fontes iuris Germanici antiqui in usum scholarum separatim editi
        LL = Leges Langobardorum
        Poetae = Poetae Latini medii aevi
        Epp. = Epistolae III-VIII (Epistolae Merovingici et Karolini aevi)
        SS = Scriptores in Folio
        SS rer. Germ. = Scriptores rerum Germanicarum in usum scholarum separatim editi
        SS rer. Lang. = Scriptores rerum Langobardicarum et Italicarum, saec. VI-IX
        SS rer. Merov. = Scriptores rerum Merovingicarum
MHP, SS = Monumenta historae patriae, Scriptores
MLW = Mittellateinisches Wörterbuch bis zum ausgehenden 13. Jahrhundert
NGML = Novum glossarium mediae Latinitatis ab anno DCCC usque ad annum MCC
PIB = Prosopografia dell'Italia bizantina
PL = Patrologia Latina
PLRE = The Prosopography of the Later Roman Empire
RF = Regesto di Farfa
RIS = Rerum Italicarum scriptores.
RS = Regesto di Subiaco
RT = Regesto di Tivoli
SC = Sources Chrétiennes
SupplIt = Supplementa Italica. Nuova Serie
SPV = Le antiche carte dell'archivio capitolare di S. Pietro in Vaticano

Preface

by Fabrizio Oppedisano

In 488, the Germanic tribes gathered around Theoderic the Great abandoned the inhospitable Pannonian lands and set out towards Italy. Following in the footsteps of Alaric and Attila, tens of thousands of individuals crossed the Alpine border and prepared for a clash with Odoacer. The war, which was uncertain despite the field victories achieved by the Goths, was resolved after three years, and then only thanks to a stratagem: declaring that he accepted peace and shared command, Theoderic was welcomed in Ravenna, and here, during a banquet, he treacherously killed his enemy. Now master of Italy, the Gothic king launched the ambitious project of a society in which the best qualities of the peoples composing it would serve the common good, beyond secular barriers and prejudices. The Gothic soldiers would defend with arms the values of *civilitas Romana*, while the functioning of the state would be entrusted to the political and administrative culture of the Italian ruling classes. With the necessary precautions taken not to offend the feelings of his men, Theoderic did everything to preserve the Roman profile of Italy: the institutional and administrative system, the political careers, the distribution of wealth, the circulation of goods, and the role of the ruling classes still retained, even in the sixth century, the forms typical of the late antique state. At the same time, the official communication, the outward manifestations of power, as well as the care of public monuments, had the function of making visible the continuity between the Gothic kings and the Roman emperors. The message of Theoderic was intended for both Italy and the outside world: to his subjects, he was to communicate his own willingness to act with the virtues typical of the *princeps civilis*; to the other monarchies, an ethical

and political primacy of the Gothic kingdom in Western Europe; to the empire, a position of autonomy of the Amal king in his relationship with the *basileus*. During the 520s, a series of events, interconnected in various ways, showed the first signs of weakness of this great system: the death of Eutharic (Theoderic's son-in-law designated to succeed him to the throne), the crisis of relations with the neighbouring kingdoms of the Vandals and Burgundians, and the Emperor Justin's anti-Arian and anti-Gothic policies all generated strong turbulence. In Italy, relations with the senate and the Church spiralled into a climate of distrust and suspicion, which passed the point of no return when the regime condemned the Pope, John I, and the senators Albinus, Symmachus and Boethius for high treason. At that moment, the compromise between monarchy and senate, and between Arianism and Catholicism, on which Theoderic had built his Italy, was shattered, and the image of the king began to lose the luminous contours of the civil prince to take on the grim features of the tyrant. Over time, the Gothic monarchs proved increasingly incapable of interpreting the role devised by Theoderic in their relations with the empire, and were unable to contain the increased aggression of Justin and Justinian: although the conflict entrusted to Belisarius was not intended to annihilate the Goths and to bring Italy back under the control of the Roman emperor, its developments went in precisely that direction. The Gothic war was long and lacerating, and the absorption of the peninsula among the provinces of the Byzantine oecumene determined, in many ways, the end of Roman Italy.

What remained of this world in Italian society in the centuries to come? What was Theoderic's legacy to medieval political culture? How was that past reworked and recounted, and how did it interact with the present, especially at the decisive moment of the Frankish conquest of Italy? These are the historical questions around which this book was originated. The contributions that compose it have been conceived in order to grasp and interpret the elements of survival, the ruptures and the revivals of the Roman-Gothic society in the medieval period, and in particular in the Carolingian age. To this end, we have privileged a variety of viewpoints and disciplinary skills. The first, introductory, essay is dedicated to problems of an ideological order connected to the relationship between Ostrogoths and Franks (Fabrizio Oppedisano); the second focuses on the reception of Roman law and Ostrogothic legislation in the years of Lothar I (Stefan Esders); the third on the construction of the ethnic identities of the Ostrogoths and Lombards (Robert Kasperski); the fourth on the problem of the equestrian statue known as "Regisole", and the revival of the Theoderician model from the time of the Lombards to that of the Franks (Carlo Ferrari). This is followed by a section consisting of three essays dedicated to the two great authors of the Ostrogothic age, Boethius (Danuta Shanzer) and Cassiodorus (Marco Cristini and Dario Internullo). Finally, the last two essays reflect on the continuous presence of the Goths in early medieval epigraphy (Flavia Frauzel), and on the evolution of the centres of public power between the Ostrogothic and Carolingian periods (Federico

Cantini). The conclusions (Stefano Gasparri) enhance some of the book's key themes and provide an overview of them. The authors discussed these issues at a conference held in Pisa, at the Scuola Normale Superiore, on 25 and 26 November 2021.

Fabrizio Oppedisano
Scuola Normale Superiore, Pisa
fabrizio.oppedisano@sns.it

Ostrogoths vs. Franks:
Imagining the Past in the Middle Ages

by Fabrizio Oppedisano

This introductory essay aims at highlighting some aspects concerning the connections between the Ostrogoths and Franks in the Middle Ages. To this end, cases from different contexts and chronologies have been examined: firstly, Giovanni Villani's chronicle, which conveys a polarized image of the Gothic and Carolingian worlds; and then some testimonies from the ninth century, that use the Ostrogothic model in connection with the present in a more complex and ambivalent manner. The various interpretations of the Gothic world are linked by a tendency to emphasize historical analogies, that leads to an overall and protracted disinterest in the specific forms of Ostrogothic society and in the work that most documents it, i.e. Cassiodorus' *Variae*.

Middle Ages; Communal Age; Carolingian Age; Florence; Giovanni Villani; Walahfrid Strabo; Cassiodorus; Franks; Ostrogoths; Political Use of History.

Fabrizio Oppedisano, Scuola Normale of Pisa, Italy, fabrizio.oppedisano@sns.it, 0000-0002-4259-6282

Abbreviations
CCCM = Corpus Christianorum, Continuatio Mediaevalis.
FSI = Fonti per la storia d'Italia.
MGH, Epp. 4 = *Epistolae Karolini aevi II*, ed. E. Duemmler, Berlin 1895 (Epistolae [in Quart], 4).
MGH, Fontes iuris 7 = Marsilius of Padua, *Defensor pacis*, ed. R. Scholz, Hannover 1933 (Fontes iuris Germanici antiqui in usum scholarum separatim editi, 7).
MGH, SS 6 = *Chronica et annales aevi Salici*, ed. G.H. Pertz, Hannover 1844 (Scriptores [in Folio], 6).
MGH, SS 10 = *Annales et chronica aevi Salici. Vitae aevi Carolini et Saxonici*, ed. G.H. Pertz, Hannover 1852 (Scriptores [in Folio], 10).
MGH, SS 22 = *Historici Germaniae saec. XII.2*, ed. G.H. Pertz, Hannover 1872 (Scriptores [in Folio], 22).
MGH, SS 39 = Bartholomew of Lucca, *Historia Ecclesiastica nova*, ed. O. Clavuot, Hannover 2009 (Scriptores [in Folio], 39).
MGH, SS rer. Merov. 2 = *Fredegarii et aliorum Chronica. Vitae sanctorum*, ed. B. Krusch, Hannover 1888 (Scriptores rerum Merovingicarum, 2).
PChBE II = *Prosopographie chrétienne du Bas-Empire*, vol. 2, *Prosopographie de l'Italie chrétienne (313-604)*, ed. C. Pietri – L. Pietri, Roma 2000.

1. *Goths and Franks in the Chronicle of Giovanni Villani*

In Giovanni Villani's *Nuova Cronica*, Totila is the protagonist of one of the darkest moments in the history of Florence: besieged and taken by deceit, the city suffers looting and devastation; its bishop is beheaded and many of its inhabitants are slaughtered as they attempt to flee[1]. The reader is not surprised by such cruelty. From the very first pages of the work, in fact, a series of anticipations allowed him to recognise in Totila the prototype of barbarism, whose destructive fury had caused immense catastrophes in important cities (Florence, Perugia, Arezzo)[2] and, above all, the loss of a collective memory that the author of the chronicle now proposes to remedy:

> con ciò sia cosa che per gli nostri antichi Fiorentini poche e nonn-ordinate memorie si truovino di fatti passati della nostra città di Firenze, o per difetto della loro negligenzia, o per cagione che al tempo che Totile Flagellum Dei la distrusse si perdessono scritture, io Giovanni cittadino di Firenze, considerando la nobiltà e grandezza della nostra città a' nostri presenti tempi, mi pare si convegna di raccontare e fare memoria dell'origine e cominciamento di così famosa città, e delle mutazioni averse e filici, e fatti passati di quella[3].

The presence, in the proem of the work, of the name Totila next to that of Villani contributes to emphasizing the role and identity of the chronicler by opposition; on the other hand, it reinforces the exemplary value of the figure of the Gothic king, defined – here and in many other passages of the work – with the terrible epithet *Flagellum Dei*, which suggests a true hy-

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[1] Villani, *Nuova Cronica*, III, 1.
[2] *Ibidem*, I, 36 (Firenze): «Questo (il «parlatorio» del tempo di Cesare) fu poi guasto al tempo di Totile»; II, 1 (Firenze): «Del compreso e giro della città non troviamo cronica che ne faccia menzione; se non che quando Totile Flagellum Dei la distrusse, fanno le storie menzione ch'ella era grandissima»; II, 9 (Perugia): «poi Totile Flagellum Dei la distrusse, come fece Firenze e più altre città d'Italia, e fece marterizzare santo Erculano vescovo della detta città»; II, 10 (Arezzo): «la detta città d'Aurelia fu anche distrutta per lo detto Totile, e fecela arare e seminare di sale, e d'allora innanzi fu chiamata Arezzo, cioè città arata».
[3] *Ibidem*, I, 1: «for our ancient Florentines, there are few and unordered records of past events in our city of Florence, either because of their negligence or because of the fact that at the time Totile Flagellum Dei destroyed it, records were lost, I, Giovanni, citizen of Florence, considering the nobility and greatness of our city in our present times, feel it is appropriate to recount and record the origin and beginning of this famous city, and the changes that have taken place and the past events of that city».

bridization with the Hun Attila[4]. Confusion between the two names occurs quite frequently in the literature of the twelfth and thirteenth centuries[5], as they also do in the Florentine chronicles: in a section of Martin of Opava's work entirely dedicated to Pope Leo, Totila replaces Attila; before that, in the *Chronica de origine civitatis Florentiae*, Totila is evoked in the context of the Gothic war, but with the epithet *Flagellum Dei*[6]. In Villani such overlaps take on greater proportions: Totila, whose real name was Bela, was known for his savagery, of which his fratricide was the most abominable testimony. His actions – apart from distortions and hagiographic inserts taken out of context – are placed in the mid-fifth century: they partly relate to the Hunnic invasion of 452 (the battle of the Catalaunian Plains; the entry into Italy and the siege of Aquileia; the invasion of the north-eastern regions and cities of the Peninsula), they partly refer to the movements of the Goths during the war against Justinian (the alleged destruction of Florence, dated here to 28 June 450, with the rebuilding of Fiesole; the expedition towards Rome, with the destruction of many cities and the killing of many bishops, including Herculanus of Perugia). About the end of Totila's raids, says Villani, two different versions circulated: according to some, he had died suddenly in Maremma; according to others, it was the prayers of the Pope, Leo, that had freed Italy from his infesting presence («alcuno altro dottore scrisse che 'l detto Totile per li prieghi a Dio di santo Leo papa che allora regnava si partì d'Italia, e cessò la sua pestilenza»)[7].

Those who were acquainted with Paul the Deacon noted the inconsistency of these reconstructions: Bartholomew of Lucca points out the error of Martin of Opava: «istum autem regem, quem Martinus vocat Totilam, Casinensis, qui eandem historiam refert, Attilam appellat»[8]. Giovanni Boccaccio, in his *Esposizioni sopra la Commedia di Dante*, observes, more generally, how the chronicles handed down a tale tainted by anachronisms: «Sono oltre a questo molti che chiamano questo Attila Totila, i quali non dicon bene, perciocché Attila fu al tempo di Marziano imperadore, il quale fu promosso all'imperio di Roma, secondoché scrive Paolo predetto, intorno dell'anno di Cristo 440, e Totila, il quale fu suo successore, fu a' tempi di Giustino imperadore, intorno agli anni di Cristo 529»[9]. Even when one grasps these inconsistencies, however, one struggles to make distinctions in the barbarian amalgam traditionally associated with these names: thus, for Boccaccio, Totila is nevertheless a successor of Attila, in the idea that Huns and Goths of the Amal dynasty should be placed in the same chronological context. This was a deep-rooted

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[4] On the attribution of this epithet to Attila and its frequency in medieval sources, see e.g. Bertini, *Attila in the chroniclers*.
[5] Maissen, *Attila, Totila e Carlo Magno*, pp. 575-576; see Riccardo Chellini's commentary on his edition of the *Chronica de origine civitatis*, p. 84.
[6] *Chronica de origine civitatis Florentiae*, 10; Martin of Opava, *Chronicon*, p. 418.
[7] Villani, *Nuova Cronica*, III, 1-6.
[8] Bartholomew of Lucca, *Historia ecclesiastica nova*, VIII, 4.
[9] Boccaccio, *Esposizioni sopra la Commedia*, pp. 587-589 (*ad Inf.* XII, 134).

idea in Italy, and in medieval culture in general. In a passage of Frutolf of Michelsberg's chronicle (who, for the history of the Goths, relies on Jordanes and Paul the Deacon)[10], the author stated that the error of associating Theoderic, Attila and Ermanaric was common to tales handed down in unwritten form («vulgaris fabulatio et cantilenarum modulatio») and to chronicles[11]. Among these was perhaps the *Chronicon Gozecense* (although the chronological relationship with Frutolf's chronicle is uncertain), in which Theoderic, the founder of Verona, is attributed the title of *rex Hunnorum*[12], according to information obtained precisely in Italy («ut ab indigenis accepimus»: it is not entirely clear whether reference is made only to the news of the foundation of the city, or, more likely, also to those of the relationship between Theoderic and the Huns).

In Villani, the tendency to confuse the names of the kings and peoples who entered Italy becomes more pronounced, leading to an almost total dissolution of the historical background to which these protagonists belonged: in the *Cronica* their actions are inserted into a single great barbarian horizon, capable of exerting such an attractive force as to encompass figures who were completely foreign to it. When the narrative shifts from Totila to his supposed successor, Theoderic (the Visigoth Theoderic II), the figure of the Eastern Roman emperor Leo I, who takes on the features of the eighth-century *basileus* Leo III, bursts into the story. Together with the Gothic king, he invades Italy, enters Rome and contaminates it with his iconoclastic fury:

> Il sopradetto Teodorigo che passò in Italia prese Roma, e tutta Toscana, e Italia, e allegossi con Leone imperadore di Gostantinopoli eretico ariano; il quale Leone passò in Italia e venne a Roma e trasse di Roma tutte le "magini de" Cristiani e arsele in Gostantinopoli, a dispetto del papa e della Chiesa. E quello Leone imperadore e Teodorico re de' Gotti guastaro e consumaro tutta Italia, e le chiese de' fedeli fecero tutte abattere, e lo stato de' Romani e dello 'mperio molto infiebolirono[13].

If in the immediately preceding pages, dedicated to the years of Alaric and Radagaisus, Villani had adhered fairly faithfully to the contents of Orosius'

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[10] The reception of Jordanes is made explicit by the author: *Ekkehardi chronicon universale*, p. 130, ll. 31-33. The influence of Paul the Deacon can be deduced from some passages (concerning Totila, for instance, in ll. 12-17 he takes up almost literally *Historia Romana*, XVI, 22, which in turn derives from the life of Vigilius of the *Liber Pontificalis*). On Frutolf and the continuators of his chronicle, see McCarthy, *The Continuations of Frutolf Michelsberg's Chronicle*.

[11] *Ekkehardi chronicon universale*, p. 130, ll. 31-61. In the case of Theoderic, it may be the homonymy with the Visigothic king that favours the association with the Huns. Similarly, as we shall see, a tradition confuses Emperor Leo I with Emperor Leo III in Villani: see the text corresponding to footnote 13.

[12] *Chronicon Gozecense*, I, 23.

[13] Villani, *Nuova Cronica*, I, 5: «The aforesaid Theoderic, who passed into Italy, took Rome, and all of Tuscany, and Italy, and allied himself with Leo the Emperor of Costantinople, an Arian heretic; this Leo passed into Italy and came to Rome and removed from Rome all the images of the Christians and burned them in Costantinople, in defiance of the Pope and the Church. And that Leo emperor and Theoderic king of the Goths spoiled and consumed all of Italy, and the churches of the faithful were all destroyed, and the state of the Romans and the empire was greatly weakened».

work[14] (with the addition of a hagiographic part linked to the figure of Zenobius[15]), in this section one struggles to find connections with late antique or early medieval sources. At the end of paragraph six, the author advises those who wish to enrich their knowledge of those facts to look for a work to which he refers with a brief quotation: «chi vorrà più stesamente sapere le battaglie e le geste de' Gotti cerchi i libro che comincia "*Gottorom* antichissimi etc."». This book («oggi non identificabile», according to Franca Ragone[16]) is probably the treatise on the Goths by Isidore of Seville[17]. The incipit of this work changes from one redaction to another: «Gothorum antiquissimum esse regnum certum est» is the form attested in the *recensio brevior*; «Gothorum antiquissimam esse gentem certum est», that of the *recensio prolixior*; «Gothorum antiquissima origo de Magog» is what we read in the *recapitulatio*[18]. The quotation of the first two words of this sentence in the form «*Gottorom* antichissimi» leaves room for some considerations. The quotation of the adjective both in the vernacular and the noun form seems to be caused by the extrapolation from the original sentence, which, moreover, was not fixed in the tradition[19]. Villani probably did not have Isidore's work at hand, since the latter conveys a positive image of the Goths without the anachronisms and overlaps that distinguish the chronicler's narration[20]. He cites it because he knew of its existence and of the themes with which it dealt (perhaps he had heard of it, or had found it cited in a catalogue, in a list, in a repertory, such as the entry on the Goths in the *Liber Glossarum*[21]), without however having

[14] Orosius, *Historiae*, esp. VII, 37. Villani's use of Orosius' work is extensive; it is probable that he read the *Historiae adversus paganos* in Latin (Ragone, *Giovanni Villani e i suoi continuatori*), even if Bono Giamboni's translation in vernacular was already circulating (see recently Faini, *"Uno nuovo stato di felicitade"*; Faini, *Vegezio e Orosio*; see now Zabbia, *I cronisti fiorentini e la scelta del volgare*); Fubini, *Osservazioni*, p. 412, recognizes in the impact of this source on Villani one of the aspects from which Leonardo Bruni's work is distinguished.

[15] In Paulinus, *Vita Ambrosii*, 50, 1, the bishop of Florence Zenobius is mentioned (approx. 412/413: PChBE, II, 2, p. 2378, *Zenobius 2*).

[16] Ragone, *Giovanni Villani e i suoi continuatori*, p. 17.

[17] Isidore is an author whose influence on Villani, but also on medieval Latin culture in general, had been particularly extensive. For a recent overview of Isidore's medieval dissemination see the essays in *A Companion to Isidore of Seville*, part 3. On Villani, see e.g. Salvestrini, *Giovanni Villani* (on the origins of Tuscan cities reconstructed through an etymological principle); Gros, *Un nouvel Ailleurs* (on geography).

[18] For a recent overview of the somewhat unresolved problems posed by the manuscript tradition and the different redactions of the *Historia*, see the edition by Rodríguez Alonso (*Las historias de los Godos*); see also Martín, *Réflexions sur la tradition manuscrite*; Velázquez Soriano, *La doble redacción de la* Historia Gothorum; Furtado, *Isidore's Histories*; Furtado, *In How Many Ways Can a Text Be Written?*; cf. Kasperski, *Was there a Revision of Isidore's* Histories *in the early 630s?*.

[19] The form *Gotorum antiquissimi* is found in Paul Ewald's transcription of quaternion 6, ff. 48-55, of the Escurialensis manuscript R II 18: Ewald, *Reise nach Spanien*, p. 276.

[20] For a comparison between Isidore and Jordanes, see e.g. Ghosh, *Writing the Barbarian Past*, pp. 87-92.

[21] *Liber Glossarum*, s.v. GO 28. In general, the presence of Isidore in the *Liber Glossarum* is notable (about a third of the entries); see e.g. Carracedo Fraga, *Isidore de Séville grammarien*; on the entry in s.v. GO 28, Furtado, *In How Many Ways Can a Text Be Written?*; M. Giani, *Il "Liber Glossarum" e la tradizione altomedievale di Agostino*, esp. p. 84.

a precise knowledge of its contents[22]. He may also not have known who the author was, whose name is not always mentioned in the manuscripts (it is absent, for example, in all the copies that contain the shorter version of the History of the Goths)[23]. All this is consistent with the way Villani deals with ancient authors, to whom he often refers even when he does not know their work (see, for example, the cases of «Escodio maestro di storie» and «Omero poeta»[24]), or at least does not know them directly.

For the invasion of Italy and the destruction of Florence, having exhausted the reservoir of Orosian information, Villani's sources are predominantly medieval. He uses Martin of Opava, the *Chronaca de origine civitatis Florentiae*, hagiographic works, chronicles of other cities, placing himself in general as the end point of a chain which, with regard to the history of the Goths, had by then lost contact with the fundamental testimonies of Jordanes, Procopius and Cassiodorus[25]. It was precisely these authors that were to be the focus of the rediscovery of the Gothic world by the humanists of the following century: when publishing *De bello Italico adversus Gothos*, Leonardo Bruni declares that he was led to pursue that endeavour precisely by the fact that there were no known works in Latin on the history of the Goths. In the proem of his epitome of Jordanes' *Getica* (this is the missive to cardinal Juan de Carvajal), Enea Silvio Piccolomini recalls how his interest in that people arose from the unreliability of the information circulating about them («nam in ore hominum sepe de Gothis est sermo, sed nec perfectus, nec tanta re dignus»). Finally, Blondus Flavius, author of a translation of Procopius' *Gothica*, is said to have underlined the importance of a little-used source, Cassiodorus' *Variae*[26].

Until then, the reconstruction of Gothic world remained predominantly subordinate to a political interpretation of the present, and Villani's work is an example of this phenomenon. He moulds the early medieval past of Florence around a great dichotomy: to that terrible moment, in which the civilization built by the Romans and then by the Church had run the risk of being overwhelmed by a plethora of ungodly enemies – Totila, Theoderic, Leo –, the author contrasts the positive action of Charlemagne, the great Christian builder

[22] Nor can it be ruled out that Villani knew a synthesis or a reworking – if it existed – in vernacular, from which he may have derived the form «*Gottorum* antichissimi». A short translation in vernacular of Isidore's chronicle, entitled *Antica cronica d'imperatori e d'altri signori*, certainly circulated in the first half of the fourteenth century: Luti, *Un nuovo volgarizzamento del* Chronicon maius. As early as the end of the thirteenth century, works of Latin historiography began to be translated in the vernacular, including, as mentioned, the Orosius' *Historiae* (see footnote 14).
[23] On the manuscript tradition of the work, see footnote 18.
[24] Villani, *Nuova Cronica*, I, 5 and 14.
[25] Considerable efforts have been made on the sources for the reconstruction of the ancient events reported by Villani, starting with Hartwig's work, *Quellen und Forschungen*. Fundamental now is Ragone, *Il cronista e le sue fonti*, pp. 13-53 (esp. 47-53), with an extensive bibliography; for the period of interest here, see especially Maissen, *Attila, Totila e Carlo Magno*; Chellini, *Chronica de origine civitatis*, pp. 83-90; see now also Zabbia, *Perché si diventa cronisti*, pp. 62-65.
[26] Piccolomini, *Historia Gothorum*, 4. For a recent overview, with an extensive bibliography, see Sivo's introduction to her recent edition. On Blondus Flavius see also further on.

and re-founder of the city of Florence[27]. There is a high degree of intentionality in the definition of this contrast: Villani accentuates the nefarious picture of the devastation of «Totile Flagellum Dei», amplifies the impression of a large and indistinct barbarian agglomeration, and introduces the theme of the re-foundation of Florence by Charles, of which there seems to be no trace in his sources[28]. In this way, he proposes to his readers a vision of the past in which good and evil are polarized around two different moments, confused in their historical specificities and endowed with a certain symbolic charge, which seems to want to convey a clear message: «Firenze è sempre stata, è, e sempre sarà guelfa, legata ai papi e alla casa reale di Francia»[29].

2. *Myths of origins*

The contrast between the age of invasions and the Carolingian age appears to be reinforced by the description of the Trojan origins of the Franks, which opens an unbridgeable gap between this people and the other barbarian peoples (Goths, Vandals, Huns), lumped together in a pagan and heretical ethnic skein[30]. This myth, first attested in Pseudo-Fredegarius, was widespread in the late Middle Ages[31]. In Villani, one can perceive the influence of the narrative contained in the *Liber historiae Francorum* (1-4), probably composed in the Neustrian area in the 820s[32]: the references to the war with the Alans (as in Gregory of Tours[33]), the collaboration with Valentinian, the liberation from the tribute imposed by Rome, and then the conflict with the empire when the Roman tax collectors reappeared after ten years of suspension of the taxation, coincide. Taking up the themes of this tradition, Villani reinforces the positive link of the Carolingian world with the Roman past and with Florence, which descended from Rome and shared its Trojan origins.

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[27] Villani, *Nuova Cronica*, III, 4.
[28] See Davis, *Topographical and Historical Propaganda*, p. 50, and especially Maissen, *Attila, Totila e Carlo Magno*.
[29] Maissen, *Attila, Totila e Carlo Magno*, p. 627; cf. De Vincentiis, *Origini, memoria, identità a Firenze*, pp. 397-406.
[30] Villani, *Nuova Cronica*, I, 17-18.
[31] *Chronica Fredegarii*, II, 4-9. On the formation of the myth, the bibliography is extensive: see e.g. Luiselli, *Il mito dell'origine troiana*; Giardina, *Le origini troiane dall'impero alla nazione*; Ewig, *Troiamythos und fränkische Frühgeschichte*; Murray, *Reinhard Wenskus on 'Ethnogenesis'*; Coumert, *Origines des peuples*, part III, ch. 2-5; Ghosh, *Writing the Barbarian Past*, ch. 3. On the spread of myth in the late Middle Ages and the modern age, see e.g. Poucet, *L'origine troyenne*; Lentano, *L'ombra lunga del passato*. Cf. Robert Kasperski's paper in this volume (§3).
[32] See e.g. Gerberding, *The Rise of the Carolingians*, pp. 1-30; Stadermann, *Konstruktion und Rezeption*, pp. 433-435.
[33] Gregory of Tours, *Historia Francorum*, II, 9. Gregory's work had a wide circulation (see e.g. Goffart, *From* Historiae *to* Historia Francorum; Reimitz, *Social Networks*) and influenced both Fredegar's chronicle (on whose sources see e.g. Collins, *Die Fredegar-Chroniken*, pp. 27-38 and 46-55), and the *Liber historiae Francorum*, although important differences remain (see e.g. Gerberding, *The Rise of the Carolingians*, ch. 3; on the myth of the Trojan origins, Ghosh, *Writing the Barbarian Past*, pp. 99-110).

In that perspective, those tales which, by contrast, configured a kinship between Franks and Goths could evidently find no place. First and foremost of these was the legend of Theoderic's Macedonian and therefore Trojan origins[34], which presupposed a competitive relationship between the Franks and Rome and a sought-after bond of brotherhood between the Goths and the Franks[35]. Similarly, the tale of the common Scandinavian origins of Franks and Goths, which had been popular in the Carolingian age alongside the myth of Trojan origins[36]: «alii vero affirmant» writes Frechulf of Lisieux «eos de Scanza insula, quae vagina gentium est, exordium habuisse, de qua Gothi et caeterae nationes Theotiscae exierunt: quod et idioma linguae eorum testator»[37], was also left out. In this latter case, it is evident that the proximity of Goths and Franks is part of a perspective that seems to privilege a sort of "pan-germanism" (the *insula Scanza* is «vagina gentium» and from it «Gothi et caeterae nationes Theodiscae exierunt»), supported by the use of a unifying idiom («quod et idioma linguae eorum testator»). This would have, therefore, drawn a sharper fault line between their world and Romanitas, broadly understood as the Roman past and the Byzantine present[38].

3. *Goths and Franks in the Carolingian age*

The Frankish Carolingian world had elaborated its relationship with the Gothic past in a complex manner, unlike the schematic image conveyed by later authors. On the one hand, one senses an inclination to recover and re-establish the link with that world, which is demonstrated by several phenomena, which have been extensively studied[39]. They include the myths relating to the origins of these peoples, as we have seen; the dissemination of tales celebrating the heroic character of the figure of Theoderic[40]; the interest in

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[34] Contained in paragraphs 57-62 of the second book of the *Chronica* attributed to Fredegar, the legend reached the twelfth century *vitae* of Theoderic (*Gesta Theoderici regis*). Krusch postulates the existence of a common source for chapter 57 of Fredegar and these later biographies (MGH, SS rer. Merov. 2, p. 200).

[35] See esp. Giardina, *Le origini troiane dall'impero alla nazione*, pp. 192-195.

[36] Frechulf of Lisieux, *Historiae*, I, 2, 26: Aeneas, Ascanius and the lineage of the Latin kings are said to have given birth to the Roman people, while Friga's progeny, after wandering for an indefinite time, is said to have chosen as their king Francius, very strong in war. He is said to have led his people to the regions near the Rhine and the Danube. Among contemporaries see e.g. Ermoldus Nigellus, *Carmen elegiacum in honorem Hludovici*, vv. 1886-1899: Coumert, *Origines des peuples*, pp. 363-365.

[37] Frechulf of Lisieux, *Historiae*, I, 2, 26.

[38] See Innes, *Teutons or Trojans?*, pp. 233-235; Coumert, *Origines des peuples*, pp. 359-378.

[39] For an overview of the reception of the figure of Theoderic and the Ostrogothic world in the Carolingian age, see Goltz, *Barbar - König - Tyrann*, pp. 600-607; more specifically, Simoni, *La memoria del regno ostrogoto*; Tischler, *Remembering the Ostrogoths*; Ferrari, *Teoderico e Carlo Magno*.

[40] The literary works are intertwined with an oral tradition of some importance, as can be inferred from the passage from Frutolf quoted above (see the text corresponding to footnote 11); on these issues, see Simoni, *La memoria del regno ostrogoto*; Innes, *Teutons or Trojans?*.

the language[41] and culture of the Goths, e.g. in Jordanes' *Getica*, which Frechulf evidently knew and which Alcuin wished to read (he asked Angilbert, a man close to Charlemagne, for a copy: «Si habeas Iordanis historiam, dirige mihi propter quarumdam notitiam rerum»[42]); Agnellus' work, created in a context – the Veronese one – peripheral but nonetheless linked to the court[43]; and the construction of a symbolic link between the Carolingian and the Amal monarchy through recalling the places and symbols of Ostrogothic power[44]. On the other hand, we see how it was possible to put forward a very different view of the Goths and of Theoderic, leading to seeing the revival of that model as an insidious parallel. This is the case with what Michael Herren has called «the most challenging political poem of the Latin Middle Ages»[45], the *De imagine Tetrici* composed by Walahfrid Strabo in his early twenties in 829. In this poem, the ghost of Theoderic's unholy monarchy – which is to say the equestrian statue that Charles had had relocated to Aachen[46] – haunts the present, coagulating around it the evil that threatened the integrity of the kingdom. In the depiction of this image and its complex symbolism, there is a desire on the part of the author to recall the darker aspects of the Gothic king's reputation: some of them of great resonance, others less so. In this way, Walahfrid's *Tetricus* is distinguished not only by his impiety and cruelty, but also by his corruption, a detail not entirely common, on which Walahfrid's poetry repeatedly insists, loading it with allegorical meanings and a dense fabric of correspondences with contemporaneity (in reference to Louis the Pious Louis the Pious and Hilduin first of all, and then to the plethora of detractors and court flatterers)[47]. It is also in this perspective that Walahfrid makes the

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[41] Zironi, *L'eredità dei Goti*, esp. pp. 3-4.

[42] Alcuin, *Epistulae*, 221 (year 801). On Angilbert see e.g. Viarre, *Un portrait d'Angilbert*. On the circulation of the manuscripts of the *Getica*, see Grillone's preface to his edition (pp. XXIV-LI).

[43] Here one witnesses the formation of historical miscellanies inclined to bring together the threads along which the command over Italy had passed from the Goths to the Lombards and finally to the Franks (these are the manuscripts that contain the *Anonymus Valesianus I* and *II*). Simoni, *La memoria del regno ostrogoto*. On the historical and cultural context of Verona, see e.g. Avesani, *La cultura veronese*; on the *Liber pontificalis ecclesiae Ravennatis*, see Nauerth, *Agnellus von Ravenna*; the introductions to the editions by Nauerth (pp. 9-75) and Deliyannis (pp. 9-135); on the *Anonymus Valesianus*, see the introduction by Festy – Vitiello to their edition (pp. XXXIX-XLV). On Verona, see in this volume Stefan Esders' paper, §2.

[44] On the statue, see footnote 45.

[45] Herren, *The 'De imagine Tetrici' of Walahfrid Strabo*, p. 119.

[46] See e.g. Bredekamp, *Theoderich als König der Aachener Thermen*; in this volume, see the essay by Carlo Ferrari (in relation to the problem of the statue of the Regisole in Pavia). The transfer of the equestrian monument to Aachen was part of a broader operation of integrating architectural and decorative elements of the Ravenna palace into the Carolingian palace: see e.g. Jäggi, *Spolien in Ravenna*.

[47] The theme of corruption is already present in the *Visio Wettini*, which precedes *De imagine Tetrici*: see e.g. Stella, *La Visione di Vetti*, esp. pp. 17-20; Stella, *Carlo e la sua ombra nelle testimonianze poetiche*, pp. 16-29. The complexity of the references to current events has left room for different interpretations regarding the author's position towards Louis' court; see in particular, with different nuances, Godman, *Poets and Emperors*, pp. 133-144 (on Walahfrid, pp. 129-147); Godman, *Louis 'the Pious'*; Herren, *Walahfrid Strabo's "De imagine Tetrici": an*

force of Boethian reminiscences felt in the work, a hypotext that evidently acts as a warning for the present[48].

The relations between the Franks and the Goths as expressed by Walahfrid in *De imagine Tetrici* are consistent with that which emerges from the *Excerpta codicis Sangallensis*, the epitome obtained by Walahfrid from the very same manuscript from which the Vienna codex of the *Fasti Vindobonenses priores* and *posteriores*[49] descends. In this miscellany, the story of the Gothic kingdom contributes to sketching a gloomy picture, which is only partly common to the tradition of the *Consularia Italica* from which Walahfrid draws his inspiration, notably because the image that these texts convey is far from univocal[50]. Walahfrid seems to choose aspects of the tradition that would allow him to express a clear position within a polemic between the intellectuals of the Ludovician circle and the Carolingian court: in the miscellany, he does so by merely selecting the material transmitted by the *Consularia*, while in the poem dedicated to the equestrian statue of Theoderic he does so through a more creative form of reworking. In this way, the poet animates a clearly topical debate on the use of an ideologically relevant model for the monarchy[51]; a model endowed with flexible symbolic meanings, so as to make it susceptible to new semanticisations from time to time, of which his contemporaries were evidently aware (it is perhaps the ambiguity of the figure of Theoderic that prevents the *comparatio* with the Carolingian monarchs from going as far as full identification)[52].

4. *Conclusions: Cassiodorus, the* Variae *and the evanescent memory of Roman-Ostrogothic society*

Medieval culture interpreted the figure of Theoderic and the Ostrogothic world in different ways, sometimes through the reception of literary traditions that had settled over time, sometimes through more circumstantial and conscious operations of selection and rewriting of the past. With regard to relations with the Carolingian world, as we have seen, two broad tendencies prevailed: one inclined to emphasize distinctions, and one that, on the contrary, seeks analogies and elements of continuity, to the point of imagining, albeit in vari-

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Interpretation; Stella, *Paesaggio degradato come scenario metapoetico*; more generally, De Jong, Admonitio *and Criticism of the Ruler.*
[48] Cf. Tischler, *Remembering the Ostrogoths*, pp. 85-99. On Boethius, see Danuta Shanzer's paper in this volume.
[49] See Simoni, *La memoria del regno ostrogoto*, pp. 369-370.
[50] For instance, the *Chronicon Paschale* testifies to the existence of rumours which associate certain natural disasters with the Goths, but immediately distances itself from them; moreover, this work probably came from Vivarium, and it is difficult to imagine a deliberately anti-Gothic vocation (this is the interpretation of Troncarelli, *Il consolato dell'Anticristo*).
[51] On the problem and interpretations of the relationship between poetry and power in this period see e.g. Stella, *La dinamica del consenso.*
[52] Godman, *Louis 'the Pious'*, pp. 276-277.

ous ways, common origins. These strands do not lend themselves to a clear-cut differentiation on a geographical basis, although it is undoubtedly true that in Italy a somewhat ghostly vision of the Ostrogothic past predominated throughout the Middle Ages, marked by what Fiorella Simoni has called «un'impressionante *damnatio memoriae* ecclesiastica» (which is not, however, without exceptions, as the case of Verona, for example, demonstrates)[53]. In the Frankish world, on the other hand, a greater fluidity and more accentuated nuances are perceived. There is, in any case, an element that unites these perspectives, and it concerns the relationship between the Gothic world and the Roman world. This is an important point, which has only partly been dwelt on here. In the medieval works that reconstruct, celebrate or stigmatize the history and image of the Ostrogoths in Italy, one can detect the absence of a perspective capable of perceiving the specificities of Roman-Ostrogothic society: there is a lack of details, references, reconstructions, that would reflect – even if only in a fragmentary way – an image of sixth-century Italy as a laboratory of a new society, marked by the prospect of a stable coexistence of different groups. In short, there is a lack of what we could call a "Cassiodorean perspective".

The reasons for this absence are manifold. The authors who favour a viewpoint hostile to the Goths (starting with the late antique and early medieval works such as the biography of Pope John in the *Liber pontificalis*, Gregory, Bede, the *Consularia Italica*) give a strong emphasis to the serious conflict of 523, are attracted by the figure of Boethius, and are led to identify the Ostrogothic experience *tout-court* with the moment in which Arian barbarism had prevailed, with its blind violence, exercised against figures who embodied the fundamental institutions of the late antique *res publica*, the Church (Pope John I) and the senate (Boethius and Symmachus). In this anti-Gothic tradition, there can be no consideration for the Roman-barbaric compromise of 476 with Odoacer, and revived by Theoderic a few years later. And although such a perspective does not necessarily result in a pro-Byzantine outlook, it does share the tendency to make a systematic distinction between Romans and Goths, through drawing a picture of the period between 476 and 554 as a long «barbarian interlude», the signs of which had to be removed in the name of a Roman and Catholic re-appropriation of Italy[54]. On the other hand, authors who express a positive view of the Goths by celebrating a kinship with the Franks inevitably end up emphasizing the emancipation of the Germanic peoples from Rome[55]. This split has repercussions, for example on the connections between Theoderic and the monuments of ancient Italy, which extends

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[53] Simoni, *La memoria del regno ostrogoto*, p. 370.
[54] Croke, *A.D. 476*. Among the Byzantine texts, the *Pragmatica sanctio*, promulgated in 554 and intended for the new Byzantine prefecture of Italy, is not included in this perspective. In this package of rules, the need to pacify a still divided land prevailed, and in this perspective the legitimacy of the Ostrogothic governments (except Vitiges and Totila) is admitted; see on this issue Oppedisano, *The end of the Roman Senate*.
[55] This aspect was already highlighted by Löwe in a 1952 study (*Von Theoderich dem Großen zu Karl dem Großen*).

well beyond the sixth century: much of what is Roman – in particular the symbols of power (palaces, equestrian statues) – may appear Theoderician, and thus provide an expression of a more autonomously Germanic experience[56]. Finally, even when Theoderic and the Goths become a positive model for the construction of a new Carolingian kingdom in Italy, there is no perceived need to explore the form of Ostrogothic society within it (the relations between the Gothic people and the Romans, or between the Amal monarchy and the senate). The focus is shifted, if anything, to external relations with the Byzantine empire, because that is the horizon that most urgently activates a comparison between the present and the past; and it does so, in this case, with the otherwise extremely rare quotations from the documents of Cassiodorus' epistolary works that concern relations with Byzantium, starting with *Variae*, I, 1[57]. What, on the other hand, concerns the social, administrative, and institutional fabric of sixth-century Italy – on which the *Variae* offer the most ample testimony – goes beyond the interest of the culture and politics of the Carolingian age. In the contents of those texts, one can hardly find elements capable of evoking a comparison with the present.

This discourse can be extended to a wider context and period: compared to the other works of Cassiodorus, his letters circulate late in medieval Europe (no witnesses known to us date back to before the eleventh century)[58]. Among these readers, Cassiodorus' epistolary collection is rarely used to make a political or ideological point. Specific interests prevailed, which favoured the formation of *florilegia* and anthologies: they were linked at times to the encyclopaedic contents of the work[59], at others to the chancery formularies elaborated by Cassiodorus, which was taken up in the circles of the administration, the chanceries and the notaries from the tenth-eleventh centuries (first in Rome and Latium[60], later also in other areas[61]). In some cases, there are revivals in a political context, but these are limited to individual letters, in particular the first of the *Variae*, which probably circulates independently from the rest of the work (from the Frankish Carolingian world, as we have seen, to fourteenth-century Italy)[62]. The relationship between medieval readers and

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[56] For a bibliographical overview of this topic see the commentary by Cristina La Rocca, Yuri Marano, on *Variae*, I, 6, in the edition by Giardina *et al.*, 1 (forthcoming).

[57] For a survey of the reception of the *Variae* in Carolingian and post-Carolingian times, see Marco Cristini's paper in this volume.

[58] On the problems and debate surrounding the tradition of the *Variae,* see the section "Tradition of the Text" in the edition by Giardina *et al.*, 1 (forthcoming).

[59] See e.g. Michel, *Les* Variae*, témoin d'un passé gênant?*.

[60] See Dario Internullo's paper in this volume.

[61] Consider, for example, the *arenga* of the document concluding the peace of Castelnuovo di Magra (year 1306): Piattoli, *Codice diplomatico dantesco*, n. 99, pp. 118-125.

[62] Among the quotations from *Variae*, I, 1, see the opening paragraph of Marsilius of Padua's *Defensor pacis* (I, 1); earlier still are the *arenga* of 1306, composed by Dante (see previous footnote), and a letter by Cangrande della Scala of 1312, whose authorship is debated (according to the recent hypothesis of Paolo Pellegrini the author is Dante): Bertin 2005; Casadei 2019; see now Andrea Giardina's commentary on *Variae* I, 1, in the edition by Giardina *et al.*, 1 (forthco-

the Ostrogothic world shifted more sharply between the fourteenth and fifteenth centuries, when the richness and complexity of Roman-Ostrogothic society, the Amals' commitment to defending Roman *civilitas* in its various forms, and Cassiodorus' role in shaping this complex reality, began to be appreciated. At this point, the *Variae* burst in among the sources of the history of the Goths, and so, while Villani had addressed his readers by directing them to «i libro che comincia "*Gottorom* antichissimi etc."», Blondus Flavius advised his audience to read the twelve books of Cassiodorus' epistles:

> Nam Theodericus Ostrogothorum rex licet Ravennae sedem habuerit, amavit tamen ornavitque urbem Romam, et multa publice providit ac neglectae instaurationis supra fidem eorum qui barbarum fuisse meminerint maximam suscepit curam. Quod qui a fideli et copiosissimo teste voluerit certius intelligere, legat Cassiodori eius epistularum scriptoris Variarum libros, in quibus videbit ipsum regem religionis christianae, sacrorum locorum ceromoniarumque et pontificum romanorum dignitatis curam gessisse[63].

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ming). The first of the *Variae* is also used by John of Neumarkt: Michel, *Les* Variae*, témoin d'un passé gênant?*.

[63] Biondo Flavio, *Historiarum*, Decadis primae, liber tertius, pp. 33-34. Cf. e.g. Blasio, *Memoria filologica e memoria politica*; Mastrorosa, *Cassiodorus, Biondo Flavio*.

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Fabrizio Oppedisano
Scuola Normale Superiore, Pisa
fabrizio.oppedisano@sns.it

Roman Law in the regnum Italiae
under the Emperor Lothar I (817-855):
Epitomes, Manuscripts, and Carolingian Legislation

by Stefan Esders

"Roman law" could mean very different things in the Carolingian period, and refers to a great variety of legal texts. This becomes particularly visible from the abbreviated versions of Roman law that were produced and circulated since the sixth century. The paper contrasts the so-called *Epitome Aegidii*, a Gallic compilation based on the Breviary of the Visigothic king Alaric II, with the so-called *Epitome Iuliani*, a short version of the novels of the emperor Justinian, as both abbreviated compilations were used in the *regnum Italiae* under the Frankish emperor Lothar I for legislation and legal practice. Both compilations attest to different aspects of the Roman legal tradition, and to the divergent purposes of the Frankish rulers when trying to make use of Roman law. Surprisingly, we also find elements of Ostrogothic law incorporated into what was perceived of in Carolingian Italy as the manifold resources of the Roman legal tradition.

Early Middle Ages; Lothar I; Roman Law; *Edictum Theoderici*; Capitulary Legislation; Legal Pluralism; Legal Manuscripts.

Stefan Esders, Freie Universität Berlin, Germany, esdersst@campus.fu-berlin.de, 0000-0001-8436-7480

Abbreviations

ChLA², XCVII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part XCVII, Italy LXVII, ed. A. Zuffrano, Dietikon-Zürich 2018.
MGH, Capit.1 = *Capitularia regum Francorum I*, ed. A. Boretius, Hannover 1883.
MGH, LL 4 = *Leges Langobardorum*, ed. F. Bluhme, Hannover 1868.
MGH, LL 5 = *Leges Saxonum. Lex Thuringiorum. Edictum Theoderici regis. Remedii* (...), Hannover 1875-1889.

1. *Introduction*

In Italy, during the Later Roman Empire, Roman law functioned as something very like the nervous system of state and society. It defined the social order, imposed administrative measures, while also regulating religious life to a considerable extent. Roman private law prescribed legal procedures and defined the privileges that Roman citizens enjoyed in contrast to people subject to different legal systems. If we move forward in time over 400 or 500 years into the Carolingian period, we have a panorama very different from the late Roman one. Since political and legal fragmentation went hand in hand in Italy, studies for individual cities and regions are indispensable[1]. It seems clear that Roman legal culture lost some of the dominance it had once exercised during the period of the Western Empire: however, the idea of "decline" is of little help in understanding what actually happened to Roman law. Here, as always, the concept of "transformation"[2], which places more emphasis on a common starting point for what became transformed into something different later, is much more helpful than the adherence to a teleology in which things are assumed to have ended. Roman law underwent regional differentiation in Italy and became a legal resource that continued to exercise considerable influence, albeit in a different manner. Thus, what has sometimes misleadingly been called the "survival", or indeed the "Nachleben", of Roman law in the early Middle Ages[3] needs to be seen against the backdrop of new legal cultures that emerged during this period[4]. In terms of legal identities in Italy, we see a legal dualism that came up with the first barbarian settlements when, in addition to Roman law, we arose with first Ostrogothic, and later Lombard law in the fifth and sixth centuries[5]. Moreover, for the Carolingian period, we can speak of an eth-

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[1] For Ravenna, imperial capital, *sedes regia*, residence of the exarch and episcopal city during the period under review here, see Corcoran, *Roman law in Ravenna*; for Byzantine and papal Rome, see Loschiavo, *Was Rome still a Centre of Legal Culture between the 6th and 8th centuries?*.
[2] Wood, *The European Science Foundation's Programme*. See the series *The Transformation of the Roman World*, 14 voll., Leiden-Boston, 1997-2004.
[3] For the Frankish kingdom, see e.g., Gaudemet, *Survivances romaines*; for a more open perspective, see Siems, *Zum Weiterwirken römischen Rechts*; Esders, *Roman law*.
[4] Savigny, *Geschichte des römischen Rechts*; on this work see also Rückert, *Friedrich Carl von Savigny*.
[5] For a general perspective, drawing upon evidence from Merovingian Gaul, see Esders – Reimitz, *Legalizing ethnicity*.

nically-defined legal pluralism when, after the Carolingian conquest, several barbarian law-codes from North of the Alps were newly introduced into Italy, in addition to Roman and Lombard law[6]. While this seems to suggest an ongoing process in which Roman law lost some of its importance during the course of the sixth to ninth centuries, one has to point out that Roman law embraced simply too many things to become marginal. It is an interesting task to explore what Roman law actually meant in this period, for whom, and which parts of Roman law remained relevant or became important after the end of the Western Empire. For, although Roman imperial legislation had largely ceased after Justinian, Roman legal texts circulated widely in Italy in the following centuries for a number of reasons[7]. Naturally, Roman law remained the most important legal order for the people classified as *Romani*, and the Roman legal tradition encompassed all sorts of political topics, ranging from the crime of lèse-majesté to the stipulations of private law and to notarial practice. The legal status of churches and monasteries, and several ecclesiastical rules, although regulated by canon law and papal decrees, was also firmly rooted in late-Roman imperial law. It is therefore necessary to be as precise as possible as to which particular aspect of Roman law we are focusing on.

The approach taken in the following study is to focus on Roman legal texts that were available in Carolingian Italy. Most important here were texts which emanated in one way or another from the codification projects of the emperors Theodosius II and Justinian, which were, as is well known, very different in character[8]. The early Middle Ages can be characterized as a period of legal history in which, for the first time, abbreviated versions of legal compilations became an important instrument in Roman legal practice and beyond[9]. However, we need to look further into the details. In the early medieval West, a great number of summarized versions of Roman law[10] were indeed based on the *Breviarium Alarici* (or *Lex Romana Visigothorum*), which in itself was already an abbreviated version of the Theodosian Code[11]. By contrast, the *Epitome Iuliani* was not based on the Justinianic Code, but provided a short Latin version of Justinian's Novels, which were understood to add new material to the Justinianic Code issued in 529 and 533[12]. Both abbreviations thus had as a source reference texts that differed largely in character, while the short versions they provide also make it difficult to regard "epitomes" as a clear-cut genre. What they had primarily in common was that their sources were considered too large to be useful in several practical contexts[13], while

[6] Esders, *Agobard, Wala.*
[7] Liebs, *Die Jurisprudenz.*
[8] Liebs, *Das Codexsystem.*
[9] See most recently, Meyer, *Römisches und kanonisches Recht*, esp. pp. 33-38.
[10] Gaudemet, *Le Bréviaire d'Alaric*; Liebs, *Römischrechtliche Glut*; Liebs, *Legis Romanae Visigothorum Epitome Sangallensis*; Liebs, *Scintilla de libro legum*; Ganivet, *L'«epitomé de Lyon».*
[11] Conrat, *Breviarium Alaricianum*; *Le Bréviaire d'Alaric*, ed. Rouche – Dumézil.
[12] Kaiser, *Die Epitome Iuliani.*
[13] Meyer, *Römisches und kanonisches Recht*, pp. 32-33.

an abbreviated version could function both as a legal resource for practical purposes and as a tool for an elementary study of law.

We find some of these texts in several manuscripts that originate from ninth-century Northern Italy. Approaching the topic of Roman law in Carolingian Italy from legal manuscripts has been made easier by the considerable progress made in this field within the last two decades as, in addition to important older studies[14], we now have both more abundant and more reliable evidence for the spread of Roman legal texts in Italy. The manuscript-based monographs by Wolfgang Kaiser, and most recently by Dominik Trump, provide valuable insights into the emergence and spread of the *Epitome Iuliani*[15] and the *Epitome Aegidii*[16], the latter being one of the abbreviated versions of Alaric's Breviary. There were other texts circulating, too, and several more abbreviated versions, but these two surely have the richest manuscript tradition, of which more than twenty codices each are extant today, some of them from Italy. In the following contribution, which consists of two parts, I will focus on these two abbreviated texts, proceeding from an individual manuscript, in order to ask what sort of Roman law these manuscripts represented; what may have been their precise function in the given context of legal pluralism in Carolingian Italy; and how texts were gathered from these short versions for the use of Carolingian legislation. A chronological focus will be the reign of the emperor Lothar I (817-855), to whom we may not only credit the consolidation of what our sources call the *regnum Italiae*[17], but who also introduced important legal reforms18 and issued a sequence of relevant legislative texts[19].

2. *Roman law as an ecclesiastical legal resource: the* Epitome Iuliani *in Northern Italy*

The sixth-century *Epitome Iuliani*[20] was, as demonstrated by Wolfgang Kaiser, first conceived in Constantinople, as an introductory lecture into the study of Justinianic law, notably of Justinian's 124 novels[21]. It thus provided short Latin summaries of these novels. However, in the post-Roman West, it became the most important source for Justinian's legislation and novels, as the original laws supplementing the Justinianic Code, many of which had been written in Greek, do not seem to have spread widely in Italy and be-

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[14] On the later ninth-century North Italian canon law collections containing provisions taken from Roman legal sources see Russo, *Tradizione manoscritta di Leges Romanae*.
[15] Kaiser, *Die Epitome Iuliani*.
[16] Trump, *Römisches Recht im Karolingerreich*.
[17] Jarnut, *Ludwig der Fromme*.
[18] Bougard, *L'empereur Lothaire*; Breternitz – Mischke, *Das italienische Notariat*.
[19] Geiselhart, *Die Kapitulariengesetzgebung Lothars I.*
[20] The standard edition is *Iuliani Epitome Latina Novellarum Iustiniani* by G. Haenel.
[21] Kaiser, *Die Epitome Iuliani*; Kaiser, *Wandlungen im Verständnis der Epitome Iuliani*.

yond. This seems relevant, as the novels of Justinian contain some of this ruler's most important laws regulating the life and legal status of the Christian churches and monasteries, both in Constantinople and beyond.

One of the oldest codices transmitting the *Epitome Iuliani* is an important ninth-century manuscript which, at some time in the Middle Ages, belonged to the Church of Aquileia and later of Udine, before Gustav Haenel bought this *Codex Uticensis,* and eventually gave it to the university library of Leipzig, where it is kept in two parts today[22]. However, scholars agree that the manuscript was actually written in Verona[23], while some even believe that several of the marginal annotations to be found throughout the manuscript can be attributed to Pacificus of Verona[24]. At any rate, a closer look at the codex and the texts it contains reveals a characteristic interest and "user-profile"[25]. The *Epitome Iuliani* forms the bulk of it, covering half of the folios (ff. 1-171b); it is, however, not complete, as it now contains only the *Epitome*'s chapters 25-141, 237-421 and 513-564, which might be explained on the assumption that today's codex is missing two quires. In addition to two late antique appendices to the *Epitome* (ff. 171b-183b and ff. 199a-225a)[26], we find some Latin novels of Justinian in the codex (ff. 183b-186a), several portions of the Justinianic Code of book VII (ff. 186b-193b) on manumission by testament, and further provisions[27].

While the *Epitome Iuliani* is, for the most part, though by no means exclusively, devoted to ecclesiastical issues, we find in this manuscript, from f. 192b onwards, a larger section with short compilations of Roman and canon law texts relating to ecclesiastical matters, mostly Latin constitutions (often in summary) and novels of the emperors Justinian and Justin II. These are the *Constitutiones de rebus ecclesiasticis* (ff. 193b-194a)[28], the *Lex episcoporum et ceteris clericorum* (ff. 195a-195b)[29] and the *Sacra privilegia concilii Vizaceni* (ff. 225a-232b)[30]. All of these are compilations containing both canon and Roman law, with the choice of material clearly following ecclesiastical interest[31]. While the *Sacra privilegia concilii Vizaceni* deal with topics such as ecclesiastical manumission, the law of asylum, monastic life etc., and were

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[22] Leipzig, Universitätsbibliothek, Cod. Haen. 8 and 9 (old signature: 3493 + 3494). A detailed description can be found in the *Manuscripta mediaevalia*, and in Kaiser, *Die Epitome Iuliani*, pp. 106-118.

[23] See *Lex Romana Curiensis*, p. XVIII (based on B. Bischoff).

[24] See Kaiser, *Die Epitome Iuliani*, pp. 117-118, with note 538. On the debate as to what extent Pacificus was responsible for work that has been attributed to him, see La Rocca, *Pacifico di Verona*.

[25] The manuscript's two parts are digitized: <https://www.ub.uni-leipzig.de/forschungsbibliothek/digitale-sammlungen/mittelalterliche-handschriften/signaturengruppen-einzelner-provenienzen/>.

[26] See Kaiser, *Die Epitome Iuliani*, pp. 15-18.

[27] Kaiser, *Die Epitome Iuliani*, pp. 109-114.

[28] *Ibid.*, pp. 435-548, esp. 453-458.

[29] Krah, *Lex episcoporum et ceteris clericorum*, with an edition at pp. 42-44.

[30] See Kaiser, *Authentizität und Geltung*.

[31] See Fiori, *Roman Law Sources and Canonical Collections*.

probably compiled in Churraetia[32], the *Lex episcoporum et ceteris clericorum* deals with the legal status of clerics with regard to secular jurisdiction and to their possessions, and with the law of asylum[33]. An ecclesiastical selection seems to be confirmed by inserted excerpts from the Council of Chalcedon (ff. 192b-193a)[34] and a chapter taken from Rufinus of Aquileia's Ecclesiastical History (ff. 194a-194b) which deals with penal jurisdiction over clerics[35], and is used here as a historical precedent for handling a problem that is dealt with at length in Justinian's novel 123[36]. As we also encounter a short extract from Justinian's institutions (ff. 196a-197a)[37], we may safely assume that large parts of the *Corpus iuris civilis* must have been available in ninth-century Verona[38], although we do not have any evidence of the Digest being so.

Interestingly enough, in the same codex, we even find a brief excerpt of three provisions taken from the *Edictum Theoderici*, dealing with fugitive slaves (f. 225a)[39]. It is remarkable to trace the influence of Ostrogothic legislation here, even more so since the manuscript originated from Verona, an Ostrogothic "lieu de mémoire"[40]. As our only full textual witness of Theoderic's Edict is the sixteenth century *editio princeps* by Pierre Pithou based on two currently lost manuscripts[41], it is important to note that further traces of it have been detected in Carolingian manuscripts from Northern Italy. The manuscript Florence, Biblioteca Medicea Laurenziana, Edili 82, written in the later ninth century in Northern Italy, and for the most part containing the *Collectio canonum Vaticana*, has, on its last folio (f. 169v), right at the end and as a later addition, the Edict's chapter 20 on *raptus*[42]. The late ninth-century Italian *Collectio canonum Anselmo dedicata* transmits a chapter based on *Edictum Theoderici*, 15, on homicide[43], while the so-called *Lex Romana canonice compta* (or *Capitula legis Romanae*), also originating from later ninth-century Northern Italy, possibly Bobbio or Pavia,[44] contains two chapters taken from the Edict on judges (*Edictum Theoderici*, 7) and on the punishment of adultery (*Edictum Theoderici*, 38), which the compiler claimed to have taken from the

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[32] Kaiser, *Authentizität und Geltung*, pp. 443-451.
[33] Krah, *Lex episcoporum et ceteris clericorum*, p. 32.
[34] Edited by Kaiser, *Die Epitome Iuliani*, pp. 120-121.
[35] Rufinus, *Historia ecclesiastica*, X, 2 (Eusebius, *Werke*, vol. 2, p. 961). See Krah, *Lex episco-porum et ceteris clericorum*, p. 31.
[36] *Novellae*, 123, 21. See Krah, *Lex episcoporum et ceteris clericorum*, p. 31.
[37] *Institutiones*, 4, 2, *praefatio* 1.
[38] See Liebs, *Römisches Recht im frühmittelalterlichen Italien*.
[39] *Edictum Theoderici*, 85-87. English and German translations with commentary are given by Lafferty, *Law and Society*, and König, *Edictum Theoderici*. For recent study, see Ubl, *Das Edikt Theoderichs*.
[40] See, e.g. Garbulowska, *Il palazzo di Teodorico a Verona*; Wiemer, *Theoderich der Große*, pp. 457-459 and 635-637.
[41] Pithou, *Edictum Theoderici*.
[42] On this manuscript, see Kaiser, *Authentizität und Geltung*, pp. 203-212, on the chapter of the Edict esp. pp. 205-206.
[43] Gloeden, *Das römische Recht*, pp. 147-149.
[44] See Fiori, *Roman law and canonical collections*, pp. 7-8.

Justinianic Code (VII, 38)[45]. This seems to suggest that in Carolingian Verona, in addition to the Roman legal texts mentioned above, a full copy of the *Edictum Theoderici* must also have been at hand. To judge from these, and possible further occurrences[46], Theoderic's Edict must have been regarded as an important legal resource in Northern Italy in the Carolingian period. However, nothing suggests that it was regarded as relevant because its provisions were authored by the Ostrogothic king Theoderic. That these were "Ostrogothic law", or more fittingly legal regulations once issued by an Ostrogothic ruler, did not become apparent from the Carolingian manuscripts. Rather, it seems that, at least in certain ecclesiastical circles at Verona[47], they were considered to be texts belonging to the Roman legal tradition[48].

It is remarkable that in the Leipzig manuscript, we also find a brief section on testaments made by clerics and monks, taken from the *Epitome Aegidii* (f. 196a)[49], a compilation of late Roman law originating in seventh-century Gaul, which we can only explain by assuming some Frankish influence, a point to be dealt with in more detail later. The large text of the *Lex Romana Curiensis* (ff. 243-354), a compilation of Roman law created in eighth-century Churraetia on the basis of the Breviary[50], which forms the manuscript's last part, also attests to some influence coming from the North. It is this text which provides a strong argument in favor of the Veronese provenance of the manuscript.

The selection of legal materials in this manuscript thus seems to suggest an immediate ecclesiastical interest. But why did the *Epitome Iuliani* specifically matter so much for the Carolingian Church? For reasons of space, one needs to pick out here one topic alone, the administration of Church property. It is well known that all Church property was considered inalienable in the Middle Ages, and that this goes back to Roman imperial law. However, if we search for the legal base for the claim that Church property was to be inalienable (and thus only subject to contractual lease, benefice and so on), we do not find any significant source for this in the Theodosian Code, for it was only in 470 that the East Roman emperor Leo I forbade any alienation of Church lands in Constantinople[51]. This law is included in the Justinianic Code alone. And it was Justinian himself who, in a lengthy novel of 535 and several further novels, enacted it as a general rule for the whole Roman Empire that Church property be held inalienable. Justinian even prescribed in detail what

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[45] *Capitula legis Romanae*, 204: Mor, *Lex romana canonice compta*, pp. 8 and 147; Russo, *Tradizione manoscritta*, p. 166.
[46] See Kaiser, *Die Epitome Iuliani*, pp. 162, 721, 729 and 761.
[47] A detailed study of the possible impact of the *Edictum Theoderici* on Carolingian legislative measures is a desideratum.
[48] See Kaiser, *Die Epitome Iuliani*; p. 761, on the excerpts of the Leipzig manuscript: «Sie lassen sich daher durchaus als römisches Recht verstehen».
[49] *Epitome Aegidii Nov. Marc.*, 5 (p. 304).
[50] On this text see Meyer-Marthaler, *Römisches Recht*, and Siems, *Zur* Lex Romana Curiensis. For an attempt to consider the text as the personal law of the Romani see Soliva, *Die* Lex Romana Curiensis *und die Stammesrechte*.
[51] Esders – Patzold, *From Justinian to Louis the Pious*.

should be considered as an alienation of Church property, and he was very skeptical about contracts of emphyteusis which granted a perpetual right to any tenant to use a possession belonging to a church and to transmit this right to his heirs. These regulations, of fundamental importance for the administration of Church property in the following centuries, became known in the West through their inclusion and Latin translation in the *Epitome Iuliani*. Interestingly, Lothar I, as ruler of the kingdom of Italy, issued a capitulary provision addressing this problem as early as 823:

> Si quis episcopus aut propinquitatis affectu aut muneris ambitione aut causa amicitie xenodochia aut monasteria uel baptismales ecclesias sue ecclesiae pertinentes cuilibet per enfitheuseos contractus dederit se suosque successores poena multandos conscripserit, potestatem talia mutandi rectoribus ecclesiarum absque poena conscripte solutione concedimus[52].

This was clearly an interpretation of provisions contained in the *Epitome Iuliani*.[53] We know that this posed a major problem in Italy at that time since, before their election, candidates to episcopal seats promised their supporters to grant them ecclesiastical land, houses and rights in reward for their support, which they did in a lawful manner when they were in office. This was quite attractive in economic terms since, for instance, guesthouses or monasteries were often also economically flourishing units, while baptismal churches were entitled to collect the ecclesiastical tithe, thus bringing in large sums of money[54]. Moreover, it has been suspected that many bishops involved in these practices had come from North of the Alps, and now sought to give ecclesiastical possessions and income to their followers[55]. However, the emperor Lothar I and his advisors took a fairly radical stance towards this problem. They sought to encourage such contracts to be dissolved by the bishop's successors and, to achieve this, they declared the contractual penalties in such cases to be void[56]. In fact, we know of a prominent case of a bishop of Fiesole

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[52] *Capitulare Olonnense*, 1 (MGH, Capit. 1, n. 157, p. 316, a. 823): «In case a bishop has given – out of love for his kinsmen, to obtain a gift, or out of friendship – to someone guesthouses (*xenodochia*), monasteries or baptismal churches belonging to his Church, based on a contract of emphyteusis, and has fixed a contractual penalty for himself and his successors: [In such a case] we grant to the rectors of these churches the right to void [the contract] without being obliged to pay the fixed penalty» (my translation); see also *Capitulare Olonnense*, 10 (MGH, Capit. 1, n. 163, p. 327).

[53] See as referenced laws in particular *Epitome Iuliani*, 7, 3 (34): «Quo modo emphyteusis rerum ad sanctos locos pertinentium contrahitur»; 7, 7 (38): «Quibus poenis subiicitur, qui inlicitum emphyteuseos contractum iuris venerabilis loci componit»; 111, 4 (412): «De alienationibus et aliis contractibus immobilium rerum, vel annonarum civilium, vel rusticorum mancipiorum, quae ad loca venerabilia pertinent».

[54] *Emphyteusis*, often regarded as unlawful alienation of church property, played a crucial role in the lease of churches, see Boyd, *Tithes and Parishes in Mediaeval Italy*, pp. 69-72; Cortese, *Il diritto nella storia medievale*, pp. 338-345.

[55] As suspected by Geiselhart, *Die Kapitulariengesetzgebung*, pp. 53-54.

[56] On the dissolution of such contracts without punishment see *Epitome Iuliani*, 7, 7 and 111, 4. An Italian provision is contained in the *Liber Papiensis*, 53, which is attributed to Louis the

at that time, who wanted to dissolve the contracts his predecessor had made, and was eventually drowned in the Arno river by his opponents, who were afraid that they might lose many of their leases and their income[57]. Thus, for Lothar and his advisors, who intended to remedy this abuse, the legal regulations on emphyteusis contracts regarding Church property, as contained in the *Epitome Iuliani,* were extremely helpful for application to guesthouses, monasteries and baptismal churches.

While this is sufficient as an example, it should be pointed out that Justinian's extensive legislation on monasteries and their affairs[58], also preserved to some extent in the *Epitome Iuliani*, could be a highly relevant resource for the Frankish rulers, too, since Louis the Pious also legislated heavily on monastic rules and on the administration of monastic property[59], while his son Lothar I did so with regard to monasteries situated in Italy[60]. But this is a matter for future research, which should not focus on the new laws issued by Carolingian rulers alone but should also take into account what legal resources were available in legal theory and practice.

3. *Roman law as a personal law: the Frankish* Epitome Aegidii *in the* regnum Italiae

When taking a closer look at the *Epitome Aegidii*, we step into an altogether different world. The *Epitome Aegidii* was a Roman law compilation that originated somewhere in seventh or eighth-century Gaul under Frankish rule, almost certainly at a place where Roman legal culture was still prevalent, probably somewhere in Southern Gaul[61]. Like the *Lex Romana Curiensis* already referred to, the *Epitome Aegidii* was compiled by drafting material from the Breviary, that is the *Lex Romana Visigothorum* compiled in South Western Gaul shortly after 500. The *Epitome Aegidii* thus draws essentially on Roman imperial laws as they had once been codified within the Theodosian Code in 438, augmented by novels and legal writings such as the *Liber Gai* and the Sentences of Paul. The *Epitome Aegidii* is thus entirely free of any influence of the legislation and codification projects of the sixth-century

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Pious, consequently claims that dissolving such contracts without punishment was in accordance with Roman law: «Ut omnis ordo ecclesiarum secundum Romanam legem vivat: et sic inquirantur et defendantur res ecclesiasticae, ut emphyteusis unde damnum ecclesiae patiuntur non observetur sed secundum legem Romanam destruatur, et poena non solvatur» (MGH, LL 4, p. 539 = MGH, Capit. 1, n. 168, p. 335).

[57] *De S. Alexandro martyre episcopo Fesulano in Hetruria*, 5-6: *Acta Sanctorum*, June 1, p. 739.

[58] Hasse-Ungeheuer, *Das Mönchtum*.

[59] Semmler, *Die Beschlüsse*; Semmler, *Benedictus II*.

[60] See his so-called *Capitula de inspiciendis monasteris*, MGH, Capit. 1, n. 160, pp. 321-322; on this capitulary, see now Pokorny, *Magister Dungal*.

[61] See Liebs, *Römische Jurisprudenz in Gallien*, pp. 111 and 221-230; Kaiser, Die *Epitome Iuliani*, pp. 713-717 and 777-791, and now Trump, *Römisches Recht im Karolingerreich*, pp. 29-35.

emperor Justinian. It contains far fewer legal texts that deal with the Church, but focuses much more on matters of public and private law instead.

Under Frankish influence, the *Epitome Aegidii* was introduced into Italy, which may seem like a case of bringing owls to Athens. Again, the manuscript evidence allows for a more precise assessment. We have two full early medieval copies of the *Epitome Aegidii* that stem from Italy – one of them from Southern Italy[62], another from the *regnum Italiae*[63]. The testament drawn up by Margrave Eberhard of Friuli[64] with his wife Gisela around 863/864[65] mentions, in addition to Lupus' *liber legum*, books containing Lombard and Roman law (*liber Aniani*) – the latter either being Alaric's Breviary (Lex Romana Visigothorum), or, more likely in my view, its Frankish derivate, the *Epitome Aegidii*[66]. As mentioned before, the ninth-century Veronese manuscript of the *Epitome Iuliani* contains a single chapter of the *Epitome Aegidii*[67]. This seems to indicate that this text may have once been more widespread in Northern Italy than seems to be obvious today[68].

A closer look at a legal manuscript kept today at the Stiftsbibliothek of the monastery of St. Paul in Carinthia allows us to address the uses of the *Epitome Aegidii* in Carolingian Italy more precisely[69]. It is, for the most part, likely to have been written shortly before 820, as suggested by Massimiliano Bassetti, apparently at the monastery of Bobbio[70]. Most likely the Bobbio scribes produced it at the behest of a Frankish count, a *comes*, who must have held office in Emilia, either in Piacenza or in Cittanova, which later became Modena[71]. An illumination placed at the head of the manuscript seems to depict a lay official with his sword, while the woman presented in the right field might be an illustration of a person in need of legal protection, who is receiving justice administered by the count. Though the precise meaning of this illumination is a matter of dispute, the manuscript was clearly compiled at the behest of a lay official, who was expected to use the legal texts contained in it for handling legal cases. This can be safely deduced from the manuscript's contents. It starts with a brief section of Carolingian capitularies issued for the kingdom of Italy by King Bernard in Mantua in 813, while the bulk of the

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[62] London, British Library, Add. 47676 (10th cent.). See Kaiser, *Die Epitome Iuliani*, pp. 716-717, and Trump, *Römisches Recht im Karolingerreich*, pp. 60-66 and 197.
[63] See below, note 69.
[64] Kershaw, *Eberhard of Friuli*, pp. 77-105.
[65] *Cartulaire de l'abbaye de Cysoing et de ses dépendances*, n. 1, pp. 1-5. See Riché, *Les bibliotheques*, and La Rocca – Provero, *The dead and their gifts*.
[66] *Epitome Aegidii*, pp. 2-3.
[67] See above note 49.
[68] See also Kaiser, *Die Epitome Iuliani*, p. 717.
[69] Saint Paul in Carinthia, Stiftsbibliothek, cod. IV, 1, written shortly before and after 820. On the manuscript and its contents see the detailed descriptions by Mordek, *Bibliotheca capitularium regum Francorum manuscripta*, pp. 685-698, and in Esders – Bassetti – Haubrichs, *Verwaltete Treue*.
[70] See Bassetti, *St Paul, Stiftsbibliothek* (above, note 69).
[71] Esders, *Deux libri legum*.

codex actually contains six different secular laws, that is the law-codes of the Ripuarian Franks (ff. 6vb-26vb) and Salian Franks (ff. 27ra-57va), the Bavarians (ff. 57va-93va), the Alamans (ff. 93va-116va), and the Burgundians (ff. 135ra-153v)[72], but also the Romans, as in between the latter two we find the *Epitome Aegidii* (ff. 116vb-134rb). Within this constellation, the latter clearly appears as the personal law of the *Romani* who were living in the Carolingian kingdom of Italy. The codex does not contain Lombard law, interestingly, but we may assume that the count in charge of this manuscript will have had at least one other codex that contained the Lombard laws. The combination of the *Epitome Aegidii* with these other laws makes clear that this manuscript was destined for a count dealing with secular justice according to the principle of the personality of law[73]. It is well known that in Carolingian Italy, these laws were to be applied to those people among the conquerors who had come to settle in Italy, along with the laws of the Lombards and Romans.

The *Epitome Aegidii*, which follows in the manuscript immediately after the Alamannic law-code, has a similar layout to the other law-codes contained in this manuscript. It contains the preface by the Visigothic king Alaric, before a full table of contents is given. The text continues, book by book, and chapter by chapter, with abbreviated versions of the laws contained in the Theodosian Code, the novels appended to it by fifth-century emperors, and the *Liber Gai,* along with the sentences of the Roman jurist Paul (*Sententiae Pauli*). The version of the Epitome contained in this manuscript misses certain chapters[74]. As has been recently shown by Dominik Trump, it has more in common with West Frankish manuscripts transmitting the Epitome than with the manuscript from Southern Italy[75]; indeed, it belongs to a group of nine manuscripts which are closely related to one another, and of which two are closely associated with the royal court[76]. It thus seems very likely that the version contained in the codex of St Paul, of a fairly early date, was transmitted to Northern Italy from Francia by members of the administrative elite who were sent to Italy. Bobbio, it seems, was another center of legal learning in the kingdom of Italy, with close links to the North Alpine regions, and the Bobbio scribes produced legal manuscripts for both clerical and lay officials[77].

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[72] Also in several ninth- and tenth-century manuscripts from North of the Alps the *Epitome Aegidii* was combined with other *leges*: Paris, Bibliothèque nationale, lat. 4416; lat. 4418; lat. 4633; nouv. acq. lat. 204; Leiden, Bibliotheek der Rijksuniversiteit, Voss. Lat. Q. 119; St. Gallen, Stiftsbibliothek, 729; Vatikanstadt, Biblioteca Apostolica Vaticana, Reg. Lat. 991. See in more detail Trump, *Römisches Recht im Karolingerreich*, pp. 37-130.

[73] Neumeyer, *Die gemeinrechtliche Entwicklung*; Guterman, *The Principle of the Personality of Law*; Hoppenbrouwers, *Leges nationum*; for Italy, see Storti Storchi, *Ascertainment of customs*.

[74] Haenel, in his edition, p. LXXVIII; Trump, *Römisches Recht im Karolingerreich*, pp. 112-113.

[75] See Trump, *Römisches Recht im Karolingerreich*, p. 134.

[76] *Ibidem*. The two manuscripts of the *Epitome Aegidii* that form the core base of this group are Paris, Bibliothèque nationale, lat. 4418 and Vatican City, Biblioteca Apostolica Vaticana, Reg. Lat. 991.

[77] Bassetti, *St Paul, Stiftbibliothek*.

The *codex* of Saint Paul is the only Italian manuscript containing several *leges barbarorum* that also transmits the *Epitome Aegidii*. This seems to indicate that in the region for which the manuscript was written there was still a large number of Romans present, who, when called to court, could respond according to their law of birth. In Emilia, as a region neighboring on the former exarchate of Ravenna, such an assumption seems plausible. Here we find an ethnically heterogeneous population, whose laws the Carolingians claimed to respect. The principle of the personality of law was a device to protect the legal interests of these minorities[78], in particular of those whose members had immigrated to Northern Italy following the Frankish conquest, and stayed there[79], while the principle of personality of law can also be seen as an incitement to further groups North of the Alps to emigrate to Italy and keep their own law there[80].

In fact, in 818-819 Louis the Pious began a comprehensive reform of the *leges barbarorum*[81] addressing such mobile landholding elites who had moved to Italy and elsewhere[82]. From the 820s we have the earliest examples of professiones iuris, that is solemn declarations by which individuals stated their law of birth when producing a legal act to dispose of their property[83].

In the 820s, the plurality of ethnic laws also became a subject of Lothar I's capitulary legislation for Italy[84]. As in the first part of this article, it is only possible to dwell here on a single text to illuminate how the Carolingian rulers used Roman law in order to regulate the legal status and the mixing of ethnic groups in the kingdom of Italy. Lothar's provision stated: «Ut mulier romana que virum habuerit langobardum defuncto eo a lege viri sit soluta et ad suam legem revertatur, hoc vero statuentes, ut similis modus servetur in ceterarum nationum mulieribus»[85]. This regulation, transmitted in three manuscripts, leads us straightforwardly into the field of "ethnicity and law", so characteristic for Carolingian and post-Carolingian Italy in particular. To make the principle of the personality of law work, it was indispensable that there should be

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[78] See above, note 73.
[79] Hlawitschka, *Franken, Alemannen, Bayern und Burgunder*; Castagnetti, *Transalpini e vassalli.*
[80] See Hoppenbrouwers, *Leges nationum and ethnic personality of law.*
[81] Ubl, *Intentionen der Gesetzgebung.*
[82] See Esders, *Agobard, Wala.*
[83] See, e.g. ChLA², XCVII (Italy LXVII), n. 1 (a. 823): «iuxta lege nostra»; Castagnetti, *Una carta inedita di Morgengabe.*
[84] See Geiselhart, *Die Kapitulariengesetzgebung Lothars I.*, pp. 233-234; Esders, *Agobard, Wala.*
[85] *Memoria Olonnae comitibus data*, 16: «A Roman married woman (*mulier Romana*), who had a Lombard husband (*quae virum habuerit Langobardum*), should, after he died (*defuncto eo*), be absolved from her husband's law (*a lege viri sit soluta*) and return to her own law (*ad suam legem revertatur*); and we state that the similar mode should be observed with regard to married women from the remainder nations (*in ceterarum nationum mulieribus*)» (MGH, Capit. 1, n. 158, p. 319; my translation). Contrary to the old MGH edition, this regulation has come down to us as a single provision that circulated individually, not as part of a specific capitulary. See Esders, *Agobard, Wala.*

clear rules in order to ascertain which ethnically defined law was to be applied to an individual. And it was these rules that Lothar's novel provision apparently sought to address, by altering the rule to be observed in case of mixed marriages where a husband was of Lombard origin and his wife had a Roman or other legal background. This rule presupposed that a non-Lombard woman, when marrying a Lombard man, assumed her husband's legal identity and became herself a Lombard. Lothar's novel, however, stated that such a woman should, upon her husband's death, return to the legal identity she had had as a girl (or, more precisely, before her marriage with a Lombard). This seems to demonstrate a fairly pragmatic attitude of the Carolingian rulers to legal identity, as they expected a woman to switch her ethnically defined legal identity almost overnight. What had Lothar and his advisers in mind, and what were they aiming at when issuing this novel regulation?

They were confronted here with the legal heritage of the Lombard kingdom, where the problem posed by mixed Roman-Lombard marriages had brought about an important regulation by King Liutprand in 731:

> Si quis Romanus homo mulierem Langobardam tolerit, et mundium ex ea fecerit, et post eius decessum ad alium ambolaverat maritum sine volontatem heredum prioris mariti, faida et anagrip non requiratur; quia, posteus Romanum maritum se copolavit, et ipse ex ea mundio fecit, Romana effecta est, et filii, qui de eo matrimonio nascuntur, secundum legem patris Romani fiunt et legem patris vivunt; ideo faida et anagrip menime conponere devit qui eam postea tolit, sicut nec de alia Romana[86].

Liutprand had legislated for the opposite case when a Lombard woman married a Roman husband who, through this marriage, became his wife's legal guardian. If in this case the man died and his wife decided to marry again without obtaining the consensus of her relatives, this should not be regarded as a just cause for entering a feud, since the woman, through her first marriage by which her Roman husband became her guardian, herself became a Roman, while the children born from this marriage also became legally Roman. And since she was considered to be a Roman now, the second husband, upon marrying her after her first husband's death, was not obliged to make payments under the term of *faida* or *anagrip* in order to evade her relatives' feud (for having ignored their consensus to marry her), nor did he have to pay for infringing upon the rights of her legal guardian. What we see here, therefore, is a classical "collision rule": in the case of an ethnically mixed marriage,

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[86] *Leges Liutprandi regis*, 127/XI (*Edictus Langobardorum*, MGH, LL 4, p. 160; Fischer Drew, *The Lombard Laws*, pp. 199-200): «If a Roman man marries a Lombard woman (*si quis Romanus homo mulierem Langobardam tolerit*) and acquires her *mundium*, and if after his death the widow marries another man without the consent of the heirs of her first husband, feud and the penalty for illegal intercourse shall not be required; for after she married a Roman man and he acquired her *mundium*, she became a Roman (*Romana effecta est*) and the children born of such a marriage shall be Roman and shall live according to the law of their Roman father (*et filii, qui de eo matrimonio nascuntur, secundum legem patris Romani fiunt*). Therefore the man who marries her after the death of her first husband ought not to pay composition for illegal intercourse just as he would not pay it for another Roman woman».

children born from such a relationship followed the legal condition of their father, so that in this case, they became Romans. What is even more striking is that the woman, though Lombard by birth, became Roman from one day to the next. This is why her Lombard relatives, as was made clear by Liutprand, could not make a claim for payments concerning feud and guardianship when the woman decided to marry again. The crucial point was that the woman had become a Roman, and was not a Lombard anymore – and in Roman law, in stark contrast to Lombard law, there was neither the right to feud nor such a rigid interpretation of legal guardianship.

Liutprand's regulation thus originated from a discrepancy between Roman and Lombard family law. It served to protect a woman of Lombard origin against claims that could be made by her Lombard relatives, insofar as Lombard family law had far-reaching consequences on the status of a woman. In fact, in the Edict of Rothari, issued in 643, it had been fixed as a general rule that no free Lombard woman could live without having a man as her legal guardian. This guardian would be her father as long as she remained unmarried (and her fathers' relatives when her father died), or her husband when she married; and if her husband died, her children could become her legal guardians, or a guardian needed to be appointed by law, who could even be the king. In neither case would she be allowed to dispose of her property without her guardian's consent[87]. Naturally, this radically restricted a Lombard woman's legal competency. Against this backdrop, it made sense that Lothar I and his legal advisors should legislate for the opposite case of a Roman woman who had married a Lombard husband, and state that such as woman, who by marriage had become a Lombard, should return to the law of her birth after her husband's death. In legal terms, this meant that she once again became a Roman. Lothar thus extended this rule by stating that all non-Lombard women who had married a Lombard husband should return to their birth law after their husbands' deaths. The ruling makes amply clear that it was meant to free these widows from the influence of Lombard law, in particular from the Lombard regulations on legal guardianship over widows in case of mixed marriages. It was a regulation in favour of all non-Lombard women who had once married a Lombard but lost him and would now need and want to regain their legal competency. Negotiating between different legal traditions, Roman legal practice, with its restriction of the feud and its milder conception of guardianship, in some sense became an alternative model to counter Lombard family law, and to that extent it became applied to other non-Lombard laws as well in Lothar's legislation.

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[87] *Edictus Rothari*, 204: «Nulli mulieri liberae sub regni nostri ditionem legis Langobardorum viventem liceat in sui potestatem arbitrium, id est selpmundia vivere, nisi semper sub potetate virorum aut certe regis debeat permanere; nec aliquid de res mobiles aut inmobiles sine voluntate illius, in cuius mundium fuerit, habeat potestatem donandi aut alienandi» (*Edictus Langobardorum*, MGH, LL 4, p. 50). See on this Hellmuth, *Frau und Besitz*, pp. 79; 99-103 and 120-121; on evidence for the *mundium* as provided by charters see Pohl-Resl, *Quod me legibus contanget auere*, pp. 204-205.

The provision given by Lothar I around 823 can therefore tell us something about the conditions and the advantages to be had when an individual or a family was subject to Roman law. This becomes clear when we see what advantages a woman could draw if she was allowed to return to the law of her birth after her Lombard husband's death: as a widow, she would henceforth not be subject to guardianship according to Lombard law, but could dispose of her property more freely, and in a judicial dispute, she could present her own witnesses. This example shows that for women, being subject to Roman law gave them much more legal capacity and freedom to dispose of their property. This was a lesson to be learned from the *Epitome Aegidii* and the texts it contained, and explains why it made sense to maintain one's Roman legal identity whenever possible. Such a ruling was more immediately directed against Lombard law, as it favoured Roman law. Its general tone suggests that the plurality of ethnically defined laws in Carolingian Italy made it relevant to maintain one's legal identity as far as possible also in case of ethnically mixed marriages.

It is for these reasons that I believe that Lothar I in his novel reacted to a spectacular Italian law case of the early 820s involving a non-Lombard widow who was eventually killed by her guardian[88]. This case had made the structural problems inherent in the collision rules of Lombard Italy very visible. They appear to have become aggravated under Carolingian rule, as Lothar's regulations were deliberately extended to all non-Lombard women who had married a Lombard husband. As we can see from many Carolingian capitularies issued for Italy, Lombard law can be considered as the dominant legal system in the *regnum Italiae*. Since many marriages were concluded among an aristocracy composed of Lombard, Roman and North-Alpine families, such a transgression of ethnic boundaries is likely to have happened frequently. As was demonstrated by Eduard Hlawitschka[89], and more recently by Andrea Castagnetti[90], members of the military elite of Alaman, Frankish, Bavarian and Burgundian origins remained in Italy after the Frankish conquest and settled there. They preserved their law of birth according to the principle of the personality of law[91]. Against this backdrop, it seems that Lothar's provision was addressing a problem that could easily arise among the second generation of immigrants from north of the Alps, whose daughters married Lombard men. Lothar aimed at restoring to these women the ability to dispose of their property after their husband's death more freely. At the same time, he wanted to prevent the fact that, through such mixed marriages and with the help of Lombard law (according to which the married women had to live), their property came permanently under the control of those Lombard

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[88] I have developed this argument in more detail in my forthcoming book: Esders, *Agobard, Wala und die Vielfalt gentiler Rechte.*
[89] Hlawitschka, *Franken, Alemannen, Bayern und Burgunder.*
[90] Castagnetti, *Transalpini e vassalli.*
[91] See above, note 73.

families into which the women had married. In Italy and elsewhere, it was always easier to improve the legal status of a minority than to alter the legal condition of a majority. It was thus advisable for the Carolingian rulers to let Lombard law on guardianship untouched in principle, but to improve the status of non-Lombard widows instead. The price that Lothar and his advisors were willing to pay for such a legal reform in the interest of the elites of North Alpine origin, was a remarkable pragmatism with regard to the ethnic status of women. Ethnic identity was handed over from generation to generation in the male line, while a woman, under certain circumstances in the course of her life, would have to change her legal identity several times – when marrying a Lombard, but also when becoming his widow.

4. *Conclusions*

Roman law could mean many different things in Carolingian Italy, of course, but the two aspects singled out here show different strands of the development that Roman law and legal practice took – as a legal resource for churches, and in the interest of the *Romani* as one group among inhabitants who had different ethnically defined laws. Our manuscript evidence suggests that abbreviated versions of Roman law were considered as highly important texts in both contexts, and that they were copied for this reason in important scribal and ecclesiastical centers such as Bobbio and Verona, but by no means in the ecclesiastical interest alone. We can see that both strands of Roman law were also addressed by Carolingian legislation. The two capitulary provisions cited, while presupposing intimate knowledge of Roman law[92], were aiming to create new norms in a situation characterized by a degree of legal pluralism that had been unthinkable in the fifth or sixth century. Within the Carolingian kingdom of Italy, as regards the legal status of individuals, Roman law was but one legal identity among others, as there were also Franks, Alamans, Bavarians, Burgundians and of course Lombards, who were allowed to maintain, and live according to, their respective law of birth, following the so-called "principle of the personality of law". If we look, therefore, at the long-term development of Roman law between post-Ostrogothic and Carolingian Italy, we find it all there: survivals, revivals, and ruptures, but also, and perhaps more importantly, different degrees of change when it came to transforming older institutions and regulations into something new. The plurality of laws appears to have been the most important feature of Carolingian Italy, and the Franks, by guaranteeing that people should be judged according to their law of origin, and by creating rules aimed at solving the problems posed by a potential legal collision, saw their role as dignified managers of legal pluralism.

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[92] For a more general perspective, see Ganshof, *Contribution à l'étude de l'application du droit romain.*

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Stefan Esders
Freie Universität Berlin
esdersst@campus.fu-berlin.de

The Creation of Two Ethnographic Identities: the Cases of the Ostrogoths and the Langobards

by Robert Kasperski

The aim of this paper is to analyse two ethnographic identities constructed for two barbarian peoples – the Ostrogoths and the Langobards. As I try to argue, the first identity was constructed to show that the Ostrogoths were a civilized people and a better version of the Romans, and moreover, this identity communicated that the Ostrogoths could not be called a barbaric and savage people. Theoderic the Great's propagandists tried to present the Ostrogothic warriors as defenders of the Roman World. The second identity – constructed for the Langobards – presented them as a people who embodied the very antithesis of their main enemies (c. 660): the Franks and the Romans. The origin of the Langobards and the genesis of their ethnic hallmark, i.e. the long beards, were presented as signs of distinction or "limitic" structures which communicated non-*Romanitas* of this people.

Early Middle Ages; Late Antiquity; Ostrogoths; Langobards; Theoderic the Great; *Origo gentis Langobardorum*; Ethnographic Identity; Barbarians, Civilization.

Robert Kasperski, Polish Academy of Sciences, Poland, robertkasperski@gmail.com, 0000-0002-5693-0966

Abbreviations
CSHB = Corpus Scriptorum Historiae Byzantinae.
MGH, AA 12 = Cassiodorus, *Variae*, ed. T. Mommsen, Berlin 1894 (Auctores antiquissimi, 12).
MGH, SS rer. Lang. = *Scriptores rerum Langobardicarum et Italicarum, saec. VI-IX*, ed. G. Waitz, Hannover 1878.
PLRE II = *The Prosopography of the Later Roman Empire*, vol. 2, *A.D. 395-527*, ed. J.R. Martindale, Cambridge-London-New York-New Rochelle-Melbourne-Sidney 1980.

Continete ergo possessorum intemperantes motus. Ament quieta, quos nullus ad incerta praecipitat. Dum belligerat Gothorum exercitus, sit in pace Romanus. (...) Defensorum maxima laus est, si, cum illi videantur praedictas regiones protegere, isti non desinant patrioticas possessiones excolere[1].

1. *Introduction*

Somewhere between CE 507 and CE 509, the Gothic ruler of Italy Theoderic the Great (who reigned in Italy between 493-526) sent to a certain Colosseus – as scholars believe, a Goth bearing a Roman name – a letter of nomination for the position of military and civil governor of the province of Pannonia Sirmiensis[2]. In this letter, Theoderic ordered Colosseus to defend Pannonia with weapons, and to rule it in accordance with the law. The king also reminded him that Pannonia had previously been under the authority of his royal relatives (*parentes*), and that this province would accept with gratitude its former defenders (*defensores*). Theoderic ordered Colosseus to defend innocence with bravery in order to display the justice (*iustitia*) of the Goths among the evil customs (*consuetudines perversae*) of other peoples, adding: «qui (scil. Gothi) sic semper fuerunt in laudum medio constituti ut et Romanorum prudentiam caperent et virtutem gentium possiderent»[3].

The content of the letter indicates that Theoderic strongly contrasted the Goths with other peoples (*nationes*) – the Goths were distinguished by their justice, whereas these *nationes* were characterised by their evil customs. Did

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[1] Cassiodorus, *Variae*, XII, 5, 4-5: «Restrain, therefore, the reckless tumult of the landowners. Let them love tranquillity, since no one is driving them into danger. While the Gothic army wages war, let the Roman be at peace. (...) It will be the greatest glory of the defenders if, while they guard the regions mentioned, the civilians continue to cultivate the lands of their own country» (transl. Barnish, *Cassiodorus*, p. 164).
[2] Cassiodorus, *Variae*, III, 23, 1-4. On Colosseus, see PLRE II, p. 305; Barnish, *Cassiodorus*, p. 58, note 13; cf. the commentary by G. Zecchini in the edition by Giardina *et al.*, 2, pp. 243-245.
[3] Cassiodorus, *Variae*, III, 23, 3: «they (i.e. the Goths) have always maintained a praiseworthy mean, since they have acquired the wisdom of the Romans, and have inherited the manliness of the peoples» (transl. Barnish, *Cassiodorus*, p. 58, with modifications).

the Gothic king then try to place his people on the civilised side of the dichotomy between barbarism and civilisation, and on the Roman side of the binary opposition between *Romanitas* and *gentilitas*[4]?

In this article, I will try to trace the ethnographic identities (I use here deliberately the term "ethnographic" instead of "ethnic") which were being constructed for the two barbarian peoples living in Italy. The first were the Goths – or more precisely the Ostrogoths – who ruled the *Regnum Italiae* from 493. The second were the Langobards who, in 568, under the leadership of their king Alboin (d. 572), invaded the Apennine Peninsula and established a kingdom on its territory. The Ostrogothic ruler Theoderic – as scholars have long emphasised[5] – tried to maintain a strict functional separation between the two peoples subjected to him – the Goths and the Romans. In his biography of the Gothic king, Hans-Ulrich Wiemer calls it «Integration durch Separation»[6]. The Goths acted as defenders of the Romans and performed the military function, while the Romans were to pay taxes to maintain their Gothic defenders. Additionally, Theoderic also promoted a kind of "ethnographic ideology", the aim of which was to give the Goths a certain ethnographic identity with a specific ideological dimension[7]. In turn, in 668 or – less likely – in 671, during the reign of Grimoald I (663-671) or that of his successor Perctarit (671-688), a work was written in the kingdom of the Langobards, which quickly received the title of *Origo gentis Langobardorum*[8]. It begins with the story of how the Langobards – originally called the Winnili – defeated the dangerous people of the Vandals on a remote northern island called Scadanan. This story, too, I believe, was intended to give the Langobards a specific ethnographic identity, which in its entire ideological dimension stood in opposition to the identities of the two peoples with whom the Langobards had to cross swords in 663[9].

Both ethnographic identities were situational constructs that were to serve specific ideological and political goals at the times of their composition. From 507, Theoderic both manifested his status as a Roman princeps (*princeps Romanus*) and promoted the role of his Gothic warriors as defenders of Italy and other provinces attached to it – including Gaul and Pannonia Sirmiensis – against the barbarian peoples. The Gothic king disseminated the image of the Goths as a thoroughly civilised people, which might have meant to communicate that they belonged to the Roman world, and not to the

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[4] Cf. Shanzer, *Two Clocks and a Wedding*.
[5] E.g. Hodgkin, *The Letters of Cassiodorus*, p. 20: «The theory of his government was this, that the two nations should dwell side by side, not fused into one, not subject either to the other, but the Romans labouring at the arts of peace, the Goths wielding for their defence the sword of war».
[6] Wiemer, *Theoderich der Grosse*, pp. 193-205. See also Cristini, *Neighbours and Strangers?*.
[7] See Amory, *People and Identity in Ostrogothic Italy*, pp. 43-85.
[8] *Origo gentis Langobardorum*, 1; see also Haubrichs, *Von der Unendlichkeit der Ursprünge*, pp. 67-89.
[9] Ethnographic identity understood as "situational construct" signifies the emergence of an identity (built mainly on ethnographic *topoi*) from a specific situation of competitiveness with rival groups, which can serve as a mode of mobilisation.

world of the barbarians. In turn, the ethnographic identity of the Langobards, codified during the reign of Grimoald (or Perctarit's rule), was a situational construct based on non-*Romanitas*, the ideological edge of which, as we shall see, could be directed against two enemies of the Langobards – the Franks and the Romans.

2. *The ethnographic identity of the Ostrogoths*

The content of the letter sent to Colosseus informs the reader that the Goths inherited the bravery/manliness (*virtus*) of the peoples, and possessed the wisdom/prudence (*prudentia*) of the Romans. Thus, according to Cassiodorus, the Goths possessed the characteristics of both the barbarian peoples and the Romans. This is supported by the fact that in the content of other letters in the *Variae*, bravery is usually associated with the barbarian peoples. In a letter to the (unnamed) king of the Heruli, Theoderic, who had adopted him as *filius per arma*, wrote that he had given him weapons, and peoples (*gentes*) «autem sibi olim virtutum pignora praestiterunt»[10]. The manliness used in reference to the barbarian peoples, and the prudence used in association with the Romans, also appear in the letter that the Senate sent to the emperor Justinian I on behalf of King Theodahad (535-536). It highlights the fact that the Gothic ruler was «dear to the Romans for his prudence, revered for his manliness/courage by the peoples»[11].

The letter to Colosseus depicts wisdom/prudence as a trait of the Romans, which they – as the letter to Justinian relates – valued in Theodahad. Is it possible, then, to believe that the ideological message of the letter to Colosseus is that the Goths combined the best of the two worlds – the prudence of the civilised Romans and the manliness/bravery of the barbarian peoples? The second question is: if the barbarian peoples were brave and the Romans prudent, does the letter imply that the Romans lacked manliness and the barbarian peoples lacked wisdom/prudence?

In late antiquity, barbarians were usually depicted in ethnographic works as extremely brave but, at the same time, devoid of mental qualities such as *prudentia* and *sapientia*[12]. This conviction appears frequently in the literature of this period. One of the most interesting depictions of a typical barbarian is that of a Heruli general in the Eastern Roman service, a certain Fulcaris, contained in the *Histories* by Agathias of Myrina (d. ca. 582)[13]. Describing Fulcaris' character and the actions taken by him, Agathias paints a picture of a stereotypical barbarian who, although insanely brave, was devoid of mental virtues such as prudence and wisdom, which naturally became the cause

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[10] Cassiodorus, *Variae*, IV, 2, 2.
[11] *Ibidem*, XI, 13, 4: «Romanis prudentia carum, gentibus virtute reverendum».
[12] See Stewart, *To Triumph Forever*, pp. 107-122.
[13] Agathias, *Historiarum*, I, 14-15.

of his defeat and death in a battle with the Franks. Rather than send ahead spies to assess the enemy's situation and plans, Fulcaris set out with his army, avoiding the thought that anything could go wrong, and putting his faith in brute force and reckless bravado. The Franks, however, managed to ambush the Heruli and killed all who were within their reach. Most of the Heruli army managed to save themselves, shamefully retreating. Fulcaris, on the other hand, remained on the battlefield with his bodyguards. Though they pleaded with him to flee from the battle, Fulcaris answered that he would rather die than expose himself to the sharp tongue of his military superior – the Eastern Roman general Narses (d. 573), who certainly would reproach him «for his folly». He took a firm stand and slew many of the Franks, but finally, badly outnumbered and severely wounded, he fell on the battlefield. Agathias comments that Fulcaris was «a man who, in my estimation, would never have died at the hands of an enemy, had but his wisdom been proportionate to his valour»[14].

As Agathias' account of Fulcaris' death illustrates, bravery alone was not enough to achieve victory. It had to go hand in hand with wisdom or prudence. Hence, in the case of the Goths, their inherited manliness/bravery of the (barbarian) peoples was supported by the acquired prudence of the Romans. However, the question arises as to whether the fact that *virtus* was a feature of the barbarian peoples implies that the Romans did not have it? Although the letter to Colosseus does not indicate that the Romans did not possess manliness/bravery, or even that they had lost it, one could suggest that its content could carry the implication – perhaps desired by Theoderic – that *virtus* was no longer a virtue of the Romans. It should be remembered that authors from the late imperial period often argued that the main reason it was impossible for the Romans to defend the empire against barbarian invasions was the loss of bravery[15]. Perhaps the most vivid representation of the loss of *virtus* by the Romans is the account of the Eastern Roman historian Zosimus. He reports that, during the siege of Rome by the Gothic king Alaric (d. 410), the city's defenders melted down statues made of gold and silver, including the statue of valour they used to call Virtus*:* «when this was destroyed» as Zosimus comments «whatever bravery and virtue the Romans possessed disappeared, as experts in religion and ancestral worship had foretold»[16].

We may conclude, and indeed assume, that, on the one hand, the message conveyed by Theoderic's letter to Colosseus implies that the Goths could not be considered a barbarian people because they possessed *prudentia*, which, as was commonly believed, was not a characteristic of savage and uncivilised barbarians. In terms of mental qualities, the Goths were equal to the Romans. On the other hand, they possessed bravery/manliness, and this trait had not

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[14] Frendo (transl.), *Agathias*, p. 23.
[15] See Kufler, *The Manly Eunuch*, p. 49.
[16] Ridley (transl.), *Zosimus*, p. 121.

been attributed to the Romans for a long time. This, in turn, would indicate that the Goths were better than both the Romans and the barbarians. It can also be assumed that the meaning of the letter is that the Goths entirely surpassed the Romans by the fact of having *virtus*, and in fact they combined the best qualities of both worlds – the *orbis Romanus* and the world of the barbarians.

In addition, the justice of the Goths, mentioned in the letter to Colosseus, indicates that the purpose of constructing the ethnographic identity of this people was to transmit the message that they could not, under any circumstances, be considered barbarians. Other lists from the *Variae* support this interpretation.

In a letter to all the *provinciales* of Gaul, Theoderic ordered them to abandon the barbarity (*barbaries*) and savagery of minds (*crudelitas mentium*), and a little later demanded:

> Recipite paulatim iuridicos mores. non sit novitas molesta, quae proba est. Quid enim potest esse felicius quam homines de solis legibus confidere et casus reliquos non timere? iura publica certissima sunt humanae vitae solacia, infirmorum auxilia, potentum frena. Amate unde et securitas venit et conscientia proficit. gentilitas enim vivit ad libitum: ubi magis mortem reperit propriam, qui potest habere quod placeat[17].

These words imply that living according to the rule of law is the opposite of barbarism (*gentilitas*) – rejecting the latter must go hand in hand with adopting "law-abiding" habits. Barbarians, as was commonly believed in late antiquity, had no laws and could not live by them. This thought is reflected, for example, in the words allegedly uttered by the Visigothic king Athaulf (d. 415), who once said that his Goths were too barbaric to obey laws[18]. The Goths of Theoderic, on the other hand, could not only obey laws, but – what is more – the overriding goal of their presence in Italy was to defend those who lived according to Roman law. Theoderic, moreover, expressed this thought in a letter to his sword-bearer (*spatharius*) Unigis: «Delectamur iure Romano vivere quos armis cupimus vindicare, nec minor nobis est cura rerum moralium quam potest esse bellorum. Quid enim proficit barbaros removisse confusos, nisi vivatur ex legibus?»[19].

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[17] Cassiodorus, *Variae*, III, 17, 3: «Little by little, you must take on law-abiding habits. A virtuous innovation should not be troublesome. For what can be better than for men to trust in the laws alone, and to have no fear of future chances? The public laws are the surest comforts of human life; they help the weak, and rein in the powerful. Love them, since your security comes, and your good conscience grows from them. It is barbarous to live according to one's own will, where he who can get what pleases him more often finds his own death» (transl. Barnish, *Cassiodorus*, p. 54).

[18] See Thompson, *Romans and Barbarians*, p. 45.

[19] Cassiodorus, *Variae*, III, 43, 1: «We are delighted to live under the law of the Romans, whom we desire to protect with arms; nor is attention to moral behavior less of a concern to us than matters of war. For what does it profit to have banished barbaric disorder, except that life is lived according to laws?» (transl. Bjornlie, *The Selected Letters of Cassiodorus*, p. 110).

The ethnographic identity of the Goths as constructed at the court in Ravenna presented this people as a better version of the Romans – better because, in addition to Roman prudence, the Goths possessed manliness/ bravery. The manifestation of the Gothic *virtus* justified both the presence of the Goths in Italy, and their role as defenders of the Roman provinces – Cassiodorus not only depicted the Goths as former defenders of Pannonia Sirmiensis, but also raised them to the rank of *defensores Italiae* in other letters[20]. Moreover, the entry of Theoderic into the war against the Franks and Burgundians in order to defend the Visigothic kingdom in 508 was also motivated by the need to defend the people of Gaul – the Goths then also became the defenders of the population of this province, as the Gothic king said in a letter to the commander of the Ostrogothic garrison stationed in Avignon, a certain Vandil: «vivat noster exercitus civiliter cum Romanis: prosit eis destinata defensio nec aliquid illos a nostris sinatis pati, quos ab hostili nitimur oppresione liberari»[21]. Thanks to their *virtus*, the Goths were able to contain the incursions of the barbarians and defend the Roman lands against their invasions. For this reason, they were simply indispensable to the Romans.

The ability to live according to the law, which was the essence of the idea of *civilitas*, joined two separate ethnic communities – the Goths and the Romans – in one mechanism in which each played a different role. The Goths were a warlike but non-barbaric people. They possessed the virtues of civilised peoples, but were superior to the Romans thanks to their in-born manliness/ bravery. The Romans, whom the Goths defended with their weapons, were the ones who, thanks to the toil of their hands, supported their defenders. This separation also gave the two peoples different functions in the Italy of Theoderic (Romans = providers and tax-payers, Goths = warriors and defenders). Nevertheless, both were on the civilised side of the binary opposition between *Romanitas* and *gentilitas*, or the binary opposition between the civilised world and the barbarian world. The ethnographic identity that was constructed for the Goths explained that they could not be considered barbarians because their characteristics included the attribute of the mind, that is, *prudentia*, which only civilised peoples possessed. Hence, another implication followed – the Goths could not be classified as *exterae gentes* (external peoples). The Goths belonged within the *orbis Romanus*, not beyond its borders.

The role of defenders of Roman lands – which Theoderic's propagandists attributed to the Goths – was also in line with the goal behind Theoderic's expedition to Italy in 489. According to *Anonymus Valesianus*, the emperor Zeno sent Theoderic to Italy «in order to defend Italy for him» («ad defendendam sibi Italiam»)[22]. Theoderic might have emphasised the role of the Goths

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[20] See e.g. Cassiodorus, *Variae*, IV, 36, 3.
[21] Cassiodorus, *Variae*, III, 38, 2: «Let our army live with the Romans according to the rule of law: do not let the army sent to defend them become a burden to those whom we are trying to free from hostile oppression».
[22] *Anonymus Valesianus*, 49*;* Ammianus Marcellinus (transl. Rolfe), p. 539.

as the defenders of Italy in order to show that he and his people perfectly fulfilled the role that the Eastern Roman emperor had assigned to them when sending the Gothic king against Odoacer (d. 493).

Although Theoderic tried to maintain the separateness of the Goths and, through the ethnographic identity constructed by his propagandists, he highlighted that they differed from the Romans, he nevertheless presented his people as representatives of *Romanitas*. On the other hand, the other ethnographic identity of interest – that of the Langobards – was much more clearly associated with *non-Romanitas*.

3. *The ethnographic identity of the Langobards*

Some scholars believe that the work commonly known as the *Origo gentis Langobardorum* was completed on the occasion of Grimoald's legal additions to the *Edictum Rothari* (the edict itself was published in 643)[23]. Perhaps Grimoald's successor, Perctarit, updated the text of the *Origo*, which would explain why Grimoald is the last-mentioned king of the Langobards in one version, and Perctarit in the other. It is certain, however, that the *Origo* was written down during the Langobard war with the Eastern Roman Empire, which started in 663 and (possibly) ended with peace between the conflicting parties in 680[24]. Scholars have long wondered whether this work – like other origin myths or tales about the past – has «a function for the ethnic communities in which they were written down?»[25]. No definite answers can be given to this question, but it is certain that the account of the Langobard victory over the Vandals as presented in the *Origo* explains both the origin of this people and that of their trademark – the long beards that gave rise to their tribal name. Could this really have played a role in the social life of the Langobard community in the second half of the seventh century? Or should it perhaps be treated as a kind of "counter-identity", which was ideologically directed against the enemies of the Langobards[26]?

The work of interest to us certainly belongs to the period characterised by a *sui generis* "obsession" with the origins of peoples[27]. In the seventh century, it was not only the Langobards who began to codify their own ethnic identity.

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[23] See Pohl, *Memory, Identity, and Power*, p. 18. Another theory states that the *Origo gentis Langobardorum* was compiled at about the same time as the *Edictum Rothari*. See also Heath, *The Narrative Worlds of Paul the Deaco*n, pp. 140-141: «The *Origo gentis Langobardorum (OGL),* as one would expect, as a product of Rothari's time (i.e. 636-651), has a more detailed story». Haubrichs, *Von der Unendlichkeit der Ursprünge*, p. 80, argues for the years 668-671 as the time of the composition of the *Origo*».

[24] On this peace treaty, see Christie, *The Lombards*, p. 101; but cf. Brown, *680 (?) and All That*.

[25] Pohl, *Memory, Identity, and Power*, p. 10.

[26] My argument is further developed in Kasperski, *Some Considerations on Barbarian Ethnicity*, pp. 130-138. On the Lombards and their identity, see Gasparri, *La cultura tradizionale dei Longobardi, passim*; Cingolani, *Le Storie dei Longobardi, passim*.

[27] See Curta, *Slavs in Fredegar and Paul the Deacon*, p. 151.

In the same century, in the *Regnum Francorum*, the story of the origin of the Franks from Troy began to be popularised[28]. It was written down – though probably not created – by a historian known to us as Fredegar, somewhere around 660[29]. In the two redactions of his *Historia Gothorum* (published respectively ca. 619 and ca. 624), Isidore of Seville presented his version of the origin of the Goths[30]. The Langobards also codified the story of their beginnings, which explained where they came from, why they wore long beards, and what characteristics they possessed as an ethnic group. Now let us introduce this story.

According to the *Origo*, in the north there was an island called Scadanan – which the anonymous author translates as *excidia* – inhabited by many peoples[31]. One of them was a small ethnic group called the Winnili. Once upon a time, the Vandals, led by two chiefs named Ambri and Assi, set out against them. They gave the Winnili an ultimatum – they should either pay tribute to the Vandals or they should get ready to fight. The Winnili leaders – a woman named Gambara and her two sons Ibor and Agio – chose the latter. Meanwhile, Ambri and Assi went to Wodan and asked him to give them victory in the war over the Winnili. Wodan, however, replied that he would bestow victory on those he shall see first at sunrise. At the same time, Gambara and her sons approached Wodan's wife, Freya, to win her favour for the Winnili cause. She advised that the Winnili should go to the battlefield with their wives, whose hair was to be untied around their faces like beards. As the glare of the rising sun began to light up the world, Freya turned Wodan's bed so that his face was facing east, and woke him up. Seeing the Winnili and their women with their hair loose around their faces, he asked: who are these Longbeards? To which Freya replied that just as he had given them a name, so he should give them victory. And Wodan gave the Winnili victory so that they might take revenge and triumph over their enemies. Since then, the Winnili have been called the Langobards.

While it has long been argued that the story is based to some extent on an original Langobard myth – which may or may not be true – it is important to take account of when it was written. From 663 onwards, the Langobards waged war against two peoples who claimed to be descended from Troy. One of them was the Eastern Romans, the other the Franks.

The story of the Trojan origin of the Franks became popular among them in the seventh century[32]. It conveyed – as scholars point out – two readable messages. The first was that the Franks and the Romans came from the same

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[28] See i.e. Wallace-Hadrill, *The Long-Haired Kings*, p. 80; Wood, *The Merovingian Kingdoms 450-751*, p. 34.
[29] See Collins, *Die Fredegar-Chroniken*, pp. 54-56.
[30] On these problems, see Fabrizio Oppedisano's paper in this volume (§2).
[31] *Origo gentis Langobardorum*, 1.
[32] Wallace-Hadrill, *The Long-Haired Kings*, p. 80; cf. Giardina, *Le origini troiane dall'impero alla nazione*.

cradle – which was Troy – and so they «were one»[33]. The second was that the Frankish origins were in the eastern Mediterranean, and not in the non-Roman world east of the Rhine[34].

Of course, the Romans, not only those living in Italy, but also those living in the territory of the Eastern Roman Empire, also admitted to having Trojan roots. As Anthony Kaldellis emphasises: «In the sixth century, the emperor Justinian traced the "ancient history of the government" back to Aeneas, the king of Troy, Prince of the Republic, from whom we are said to descend»[35]. In the centuries that followed, many Eastern Roman historians were convinced that their history had begun with Aeneas. There was also a widespread belief among the Romans that their history had begun with the fall of Troy. Why did the Franks also trace their roots back to Troy?

Perhaps the frequent referencing to the Trojan origin by the Franks in the seventh century should be associated with their attempts to build an alliance between them and the Romans against their common enemy – the Langobards. This kind of explanation would certainly fit in with the so-called "kinship diplomacy", based on the conviction that they shared brotherhood and blood ties with their potential allies, and therefore that an alliance between them was natural – it was, in fact, a consequence of their common origin. In the fourth century, there was a tradition that the Burgundians were descendants of the Romans[36]. Although – as Ian Wood argues – this is not stated *expressis verbis* in the source account, the mention of the Burgundians as descendants of the Romans may mean that Roman observers considered the former to be Trojans[37]. This scholar – rightly in my opinion – links the mention of the Burgundians as *suboles* of the Romans with the diplomatic initiative of the emperor Valentinian I to enlist them to fight against the Alemanni[38]. In the seventh century, the common enemy of the Romans and the Franks could also bring the two peoples closer together and lead to the birth of the idea that they had both originated from the same cradle – from Troy. This idea would justify the alliance of the two communities, related through kinship, which was the basis of the above-mentioned "kinship diplomacy"[39].

Is the idea of codifying the identity of the Langobards in the second half of the seventh century the result of a deliberate creation of a *sui generis* counter-identity, ideologically directed against both the Romans and the Franks? The cradle of the Langobards, Scadanan, which, according to the *Origo*, was located in the north, places their origin in the *non-Romanitas* tradition. In

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[33] Goffart, *Barbarian Tides*, p. 279, note 21.
[34] Collins, *Die Fredegar-Chroniken*, pp. 54-56.
[35] Kaldellis, *Hellenism in Byzantium*, p. 62.
[36] Ammianus Marcellinus, *Res gestae*, XXVIII, 5, 11.
[37] Wood, *Merovingian Kingdoms*, p. 34.
[38] *Ibidem.*
[39] On "kinship diplomacy", see Jones, *Kinship Diplomacy in the Ancient World*, pp. 6-17.

the second half of the sixth century, the Eastern Roman historian Jordanes wrote that the Goths had come from a northern island called Scandia/Scandza[40]. In turn, in the eighth century, the anonymous author of the *Passio Sancti Sigismundi regis* claimed that the Burgundians had come from an island called Scanadavia[41]. Locating the origins of this people in the far north is undoubtedly part of the *non-Romanitas* tradition. According to Jordanes, Scandza/Scandia was a distant northern land where peoples «fighting with the ferocity of wild beasts» lived, even greater than the *Germani* (i.e. the ancient Germans; let us add that the *Germani* were synonymous with savagery and barbarity in the sixth and seventh centuries) in terms of body and spirit[42]. The features of the peoples inhabiting Scandza, as described by Jordanes, indicate not only their barbaric and uncivilised character, but also that they constituted a specific antithesis to civilised peoples. Scandza was therefore the exact opposite of the Roman world[43].

Thus, in terms of origins, the Langobards differed from their enemies – the Eastern Romans and the Franks – in a diametrical way. After all, they were supposed to come from beyond the civilised *orbis*, from the farthest part of the barbarian world, while the Romans and the Franks derived their origins from the eastern part of the Mediterranean world, with the starting point of their history in Troy. One may thus suggest that the *Romanitas* represented by the Franks and Romans met with a response from the Langobards, who in turn began to communicate a new identity based on the idea of *non-Romanitas*. The *Origo* – as Francesco Borri argues – «reflects a broader will among the Lombard elites to understand their own past as particularly barbarian and alien to the Mediterranean world»[44].

In a way, manifesting *non-Romanitas* by placing one's own origins outside the Roman world could be interpreted as constructing a *sui generis* "counter-identity" directed against the identities of the Franks and Romans. These two peoples placed their origins in the Mediterranean world. If their Trojan roots naturally connected the Romans and the Franks through the idea of common descent, the manifested origin from the north gave the Langobards' identity the role of something that separated them from both of these peoples. In other words, this origin was a "limitic structure", creating a boundary between the identities of the Langobards and their enemies[45]. However another question arises: were the beards – which had played a fundamental role in the story of the victory of the Langobards over the Vandals – also an ethnic sign serving as a limiting structure?

[40] Iordanes, *Getica*, 25.
[41] See Goffart, *The Theme of The Barbarian Invasions*, p. 114.
[42] Iordanes, *Getica*, 24.
[43] See Kasperski, *Jordanes versus Procopius of Caesarea*, pp. 1-23.
[44] Borri, *Romans Growing Beards*, p. 64.
[45] On the theory of "limitic structure", see Assmann, *Cultural Memory and Early Civilization*, p. 134; cf. *Strategies of Distinction*.

It should be noted that, in the seventh century, the main enemies of the Langobards, the Eastern Romans, underwent a specific cultural transformation. While in the sixth century they had clean shaven faces, in the seventh century they began to have luxuriant beards on their faces. In the seventh century, the Eastern Roman Empire was essentially «the world of bearded men»[46]. The emperor Constans (641-668), not without reason called "the bearded", is considered the creator of the fashion for wearing luxuriant beards in the Eastern Roman Empire. Numismatists' research shows that, from 651 until the end of his reign, the emperor was depicted with a «gigantic beard» on the coins he minted[47]. Did the beards of the Eastern Romans carry some ideological message and symbolise a specific feature?

In general, experts in the problem of facial hair in late antiquity claim that «a beard may be a definition of manliness, rather a sign of "a man"»[48]. This statement is supported, for example, by the words of saint Jerome, who wrote that «barba indicium virilitatis est»[49]. Did the beards of Constans and his subjects also symbolise their masculinity/manliness? The causes of the cultural transformation that took place in the Eastern Roman Empire are not often discussed. However, in one of his papers, Shaun Tougher puts forward the thesis that it was a sign of the progressive Hellenisation and Christianisation of the empire, a process that began in the seventh century[50]. The Eastern Roman Empire was then going through a military and political crisis. According to Tougher, the fashion for beards in the Eastern Roman Empire was a response to this very military crisis. According to him, beards were «a sign of a desire to enhance masculinity»[51].

Assuming the scholars' thesis that the Eastern Romans' beards were a sign associated with Christianity and a manifestation of the desire to strengthen masculinity in times of military crisis, let us try to compare these ideas with what we know about the Langobard beards from the *Origo* narrative. They had a pagan origin – the Winnili owed their beards to Freya's idea, and their tribal name to Wodan. Was the story known from the *Origo* meant to manifest the pagan origin of the Langobards' ethnic sign and intentionally communicate that, unlike the beards of the Eastern Romans, their facial hair did not have a Christian origin and symbolism? It is difficult to find an answer to this question. However, as Borri points out, in the seventh century, the Langobard kingdom passed through what he calls a «barbarian turn»[52]. Therefore, the non-Christian genesis of Langobard beards might have been deliberately emphasised in order to stress that this was radically different from the origin

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[46] Quoted from Browning, *The Byzantine Empire*, p. 38.
[47] Grierson, *Byzantine Coins*, p. 90.
[48] Quoted from Tougher, *Cherchez l'homme! Byzantine Men*, p. 85. On the meaning of facial hair in general, see Bartlett, *Symbolic meanings of Hair in the Middle Ages*, pp. 43-60.
[49] See Maenchen-Helfen, *The World of the Huns*, p. 361.
[50] Tougher, *Bearding Byzantium*, pp. 153-166.
[51] *Ibidem*, p. 161.
[52] Borri, *Romans Growing Beards*, p. 70.

of the facial hair of their Roman enemies. However, the question arises of whether beards were also supposed to carry some symbolic and ideological message. According to the *Origo*, false beards appeared on the faces not of the men of Winnili, but of their women, and it was thanks to them that the Winnili community received victory from Wodan. Perhaps the purpose of this narrative was to signal the hyper-masculinity of the whole Langobard *gens*, since long beards – as *Origo*'s account shows – appeared on the faces of the female members of the community. This can testify to the total masculinity of the entire community, since it was the women of the Langobards – the feminine part of the society – who had the symbol of *virilitas* on their faces. In addition to masculinity, victory is another possible trait symbolised by Langobard beards. As Michael McCormick writes:

> According to a tradition current in the first half of the seventh century, the presettlement Lombards emerged as an ethnic unit named "Langobarbi" only with their first great victory, when Wodan granted them a crushing defeat of the Vandals. The victoriousness of the Lombards was bound up with and emblematized their awareness of their emergence as a unique people. Rather than characterizing an individual, like Augustus, or an institution, like the late Roman imperial office, victory has now become what Jordanes had hinted for the Goths: a characteristic of a tribe[53].

The beards that were behind the transformation of the Winnili into the Langobards contributed directly to their victory over the aggressive and warlike enemy, the Vandals. It was to these artificial beards, as the *Origo* suggests, that the Langobards owed their first victory. It can therefore be assumed that the beards which gave birth to the community of the Langobards, and which stood behind its primeval victory, symbolised not only the masculinity of this people, but also their ability to be victorious on the battlefield.

The above considerations lead to the conclusion that the identity of the Langobards as manifested in the *Origo* may be, in relating their origin, or rather the beginnings of the Langobard community, a creation of the seventh century, a situational construct created in response to an external threat from two peoples – the Franks and the Eastern Romans. This identity also defined the masculinity of the Langobards, and perhaps even the *sui generis* hyper-masculinity of this people[54]. Although in the seventh century both the Langobards and the Romans expressed, through their beards, the notion that they were manly and masculine peoples, the former nevertheless located the origin of their facial hair in pagan, pre-Christian times, while the latter manifested the Christian character of their community through the beards.

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[53] McCormick, *Eternal Victory*, p. 296.
[54] See Kasperski, *Some Considerations on Barbarian Ethnicity*, p. 131.

4. *Conclusions*

The considerations presented in this paper lead to some conclusions regarding the construction of group identities in the kingdoms of the Ostrogoths and Langobards. Certainly, both analysed ethnographic identities could constitute the so-called "limitic structures" or boundaries that separated the Goths and the Langobards from neighbouring ethnic groups. The components of these structures, that is, the features of the peoples (as is the case with the Goths), or the issues of origins (as is the case with the Langobards), could have played the role of signs of distinction, signs separating these peoples from other, neighbouring groups. Thanks to the identity constructed by Theoderic's propagandists, the Goths clearly distinguished themselves from the barbarian peoples by having the trait of prudence/wisdom and, at the same time, they differed from the Romans in possessing the virtue of manliness/bravery. The Langobards, in turn, differed significantly from the Eastern Romans and Franks in terms of origin. Unlike them, they came from outside the Mediterranean world. Thanks to a kind of "barbarian turn", they signalled their *non-Romanitas*.

It does not seem possible to argue that the ethnographic separation of the Langobards from the Romans was a deliberate continuation, or even an imitation, of the model that was initiated by Theoderic the Great, who wanted to introduce the functional and ethnographic distinctiveness of the two peoples over which he ruled – the Goths and the Romans. Certainly, the fundamental difference between the ethnographic identities of the Goths and the Langobards lies in the fact that the former were included in the *Romanitas* and were in fact – as the account of *Variae* shows – a better version of the Romans. In turn, in the case of the Langobards, the story as written in the *Origo* emphasised a peculiar *non-Romanitas* of this people. While the Gothic identity indicated that the Goths were not barbarians, the identity of the Langobards placed their beginnings in the pagan and barbarian world. Nevertheless, both identities share the ideas of distinction, separation and the manifestation of group boundaries.

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Robert Kasperski
Polish Academy of Sciences
robertkasperski@gmail.com

The Imperial Image of Theoderic:
the Case of the Regisole of Pavia*

by Carlo Ferrari

The contribution intends to retrace the history of Pavia's famous equestrian statue, known as the "Regisole", destroyed in 1796. The statue, in gilded bronze, represented a Roman emperor and was transferred from Rome to Ravenna, most likely by Theoderic. At a certain point, probably between the eighth and tenth centuries, the Regisole arrived in Pavia, even if it is difficult to establish who was responsible for that. The most logical solution is to attribute the transfer of the monument to a Lombard king, specifically to Aistulf, who conquered Ravenna in 751. It is possible to argue that by transferring the Regisole – which was believed to represent Theoderic – to the capital of the Lombard kingdom, Aistulf intended to promote an imperial image of himself, at a time when the virtual conquest of the whole of Italy raised him to the rank of "new Theoderic".

Early Middle Ages; Ravenna; Pavia; Theoderic; Aistulf; Regisole.

Carlo Ferrari, University of Pisa, Italy, ferraricarlo304@gmail.com, 0000-0002-3968-4687

Abbreviations
CCCM = Corpus Christianorum, Continuatio Mediaevalis.
CIL = *Corpus Inscriptionum Latinarum, consilio et auctoritate Academiae litterarum regiae Borussicae editum*, Berlin I-XV, 1863-.
FSI = Fonti per la storia d'Italia.
LP = *Liber Pontificalis*, ed. L. Duchesne, Paris 1886-1892.
MGH, AA 5, 1 = Iordanis, *Romana et Getica*, ed. Mommsen, Berlin 1882 (Auctores antiquissimi, 5, 1).
MGH, AA 11 = *Chronica minora saec. IV. V. VI. VII.* (II), ed. Mommsen, Berlin 1894 (Auctores antiquissimi, 11).
MGH, Epp. 3 = *Epistolae Merovingici et Karolini aevi* (I), ed. E. Duemmler *et al.*, Berlin 1892 (Epistulae [in Quart], 3).
MGH, SS rer. Germ., 25 = Einhard, *Vita Karoli Magni*, ed. G.H. Pertz – G. Waitz, Hannover-Leipzig 1911 (Scriptores rerum Germanicarum in usum scholarum separatim editi, 25).
SS rer. Lang. 1 = *Scriptores rerum Langobardicarum et Italicarum saec. VI-IX*, ed. G. Waitz, Hannover 1878 (Scriptores rerum Langobardicarum et Italicarum, 1).
Placiti I = *I placiti del Regnum Italiae. 779-945*, I, ed. C. Manaresi, Roma 1955 (FSI 92).
RIS = Rerum Italicarum scriptores.
MHP, SS 3 = Jacopo d'Acqui, *Chronicon imaginis mundi*, ed. G. Avogadro, Torino 1848 (Monumenta historae patriae, Scriptores, 3).
SC = Sources Chrétiennes.

1. *Introduction*

Regisole, Radiasole, or even Girasole, was the name given to the gilded bronze equestrian statue that had stood on a column in Pavia's Piazza del Duomo since the eleventh century, and for centuries was the symbol of the city[1]. Stolen in 1315 by Matteo Visconti's Milanese, and again in 1527 when the city was taken by Francis I's troops, the Regisole was recovered in both cases and put back in its place, although the parts lost during these traumatic movements had to be replaced[2]. On 16 May 1796, the statue was removed for the last time: on the wave of enthusiasm for the arrival of Napoleon's army, it was decided to bring down what the Jacobins of Pavia saw as the «simulacrum of a tyrant», whose presence could not be tolerated in the same square where the Tree of Liberty had been erected[3]. Despite the protests of many, the Regisole was overturned and torn to pieces: the remains, kept for some years in the town hall, were sold and finally destroyed in the early nineteenth century; in 1811 the base of the column – the last remaining trace of the monument – was eventually demolished[4]. In 1937, on the occasion of the celebrations for the Bimillenium of the emperor Augustus, the then director of the Brera Academy, Francesco Messina, made a bronze equestrian statue similar to the lost one, which was placed at the entrance to what is still today Vicolo Regisole, in front of the Duomo (Figg. 1-2)[5].

While the history of the Regisole in Pavia can be reconstructed in some detail, very little is known about the events that brought the equestrian statue from Ravenna (the city – as we shall see in a moment – from which it came) to the ancient Ticinum. Scholars have identified three moments when the transfer of the Regisole could have taken place: 1) at the time of Theoderic the Great; 2) in the eighth century, under the Lombard kings Liutprand or Aistulf; 3) in the ninth or tenth century, as a consequence of a war between Ravenna and Pavia. In the following pages I will put forward some arguments

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[1] Saletti, *Il Regisole*, p. 25.
[2] Bovini, *Le vicende del "Regisole"*; Saletti, *Il Regisole*, pp. 31-41; Lomartire, *La statua*, pp. 43-44 and 50-51.
[3] These words seem to have been spoken by the French general Augerau: see Saletti, *Il Regisole*, pp. 45-47.
[4] Saletti, *Il Regisole*, pp. 47-49; Lomartire, *La statua*, pp. 54-56.
[5] Lomartire, *La statua*, pp. 31-32.

Fig. 1. The Regisole today (photo by C. Ferrari).

in favour of the second hypothesis: in particular, I will argue that the transfer of the Regisole from Ravenna to Pavia can be attributed with some certainty to Aistulf, who carried it out in some unknown year between 751 and 756 – that is, after occupying the capital of the Exarchate and before being finally defeated by the Frankish king Pippin, who forced him to hand the city over to the Pope.

Fig. 2. The Regisole today (photo by C. Ferrari).

Although the question has already been addressed several times – even quite recently[6] – I believe that it is not entirely unjustified to consider it once

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[6] Cesare Saletti's book, *Il Regisole*, published in 1997, is currently the most complete study, and includes all the evidence directly or indirectly concerning the equestrian statue: we will therefore refer to it several times in the following pages, even if in more recent years there have also been very detailed contributions such as Lomartire, *La statua*.

more, since a solution in the sense proposed here could add some significant elements to our knowledge of the image of Theoderic (to which the Regisole is closely related) and, above all, to the reception and use of this image in Lombard and Carolingian Italy. I will start with the sources concerning the Regisole.

2. *Ravenna, Aachen, Pavia*

In the early fourteenth century, the notary and chronicler Riccobaldo of Ferrara mentions Ravenna for the first time as the place of origin of the Regisole, and adds that the monument was transferred to Pavia by none other than Charlemagne, who intended to take it across the Alps – a feat which did not succeed in achieving[7]. As several scholars have pointed out, however, Riccobaldo here erroneously refers to the Regisole on the basis of the information found in Agnellus of Ravenna, which concerns another equestrian group also coming from Ravenna. On his way home after the imperial coronation, Charlemagne was struck by the beauty of a bronze statue of Theoderic on horseback, holding a lance in his right hand and a shield in his left, placed in front of the main entrance to the palace of Ravenna, and had it transferred to Aachen. We can be sure that this statue actually arrived in Aachen because it was seen there by Walahfrid Strabo, who composed the poem *De imagine Tetrici* about it in 829[8].

The statue described by Agnellus, which reached Aachen, is clearly therefore not the statue that arrived in Pavia – our Regisole. A few years after Riccobaldo, the chronicler Benzo d'Alessandria also mentions the Regisole and its provenance from Ravenna; although he says nothing about who was responsible for bringing the statue to Pavia, he claims to have read in the chronicles of the Church of Ravenna that the equestrian monument had been

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[7] Riccobaldo of Ferrara, *Compendium*, 10, 51, p. 647: «Ereum quoque equum aureatum (...) Karolus rex Francorum et augustus inde substulit ut transferret in Franciam, sed Papie nunc visitur»; Riccobaldo of Ferrara, *Compilatio*, pp. 98-99: «ipse [scil. Theodoricus] construi fecit Ravenne egregia opera (...) equm ereum cum equite qui nunc habetur Papiae, quem Karulus rex Francie abduxit Ravenna, ut portaret in Franciam». See Lomartire, *La statua*, p. 32.

[8] Agnellus, *Liber Pontificalis*, 94 (pp. 259-260): «In aspectu ipsorum [i.e. of the mosaics just described "supra portam et in fronte regiae quae dicitur Ad Calchi", see *infra*, note 27] piramis tetragonis lapidibus et bisalis, in altitudinem quasi cubiti sex; desuper autem equus ex aere, auro fulvo perfusus, ascensorque eius Theodoricus rex scutum sinistro gerebat humero, dextro vero brachio erecto lanceam tenens. (...) Quis enim talem videre potuit, qualis ille? Qui non credit, sumat Franciae iter, eum aspiciat. (...) Et nunc paene annis .xxxviii., cum Karolus rex Francorum omnia subiugasset regna et Romanorum percepisset a Leone tertio papa imperium (...) revertens Franciam, Ravenna ingressus, videns pulcherrimam imaginem, quam numquam similem, ut ipse testatus est, vidit, Franciam deportare fecit atque in suo eam firmare palatio qui Aquisgranis vocatur». On Walahfrid's poem, see Herren, *The "De imagine Tetrici"*; Herren, *Walahfrid Strabo's De imagini Tetrici*; Smolak, *Bescheidene Panegyrik*, as well as Oppedisano in this volume. *Tetricus* should be understood as a play on words between the Latin *taeter* ("ignoble", "frightening") and the Germanic pronunciation of the name of the Gothic king, about whom Walahfrid – heir of the Catholic tradition opposed to the heretical ruler (see note 56) – expresses a very negative judgement.
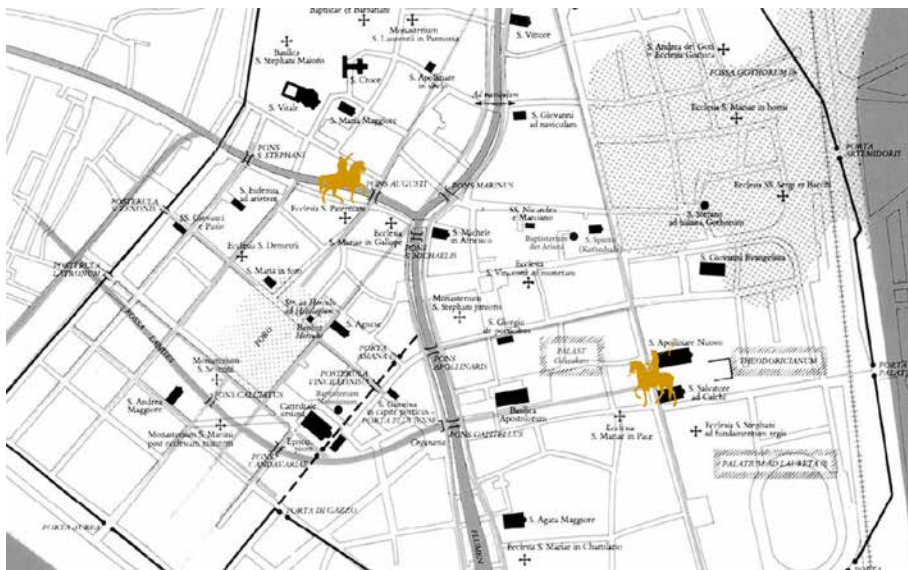
Fig. 3. Map of Ravenna (from Lusuardi Siena, *Sulle tracce della presenza gota in Italia*, pp. 542-543).

commissioned by Theoderic and placed «in ponte Austri» – that is, on the Augustus Bridge, so called because it connected the Capitol and the Forum with the *regio domus Augustae* (*Austri* is probably a misunderstanding of the abbreviation *Austi = Augusti*)[9]. Benzo is the first to report the name by which the monument was known – *Rez Solium* (which is not attested later), while *Regit solem* is the form reported in the mid-fourteenth century by the Dominican Jacopo d'Acqui, who says that the statue was provided with a mechanism (later attributed to Boethius) that made it move in the direction of the sun: «For this reason it was said to direct the sun»[10]. Like Benzo, Jacopo

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[9] Benzo d'Alessandria, *Chronicon*, 14, 137 (pp. 168-169): «Legi eciam in cronicis ecclesie Ravennatis hoc simulachrum fabricari fecit rex Italie Theodericus apud Ravennam et in ponte Austri Ravenne locari et sicut in Pontificali libro eiusdem ecclesie legitur Karolus Rex Francorum et Romanorum Augustus inde eum sustulit ut transferret in Franciam» (see Saletti, *Il Regisole*, pp. 16-17; Lomartire, *La statua*, pp. 34-35). On the *pons Austri/Augusti*, see Hoffmann, *Die Aachener Teoderichstatue*, p. 322; Frugoni, *L'antichità*, p. 42 (who mistakenly believes that *in ponte Austri* stood the statue that was later transferred to Aachen by Charlemagne); Saletti, *Il Regisole*, p. 17, note 8.
[10] Jacopo d'Acqui, *Chronicon*, coll. 1429-1430: «Theodoricus rex supradictus Gothorum qui tunc generaliter in Ytalia dominabatur cum Gothis fecit fieri in Ravenna civitate unum equum ereum pulchrum cum milite qui super illum sedebat et vocabatur Regit solem, et stabat super unam columpnam marmoream iuxta forum platee. Et iste equus cum suo sessore volvebatur cum manu elevata sicut sol currit per meridiem versus occidentem, et per artem continue faciebat die et nocte. Ita quod dicebatur solem dirigere». See Saletti, *Il Regisole*, pp. 103-104; Lomartire, *La statua*, p. 37.

also attributes the creation of the Regisole to Theoderic, specifying that the monument stood on a column near the Forum, an indication that – although generic – seems to agree with the *pons Austri* (that is, *Augusti*) mentioned by Benzo, also in the vicinity of the Forum. That this was indeed the position of the Regisole in Ravenna is also suggested by the fact that the district near the Forum and adjacent to the Augustus Bridge was still called in the Middle Ages "Radiasole" – as attested by a contract of 1002 concerning a house «in regione q. v. Radiasole non longe sed prope basilica S. Paterniani», and by another of 1127, which reads «in regione Radianti Soli a primo latere Platea publica»[11] (Fig. 3).

It seems possible at this point to conclude that there were two distinct equestrian monuments in Ravenna related to Theoderic: one in front of the main entrance of his palace, portraying the king with shield and lance (the one that Charlemagne took with him to Aachen), and one near the Augustus Bridge and the Forum, known as the Regisole or Radiasole.

3. *The Regisole: how it looked and who it represented*

The few reproductions of the Regisole that have been drawn over the centuries show a bearded horseman in parade attire, with a short-sleeved tunic and a cloak fastened on the right shoulder by a buckle; his left hand holds the reins of the animal, which is trotting, while his right hand is raised in the typical gesture of *adlocutio*, which recalls the Marcus Aurelius of the Capitoline Museum (Figg. 4-5)[12]. And it is precisely with this emperor that the Regisole is more or less unanimously identified today, on the basis not only of the pose of the figure but also of other significant analogies, such as the presence of the caparison, «an element» according to Saverio Lomartire «(...) of Persian origin (...) not common in equestrian statuary»[13] – although several proposals for different identifications have been made since the Renaissance, including for Antoninus Pius, Commodus, Septimius Severus, and even Theoderic[14]. In fact, the presence of stirrups and spurs (which seemed incongruous for a Roman imperial statue) has led some scholars to argue that the Regisole should be dated to the late fifth or sixth centuries[15], without however taking into consideration that these elements were probably late antique or medieval additions – as is undoubtedly the case with the small rampant dog under the

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[11] Saletti, *Il Regisole*, pp. 25 and 142; Heydenreich, *Marc Aurel*, p. 148, note 3. The name of the Ravenna district seems to prove that the form "Radiasole" is older than "Regisole", and referred to the brilliance of the statue rather than its posture.
[12] For images of the Regisole, see the plates at the end of Saletti, *Il Regisole*, as well as Lomartire, *La statua, passim*.
[13] Lomartire, *La statua*, p. 62.
[14] Saletti, *Il Regisole*, pp. 90-97.
[15] Heydenreich, *Marc Aurel*, p. 156. For Saletti, *Il Regisole*, p. 85, the stirrups and spurs were added by Theoderic.

Fig. 4. Silvestro Maria Curleti, *Il Regisole*, mid-17th century. Pavia, Musei Civici (from Lomartire, *La statua*, p. 55).

horse's left front leg, which took the place of what must have been the figure of a crushed barbarian or the personification of a subjugated province[16].

The hypothesis that the Regisole originally represented Theoderic is therefore very unlikely. Nevertheless, in written – albeit rather late – sources, the Gothic king is insistently associated with the Regisole, with expressions such as

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[16] Lomartire, *La statua*, pp. 61-62. A fragment of an equestrian statue from the second century A.D. from Turin attests, however, to the use of spurs even before the late antique and medieval periods: see Saletti, *Il Regisole*, pp. 87-90.

Fig. 5. Equestrian statue of Marcus Aurelius. Rome, Musei Capitolini.

«astrui fecit», «fecit fieri», «fabricari fecit» or «fecit construi», which, according to Cesare Saletti, «are not necessarily to be interpreted as "had it made", but can be understood as "had it elaborated", "had it arranged" (...), in the sense that the Gothic king adapted a previous statue to his intentions»[17]. Saletti goes on to say that the expertise with which the Regisole was made, the abundance of equestrian statues still available in Rome, as well as Theoderic's habit of bringing valuable materials and works of art from the ancient to the new capital, make it plausible that Theoderic also had the Regisole transferred from Rome to Ravenna[18]. Moreover, if the Regisole was indeed a copy of the equestrian monument of Marcus Aurelius (even if smaller in size, as indicated by the weight of the metal recorded after the demolition of the monument), it is possible that by transferring the Regisole to Ravenna Theoderic intended to emphasize, through the «possession of a symbol whose double remained in Rome», the character of "second Rome" to which Ravenna aspired in the fifth and sixth centuries[19].

A further piece of evidence may be added to this reconstruction. Thanks to Master Gregory's testimony, we know that in the twelfth century pilgrims used to call the equestrian statue of Marcus Aurelius "Theoderic", and not "Constantine" as it was known in Rome[20]. Considering the similarities between the two statues, it does not seem too far-fetched to hypothesise that it was the presence of the Regisole in Pavia – evidently identified with Theoderic – that led the pilgrims (at least those coming from the North) to recognise the Gothic king in the likeness of Marcus Aurelius[21]. This hypothesis seems to be supported by another, rather exceptional document. Among the admirers of the Regisole was Leonardo da Vinci, who visited Pavia twice (in 1488 and 1490) and thus had the opportunity to observe the statue at close quarters[22].

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[17] Saletti, *Il Regisole*, p. 83.
[18] *Ibidem*, pp. 84-87. The hypothesis that the Regisole had been transferred from Rome to Ravenna was already expressed in 1474 by Bartolomeo Platina in his *Liber de vita Christi*, where he also suggested that the arrival of the monument in Pavia was a consequence of the sack of Ravenna by Liutprand (in his *Chronicon Placentinum* from the beginning of the fifteenth century, Giovanni de' Mussi attributed its transfer to Desiderius): see Saletti, *Il Regisole*, pp. 107-108; Lomartire, *La statua*, p. 38. Theoderic's habit of using *spolia* from various parts of Italy – including Rome (Cassiodorus, *Variae*, III, 9; 10) – for the embellishment of his capital is well known: see Franzoni, *Spolia*, pp. 87-88. One might wonder why Theoderic preferred to transfer the Regisole from Rome to Ravenna rather than have a new equestrian monument made – especially since there were several statues of him in Rome (as attested by Procopius, *Bella*, VII, 20, 29, and Isidore of Seville, *Historia*, 39). However, the great majority must have been made of marble (Isidore mentions only one gilded bronze statue offered to Theoderic for restoring the walls of Rome), and none was an equestrian statue: the very high cost and the technical expertise required must have convinced Theoderic to be satisfied with the re-use of an earlier monument. Johnson, *Art and Architecture*, p. 352, and Gehn – Ward-Perkins, *Constantinople*, p. 138, point out that in the Byzantine capital the practice of erecting statues – even of gilded bronze – continued in the fifth and sixth centuries, when it had long since disappeared in the rest of the Roman world.
[19] Lomartire, *La statua*, p. 63.
[20] Master Gregory, *Narratio*, 4: «Aliud signum eneum est ante palatium domni pape, equus videlicet inmensus et sessor eius. Quem peregrini Theodericum, populus vero Romanus Constantinum dicunt». See Frugoni, *L'antichità*, p. 41; Saletti, *Il Regisole*, pp. 17-18.
[21] See Nardella, *Il fascino di Roma*, p. 87; Accame – Dell'Oro, *I "Mirabilia urbis Romae"*, p. 61.
[22] Peroni, *Residenza signorile*.

He particularly appreciated the animal, whose drawing appears in the *Codex Atlanticus* among the preparatory studies for the equestrian monument of Gian Giacomo Trivulzio (which was never made)[23]. On one of the pages of the codex, Leonardo (or someone in his circle), wrote down the following words: «Theodoricus Rex semper Augustus bono reipublicae», which may have been copied – as Müller-Walde already suggested at the end of the nineteenth century – from an inscription on the column[24].

Obviously, it is not possible to establish the exact moment when the Regisole began to be seen as a representation of Theoderic (although Master Gregory provides us with a valuable *terminus ante quem*); however, it is more than likely that the identification had already been made at an early stage in Ravenna, where the memory of Theoderic remained vivid long after his death, and where the other statue of the king was also present before Charlemagne transferred it to Aachen[25].

4. *The arrival of the Regisole in Pavia in the 8th century*

Since the figure of Theoderic eventually imposed itself on that of the originally represented emperor, the transfer of the Regisole to Pavia should be interpreted in a similar way to the transfer of the other statue of Theoderic to

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[23] Clark – Pedretti, *The Drawings of Leonardo da Vinci*, pp. XXXVIII-XLI; Lomartire, *La statua*, pp. 71-73. Leonardo left the following note about the Regisole horse: «di quel di Pavia si lalda [loda] più il movimento che niuna altra cosa; l'imitazione delle cose antiche è più laldabile che quella delle moderne; non può essere bellezza e utilità come appare nelle fortezze e nelli omini; il trotto è quasi di qualità di cavallo libero; dove manca la vivacità naturale bisognia farne una accidentale».

[24] Müller-Walde, *Beiträge*, p. 82, note 1; of the same opinion are also Von Roques de Maumont, *Antike Reiterstandbilder*, p. 63; Golinelli, *Quando il santo non basta più*, p. 387, note 64. These words seem to recall the famous inscription written around 512 to celebrate the reclamation of the swamp area of Decennovio, between Treponti and Terracina (CIL, X, 6850-6852): «The<o>-dericus vict(or) ac tri/umf(ator) semper Aug(ustus), bono r(ei) p(ublicae) natus, etc.» (on the inscription, see Giardina, *Cassiodoro politico*, pp. 73-99).

[25] Saletti (*Il Regisole*, p. 85) believes that the identification of the Marcus Aurelius/Regisole with Theoderic was made by the Gothic sovereign himself, who had his name added to the statue: if the words in the *Codex Atlanticus* correspond to the ones on the statue, we might have some more information on when Theoderic would have done it – probably around the same years of the Decennovio inscription, when Theoderic's government assumed a more explicit imperial character following the conquest of Provence and the assumption of the regency of the Visigothic throne in Spain (I owe this hypothesis to the kind suggestion of Marco Cristini). Interestingly, Agnellus says that also the other equestrian statue in Ravenna was not originally a statue of Theoderic but of emperor Zeno, which the king appropriated by writing his own name on it (*Liber Pontificalis*, 94), whereas Jordanes (*Getica*, 289) affirms that it was Zeno who honoured Theoderic in 483 with an equestrian statue placed in front of the palace in Constantinople (where it seems there was already a statue of Theodosius I or II, whose horse was later used by Justinian: see Johnson, *Toward a History*, pp. 87-88). It is difficult to establish the relationship between the Constantinopolitan statue and the one in Ravenna, provided that they were indeed two different statues and not just one, erected in Constantinople by Zeno and then transferred to Ravenna, probably by Anastasius, on the occasion of the restitution of the imperial *insignia* in 498, as suggested by Longhi, *La statua equestre*, p. 196.

Aachen – that is, as an intentional appropriation of the image of the Gothic king[26]. We need to keep this in mind if we are to find an answer to the questions of when, by whom and why the Regisole was brought to Pavia.

After what has been said, the hypothesis that it was Theoderic himself who had the Regisole transferred from Ravenna to Pavia (after having it transported from Rome) seems very unlikely[27]. Let us therefore consider the other two hypotheses we referred to at the beginning – namely the transfer of the statue in the eighth century on the initiative of a Lombard king, or in the ninth or tenth century as a consequence of a war between Pavia and Ravenna. The difficulty in choosing between these two possibilities stems from the fact that in his *Liber Pontificalis* (written in the 830s and 840s) Agnellus never mentions the Regisole, not even when he deals – albeit briefly – with Pavia and the palace built there by Theoderic, which he visited, and where he had the opportunity to admire a mosaic of the king on horseback. The lack of references to the Regisole in this passage seemed to some to prove that the Regisole was not yet in Pavia at the time, since Agnellus would certainly not have failed to compare the mosaic and the equestrian statue in the same way as he – immediately afterwards – compares the mosaic on the pediment of the palace of Ravenna (where Theoderic was represented with shield and lance) and the equestrian monument of the king in front of the same palace (also with shield and lance, as we already know)[28]. However, it should be borne in mind that Agnellus does not mention the Regisole even in reference to his beloved city. To justify this silence, Cesare Saletti wrote that «Agnellus's text is not a description of Ravenna, but an exposition of the history of the local Church through the lives of its bishops (...). Therefore, Agnellus's silence is not sufficient to prove the non-existence of the statue *in ponte Austri*: he evidently had no way – or interest – in mentioning it»[29]. Fair though it may be, this is an argument that can easily be overturned: if the Regisole was already in Pavia when Agnellus was writing, his silence would indeed be much more justified, since Pavia was certainly not the centre of Agnellus's interests as Ravenna was. Rather than an argument against the presence of the eques-

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[26] On this, see Ferrari, *La statua di Teoderico.*
[27] For this hypothesis, see Golinelli, *Quando il santo non basta più*, p. 387.
[28] Agnellus, *Liber Pontificalis*, 94: «Post vero depredata a Longobardis Tuscia; obsiderunt Ticinum, quae civitas Papia dicitur, ubi et Theodericus palatium struxit, et eius imaginem sedentem super equum in tribunalis camerae tessellis ornatam bene conspexi. Hic autem similis fuit in isto palatio quod ipse aedificavit, in tribunale triclinii quod vocatur Ad mare, supra portam et in fronte regiae qui dicitur Ad Calchi istius civitatis, ubi prima porta palatii fuit, in loco qui vocatur Sicrestum, ubi ecclesia Salvatoris esse videtur. In pinnaculo ipsius loci fuit Theodorici effigies, mire tessellis ornata, dextera manu lanceam tenens, sinistra clipeum, lorica indutus. Contra clipeum Roma tessellis ornata astabat cum hasta et galea; unde vero telum tenensque fuit Ravenna tessellis figurata, pedem dextrum super mare, sinistrum super terram ad regem properans». This is followed, after a small lacuna, by the description of the statue of the king on horseback already given *supra*, note 8. See Saletti, *Il Regisole*, p. 23; Agnellus of Ravenna, *The Book of Pontiffs*, pp. 73-75 and 206, note 7.
[29] Saletti, *Il Regisole*, p. 18.

trian monument in Pavia, therefore, the lack of references to the Regisole in Agnellus's work should be considered, if anything, as an argument against the presence of the statue in Ravenna in the first decades of the ninth century.

A safer *terminus ante quem* for the arrival of the Regisole in Pavia may be provided by a diploma of Berengar I from the years 906-910, where the phrase «in laubia magiore ubi sub Teuderico dicitur» appears in reference to the palace of Pavia[30]. For some, these words would refer to the mosaic of Theoderic on horseback already described by Agnellus almost a century earlier[31]; for others – who distinguish between *laubia* ("porticoed courtyard") and the expression *camera tribunalis* in Agnellus's text – the diploma would instead refer to the Regisole, located in the main portico of the palace of Pavia where meetings and hearings were held[32]. An unexpected confirmation of this second hypothesis may come from the geographical lexicon by al-Ḥimyarī, who lived in Ceuta between the thirteenth and fourteenth centuries and who – for his information about Italy – made use of the work of the geographer al-ʿUdri (who, in turn, drew on the travel report of the Andalusian ambassador Ibrāhīm b. Yaʿqūb al-Ṭurṭūšī, sent by the Umayyad caliph to the court of Otto I around 960-965)[33]. Regarding Pavia, al-Ḥimyarī says that the city has «a fine palace, at the gate of which stands a bronze statue of a horseman mounted on horseback of imposing size»[34]. According to Giuseppe Mandalà, this text «offers the oldest reference to the Regisole in the city of Pavia. The description of the city (...) can be dated after 774 (...) and before 1024, the year of the destruction of the palace (...). If we want to specify the chronology of the source more precisely, (...) around the middle of the tenth century, a date that fits in well with the chronology proposed for the journey of Ibrāhīm b. Yaʿqūb [al-Ṭurṭūšī] (...)»[35]. The transfer of the Regisole to Pavia must therefore have taken place before the embassy of al-Ṭurṭūšī to Otto I in the 960s, probably even before Berengar's diploma at the beginning of the tenth century. Can we be more precise?

In his *Libellus de descriptione Papie* (1330), the Pavia cleric and historian Opicinus de Canistris traces the arrival of the Regisole back to a war fought between Pavia and Ravenna a long time before, adding that on that occasion the remains of the blessed Bishop Eleucadius were also stolen[36]. It seems easy enough to recognize in this war one of the two military campaigns conducted

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[30] Placiti I, n. 122, p. 456.
[31] Frugoni, *L'antichità*, p. 46, note 72; Lomartire, *La statua*, p. 32.
[32] Heydenreich, *Marc Aurel*, p. 148; Gasparri, *Pavia longobarda*, p. 60; Saletti, *Il Regisole*, pp. 25-26.
[33] Mandalà, *La Longobardia*, pp. 354-355.
[34] *Ibidem*, p. 356.
[35] *Ibidem*, pp. 360-361. After the destruction of the palace, the Regisole was moved to the Piazza del Duomo, where it stood until it was torn down at the end of the eighteenth century.
[36] Opicinus, *Libellus de descriptione Papie*, p. 213: «Hanc autem statuam antiquitus et corpus beati Eleuchadi episcopi abstulerunt Ravennatibus Papienses, contra quos habebant inimiciciam atque bellum». See Saletti, *Il Regisole*, p. 153.

by the Lombard kings Liutprand and Aistulf against the capital of the Ex-archate, conquered in the 730s and again in 751[37]. In addition, Opicinus's text appears to be further clarified by an anonymous source from the middle of the tenth century, which attributes to Aistulf the translation of Eleucadius's body, that was deposited in the basilica of S. Michele in Pavia, where it can still be found today[38]. Against this reconstruction, Cesare Saletti argued that the lack of references in the *Liber Pontificalis* to the translation of the relics proves that they were still in Ravenna at the beginning of the ninth century[39] but, after what we have said about Agnellus's silence regarding the Regisole, this can hardly count as strong evidence. Furthermore, even if it is true that Agnellus mentions the place («outside the walls of Classe») where Eleucadius was buried in the second century, and the church that was built there and still standing in his time, he says nothing about the relics, so his text does not contradict the information about their translation to Pavia at the behest of Aistulf[40]. Finally, it should be noted that while the conquest of Ravenna by the Lombards in the mid-eighth century is a precise and relatively well-known event, those who claim that the transfer of the Regisole and Eleucadius's body took place at a later time are not able to specify in any way the historical circumstances under which this would have happened[41].

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[37] See Gasparri, *Italia longobarda*, pp. vii and 101.
[38] *Spicilegium Ravennatis Historiae* (RIS, I, 2), p. 556: «Eleucadius autem ab Italorum Rege Aistulpho ad Ticinensem delatus est Civitatem». See Saletti, *Il Regisole*, p. 27 and notes. 85-86.
[39] Saletti, *Il Regisole*, p. 27.
[40] Agnellus, *Liber Pontificalis*, 4: «Defunctus est autem xvi. kal. Martii et sepultus est extra muros Classis, ubi usque hodie ad laudem nominis eius ecclesia aedificata et Deo est consecrata». Even Saletti, *Il Regisole*, p. 27, note 87, feels obliged to admit it: «*usque hodie* va riferito soltanto alla chiesa, (...) quindi Agnello intendeva dire che al tempo suo sussisteva ancora l'edificio, non la sepoltura in esso di Eleucadio».
[41] Saletti, *Il Regisole*, p. 24: «Certo l'"impresa" non risulta collocabile con precisione nel tempo, e viene così a mancare quell'aggancio cronologico di cui sempre si vorrebbe disporre all'interno di un discorso che voglia proporsi come storico». It should be added that Benzo d'Alessandria (*Chronicon*, 14, 137, p. 169) also traces back to the struggles between Pavia and Ravenna the theft of the gilded bronze plates of an ancient city gate located near the basilica of San Pietro in Ciel d'Oro in Pavia, which cannot be dated precisely (it is not clear, however, why the citizens of Ravenna did not take back their statue on that occasion, unless – as suggested by an inscription in verse still visible in Pavia in the sixteenth century – the siege of the two cities and the theft of the respective works of art happened, by chance, almost at the same time, which is not very credible): see Saletti, *Il Regisole*, pp. 21, 118-120. The bronze plates were, in any case, returned to Pavia in 1438 by Duke Filippo Maria Visconti following the heroic deed of Captain Nicolò Piccinino (Lomartire, *La statua*, p. 38). Conversely, the theft of the Regisole in 1527 (already mentioned at the beginning of this contribution) is well documented: after the French troops bombarded Pavia, Cosimo Magni from Ravenna – the first soldier to enter the city – asked to be allowed to return the Regisole to his city, a request he was granted for the courage he had shown. The statue was taken on board, together with the bronze plates recovered almost a century earlier by Piccinino, but was intercepted by Captain Annibale Picenardo at Cremona, where it remained until 1531 due to delays in the payment of the ransom; the bronze plates «invece proseguiranno per Ravenna, dove rimarranno fino al XIX [secolo], quando il comune di Ravenna restituirà a Pavia l'unica transenna sopravvissuta, oggi nei Musei Civici» (Lomartire, *La statua*, pp. 50-51; see also Saletti, *Il Regisole*, pp. 38-41).

5. *Aistulf in Ravenna*

Thus several indications strengthen our hypothesis that the transfer of the Regisole to Pavia should be attributed to a Lombard king – to Aistulf in particular[42]. What we know about this ruler – whose brief reign (749-756) meant so much to the history of Italy and the Lombards – is perfectly in line with this hypothesis, although it has never been sufficiently stressed.

With Aistulf the dream of a unified Italy under Lombard power seemed to come true. In the prologue to his laws, the new sovereign made his plans for conquest explicit by adding to the title of «king of the Lombard race» («rex gentis Langobardorum») the formula «having been delivered to us by God the people of the Romans» («traditum nobis a Domino populum Romanorum») – a direct challenge to the authority of the Byzantine empire in Italy and, at the same time, a clear reference to the Roman imperial tradition[43]. Soon after, Aistulf inflicted a series of crushing defeats on the Byzantines, which allowed him to occupy Comacchio, Ferrara, and finally Ravenna, «for generations the real and symbolic centre of Byzantine power in Italy»[44]. In the attempt to impose his authority on all those territories that had so far escaped Lombard control, Aistulf even tried to collect a tribute of a solidus *per caput* from the population of Rome[45], «a way of proceeding which indicated the progressive assumption of a new dignity whose contents [were] clearly inspired by Roman imperial tradition», as did the decision to mint gold coins with his own image in Ravenna[46].

It seems that Aistulf intended to move the seat of his government to Ravenna[47], which may explain the major building works the king undertook there, such as the construction of the so-called "Theoderic's palace" (also known as the "Palace of the Exarchs", in the current via di Roma, on the corner of via Alberoni)[48] and the restoration (which remained unfinished) of the Petriana Church, the largest place of worship in Classe[49], which had been destroyed by an earthquake a few years before the Lombards conquered the city[50]. On the basis of this information, Gianfranco Fiaccadori suggested that Aistulf's

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[42] See Lomartire, *La statua*, p. 34; Ranaldi – Novara, *Karl der Große*, p. 116.
[43] Gasparri – Azzara, *Le leggi dei Longobardi*, pp. 280-281. See Harrison, *Political Rhetoric*, pp. 250-252; Gasparri, *Italia longobarda*, pp. 101-102.
[44] Jarnut, *Storia dei Longobardi*, p. 112.
[45] LP, I, p. 441.
[46] Gasparri, *Italia longobarda*, pp. 102-103; see also Jarnut, *Münzbilder als Zeugnisse*, pp. 287-288; Harrison, *Political Rhetoric*, p. 251; Gennari – Rossini, *La monetazione di Astolfo*.
[47] After the conquest of Ravenna, Aistulf took up residence in the palace of Theoderic, as indicated by a document issued in 751 «Ravennae in Palatio» in favour of the Abbey of Farfa: see Jonhson, *Toward a History*, p. 81, note 91; Cirelli, *Palazzi e luoghi del potere*, p. 289.
[48] Thordeman, *Il cosiddetto palazzo*, pp. 23-40; Deliyannis, *Ravenna*, p. 292; for Cirelli, *Palazzi e luoghi del potere*, p. 290, it would instead be a ninth-century construction.
[49] Augenti – Boschi – Cirelli, *Il sito della basilica Petriana*.
[50] Agnellus, *Liber Pontificalis*, 155: «Ecclesiam Petrianam, quae funditus eversa est per terraemotum, sponte aedificare voluit, et piramides per in giro erexit, columnas statuit, quae manent usque nunc, sed non consummavit».

hand could also be recognised in some important works in the church of S. Martino in Ciel d'Oro (later S. Apollinare Nuovo), which had been originally built by Theoderic as a palatine church and dedicated to the Saviour. Agnellus says that in his time the inscription commemorating the foundation of that place of worship («King Theoderic made this church from its foundations in the name of our Lord Jesus Christ») was still visible in the apse, which is difficult to explain when one considers how carefully the images of the king and the members of his court were erased after the Byzantines took the city in 540[51]. However, Agnellus also reports that the same earthquake that destroyed the Petriana Church in the mid-eighth century also caused the apse of S. Martino to fall down[52]: it is therefore possible to assume that the inscription, which had been probably erased after the Byzantines entered the city, was restored when the apse of the church was rebuilt, most likely by Aistulf. If this reconstruction is correct, Aistulf's decision to restore the inscription commemorating the great Gothic king must be interpreted as «an intentional appropriation of the figure of Theoderic»[53].

6. *Concluding remarks: the imperial image of Theoderic and the Regisole*

The revival and exaltation of the figure of Theoderic would perfectly fit in with Aistulf's political programme. Just as Theoderic had ruled over both Goths and Romans in the manner of an emperor, so Aistulf explicitly referred to that model when his military victories raised him to the rank of "new Theoderic", master of Italy and lord of the Lombards and Romans[54]. By transferring the Regisole to Pavia, in the palace built by Theoderic himself[55], Aistulf

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[51] *Ibidem*, 86: «Igitur reconciliavit beatissimus Agnellus pontifex infra hanc urbem ecclesiam sancti Martini confessoris quam Theodoricus rex fundavit, quae vocatur Caelum Aureum; tribunal et utrasque parietes de imaginibus martirium virginumque incedentium tessellis decoravit. (...) In tribunali vero, si diligenter inquisieritis, super fenestras invenietis ex lapideis litteris exaratum ita: "Theodoricus rex hanc ecclesiam a fundamentis in nomine domini nostri Iesu Christi fecit"». See Fiaccadori, *Sulla memoria teodericiana*, pp. 166-167.
[52] Agnellus, *Liber Pontificalis*, 89: «Fontesque beati Martini ecclesiae ipse [scil. beatissimus Agnellus pontifex] reconciliavit et tessellis decoravit; sed tribunal ipsius ecclesiae, nimio terraemotu exagitatum, Iohannis archiepiscopi temporibus quinti iunioris confractum ruit».
[53] Fiaccadori, *Sulla memoria teodericiana*, p. 173.
[54] On the imperial character of Theoderic's power, see Azzara, *L'Italia dei barbari*, p. 46, and, more recently, Arnold, *Theoderic*. The direct reference to the figure of the Ostrogothic king could already be traced back to Authari (584-590), who was the first to adopt the imperial name *Flavius* (which Theoderic had also assumed) – a decision, according to Harrison, *Political Rhetoric*, p. 249, which «is mostly interpreted as a conscious way to strengthen the monarchical institution by linking it to the Ostrogothic and Roman past»; see also Gasparri, *Il potere del re*, p. 107.
[55] In Paul the Deacon's account (*Historia Langobardorum*, II, 27), Alboin's conquest of the city ends with his entry into the «palatium, quod quondam rex Theudericus construxerat»: see Gasparri, *Pavia longobarda*, p. 25, «l'idealizzazione del primo re longobardo d'Italia e il legame implicito con l'esperienza gotica si uniscono, in Paolo e nella tradizione di cui è l'eco, nel caricare di significati simbolici la presa di Pavia».

proclaimed in the clearest possible way his ambition to rule over the entire peninsula, connecting in an ideal unity the traditional seat of Lombard power – Pavia – with the former capital of the empire and the Ostrogothic kingdom – Ravenna – where the other equestrian statue of Theoderic was still present before Charlemagne seized it.

In the light of Aistulf's highly symbolic gesture, even Charlemagne's appropriation of the statue of a heretical ruler condemned to Hell[56] (which in the past has caused some embarrassment among scholars) may acquire a new meaning[57]. If the Regisole was already in Pavia at the beginning of the ninth century, the transfer of Theoderic's equestrian statue to Aachen could be interpreted not only – and most obviously – as a direct reference to the Gothic king (whose fame beyond the Alps was enormous notwithstanding the opposition of the Church)[58], but also as the symbolic link between the capital of the Carolingian empire and that of the Lombard kingdom – a kingdom, it should be remembered, that had only recently been annexed and continued to exist in a formal manner in the new Carolingian state[59].

[56] In a famous passage from his *Dialogues* (IV, 31), Pope Gregory the Great recounts the vision that a hermit from Lipari had at the very moment when Theoderic died in Ravenna: the king appeared to him barefoot, shabby and with his hands tied, as he was being escorted by Symmachus and Pope John I (two of the king's most illustrious victims) to the edge of a volcano, into which he was thrown. This portrayal would have merged with the tradition of the "Wild Hunt", as shown by one of the panels on the right-hand side of the portal of the basilica of San Zeno in Verona, dating from the 1230s, in which the king, naked and on horseback, chases a deer running towards a tall, monstrous figure with a stick in his hand – the devil: see Zimmermann, *Theoderich der Grosse*, pp. 159-161; Goltz, *Das Bild Theoderichs*, pp. 590-595.

[57] Charlemagne's transfer of the statue of Theoderic to Aachen has been variously interpreted. For Hoffmann, *Die Aachener Theoderichstatue*, p. 319, the heroic image of Theoderic (also documented in the Nordic sagas) would have prevailed, in the eyes of Charles and his subjects, over the negative image developed by ecclesiastical circles, a position also defended by Ghosh, *Writing the Barbarian Past*, pp. 236-243, while according to Löwe, *Von Theoderich dem Großen*, p. 70, Charlemagne's gesture had above all the aim of reassuring Byzantium that the new Frankish imperial power would only be exercised over the West. According to Effenberger, *Die Wiederverwendung*, p. 655, on the other hand, the placement of the statue of Theoderic in the palace of Aachen should have represented «die Idee des wiedererstandenen römischen Kaisertums», a thesis also shared by Hammer, *Recycling Rome and Ravenna*, p. 317, who insists on the martial character of the statue, especially suited to celebrate Charlemagne's recent victory over the Avars in 796. Finally, it should be pointed out that a decidedly positive image of Theoderic was also provided by the *Chronicle* of Fredegar, which even claimed a common Macedonian origin for the Frankish *gens* and Theoderic's family, «un motivo nobilitante e di legittimazione al predominio» (Azzara, *Teoderico*, p. 96); see also Borchert, *Das Bild Theoderichs*.

[58] On this aspect, see Ferrari, *La statua di Teoderico*. As is well known, Theoderic is one of the most important characters of the Germanic medieval epic: see e.g. Wisniewski, *Mittelalterliche Dietrichdichtung*.

[59] After the conquest of Pavia in 774 Charlemagne adopted the title of *Rex Langobardorum* together with that of *Rex Francorum*, and continued to use both titles even after his imperial coronation; the title of King of the Lombards was also given by Charles to his son Pippin and his nephew Bernard when they were appointed kings of Italy: see Azzara, *L'Italia dei barbari*, pp. 131-132; Delogu, *The Name of the Kingdom*, pp. 42-43. Unlike Pavia, Ravenna lost its role as an active political centre in the Carolingian empire: see Augenti, *A tale of two cities*, p. 181: «its importance is mainly that of quarry of building materials and architectural elements».

Thus the decision to take possession of the Ravenna statues of Theoderic can also be seen as a response to needs not directly linked to the figure of the Gothic ruler. To the one just mentioned, we could add here the need to assert oneself internationally, by exhibiting unique works of art capable of evoking the Roman past and creating a "topography of power" that could rival that of the great Mediterranean capitals[60]. But the imperial image of Theoderic presumably played a key role in this decision, both for Charlemagne's and – perhaps above all – for Aistulf's, who, in his attempt to extend his control over the whole of Italy, found in the reference to the Gothic king an exceptional rhetorical tool – at least until his dreams of conquest were shattered by the emerging Carolingian power.

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[60] See Nelson, *Aachen as a place of power*, pp. 219-221. Deliyannis, *Charlemagne's silver tables*, pp. 176-177, points out that the position of the statue of Theoderic in Aachen, in front of the imperial palace, closely resembled that of the statues of Constantine/Marcus Aurelius in Rome and Justinian in Constantinople, both of which were located «in central plazas between palace and church» (in Rome the statue was between Saint John and the Lateran, a name that Charlemagne also gave to his palace in Aachen: see Falkenstein, *Charlemagne et Aix-la-Chapelle*, pp. 250-251). Even before the statue of Theoderic was transferred to Aachen, Charlemagne had valuable materials removed from Ravenna for the construction of his capital, as attested by Einhard (*Vita*, 26, pp. 30-31) and a letter from Pope Hadrian I in 787 (*Codex Carolinus*, pp. 614-615), not to mention the fact that the shape and many of the decorative elements of the royal chapel are reminiscent of the basilica of San Vitale: see Franzoni, *Spolia*, pp. 88-89; Nelson, *Charlemagne and Ravenna*, pp. 247-249. According to Brenk, *Spolia*, p. 109, the imitation of San Vitale and the transfer of materials from Ravenna to Aachen should be interpreted as a *translatio artium* «in analogy to the *translatio imperii*».

Carlo Ferrari

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Carlo Ferrari
Università di Pisa
carlo.ferrari@sns.it

«Stilo… memoriaeque mandavi»:
Two and a Half Conspiracies.
Auctors, Actors, Confessions, Records, and Models*

by Danuta Shanzer

Conspiracies frustrate contemporaries, historiographers, and historians. This article explores roles, focalization, and confession in three conspiracies related to Italy, from the sixth, fourth, and ninth centuries respectively. The protagonists include Boethius, Silvanus, and Theodulf of Orléans. The main contribution is a philological and historiographical re-evaluation of Theodulf's role in the revolt of Bernard of Italy against Louis the Pious (817-818), arguing that Theodulf advised Louis about the punishment of the conspirators. Boethius first emerges as a historico-political exemplum (though his *Consolatio*) in Modoin's *rescriptum* (Theodulf, *Carmen* 73 [820-821]).

Early Middle Ages; Late Antiquity; Louis the Pious; Theodulf of Orléans; Boethius, Reception; Boethius, Consolation of Philosophy; Ammianus Marcellinus; Silvanus; Revolt of Bernard of Italy (817); Confession; Conspiracies.

Danuta Shanzer, University of Vienna, Austria, danuta.shanzer@univie.ac.at, 0000-0002-9078-8086

Abbreviations

CCM = *Chronicon Moissiacense Maius*, ed. J.M.J.G. Kats – D. Claszen, Leiden 2012.

LLT = Library of Latin Texts.

MGH, Conc. 2, Suppl. 1 = *Opus Caroli regis contra Synodum (Libri Carolini)*, ed. A. Freeman, Hannover 1998 (Concilia, 2, Suppl. 1).

MGH, Epp. 5 = *Epistolae Karolini aevi* (III), ed. E. Duemmler, Berlin 1899 (Epistolae [in Quart], 5).

MGH, LL 1 = *Capitularia regum Francorum* (I), ed. A. Boretius, Hannover 1883 (Leges [in Folio], 1).

MGH, LL 5 = *Leges Saxonum. Lex Thuringiorum. Edictum Theoderici regis. Remedii* (...), Hannover 1875-1889 (Leges [in Folio], 5).

MGH, Poetae 1 = *Poetae Latini medii aevi Carolini* (I), ed. E. Duemmler, Berlin 1881 (*Poetae Latini medii aevi*, 1).

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SS rer. Lang. 1 = *Scriptores rerum Langobardicarum et Italicarum saec. VI-IX*, ed. G. Waitz, Hannover 1878 (Scriptores rerum Langobardicarum et Italicarum, 1).

PL = Patrologia Latina.

SC = Sources Chrétiennes.

«Happy families are all alike; every unhappy family is unhappy in its own way»

L. Tolstoy, *Anna Karenina*

«Aber hilft er (sc. der Begriff 'politischer Mord') auch, Tötungen in anderen Epochen der Geschichte zu analysieren?»[1]

1. *Introduction*

Conspiracies are treacherous: self-concealing they create an extra wall between historians and their sources. For evil or for good, they seek to subvert a status quo. They can stem from injustice, ambition, oppression, revenge, discontent, or envy. They thrive on secret communication and can employ fraud and forgery. Many roles are available in these dramas: spies, informers, councilors, ring-leaders, those turned state's evidence, and victims (the targets to be felled) of course, but also fall-guys and collateral damage. All conspiracies share common elements, so much so that modern historians can write manuals for *coups d'état*[2], and Netflix can help us all become tyrants[3]. Conspiracies unmasked face judicial sanctions. Suddenly, defendants scuttle away from the light of investigation or claim different roles. But some are tortured, some confess. The process of discovery develops its own grim momentum. The truth is rarely discovered, which in turn leaves work for historians and apologists. Their written accounts and other forms of commemoration have their own reception. Eventually conspirators may look to earlier conspiracies for role models or ways to dramatize themselves. I take the above to be self-evident.

This volume explores relations between Ostrogothic and Carolingian Italy. This paper gelled around two conspiracies. The Senate and Byzantines against Theoderic in the first instance and Bernard of Italy and his allies against Louis the Pious in the second. In the middle, the forgery of letters

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[1] Patzold, *Zwischen Gerichtsurteil und politischem Mord*, p. 38.
[2] Luttwak, *Coup d'État*.
[3] <https://de.wikipedia.org/wiki/How_to_Become_a_Tyrant>.

links what may seem like a radically different case-study, where an innocent was framed, and where the conspirators were the framers, not the victim-target. This dizzying narrative of wheels within wheels is that of the Frank Silvanus (in Ammianus Marcellinus), who was accused of usurpation against Constantius. We are confined to available sources for reconstructing these events. The conspiracies add their extra layers of concealment, time shows only the top of the iceberg, but, in each case, confession lies at the center. We have three central figures with differing roles. Boethius' autobiographical voice justifies himself from prison, but in fact confesses. Ammianus related events in which he participated as an actor. His *Res Gestae*, however, set the record straight after the fact and confess his own role. And third comes a figure who was arguably collateral damage: Theodulf of Orléans. In his case I will be re-litigating his involvement in the revolt of Bernard of Italy and making some new suggestions about its nature. One of Theodulf's own consolers cited Boethius as an exemplum. This led me to explore the reception of the fall of Boethius in the earlier Carolingian period to suggest that his exemplum was not available to Theodulf for self-fashioning.

In this paper, a comparative study of conspiracies was struggling to emerge, something about center vs. periphery, about transalpine communications, about Italy, her passes, and her political perils: invaded, threatened with invasion, occupied, liberated, or demoted[4]. But in the end the piece is not primarily a contribution to *histoire événementielle*, but to illustrating how figures caught up in conspiracies styled themselves, and what and who their models were.

2. *Boethius at the Ostrogothic court*

Boethius' setting was Theoderic's court (Ravenna and Verona) and the Senate at Rome (where he was found guilty by his peers)[5]. The protagonists were an embattled[6] and now aging[7] Theoderic; Albinus, a pious Roman senator; Cyprian, the *referendarius*; Opilio[8]; Boethius, the *magister officiorum*; his guardian and father-in-law Symmachus; various courtiers-turned-*delatores*; the pro-Byzantine Pope John, and unnamed correspondents at Justin I's court.

The ingredients involve treason, the end of a religious schism[9], Roman patriotism, barbarian kingship and succession, international relations and

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[4] The ghost of Thomas Hodgkin whispers in my ear.
[5] He was imprisoned at Pavia.
[6] Loss of Eutharic (522); dynastic marriages compromised by events (Burgundy [Sigistrix], Africa [Amalafrida]).
[7] Carducci «vecchio e triste» (*La leggenda di Teodorico*, 8: below, note 152). Theoderic's age and his succession were factors in Boethius' downfall. See Moorhead, *Boethius' Life*, p. 19.
[8] Cassiodorus, *Variae*, VIII, 6-7.
[9] The Acacian Schism that compromised relations between the Papacy and Constantinople had ended in 519 with the death of the miaphysite emperor Anastasius in 518, so a path was open to reconciliation.

threat of reprisals against religious opponents[10], delation[11], personal quest for gain, a whiff of sorcery, torture, execution, and – to be avoided – martyrdom[12].

The issue was *maiestas*: had Boethius engaged in treasonable correspondence hoping for Roman *libertas*? An autobiographical outburst (*Consolatio*, I, 4, 20-27) provides his perspective. He frames his apologia unrepentantly:

> 20 At cuius criminis arguimur summam quaeres? Senatum dicimur saluum esse uoluisse. 21 Modum desideras? Delatorem, ne documenta deferret quibus senatum maiestatis reum faceret, impedisse criminamur. 22 Quid igitur, o magistra, censes? Infitiabimur crimen, ne tibi pudor simus? At uolui nec umquam uelle desistam. Fatebimur? 23 Sed impediendi delatoris opera cessauit. An optasse illius ordinis salutem nefas uocabo? Ille quidem suis de me decretis uti hoc nefas esset effecerat. 24 Sed sibi semper mentiens imprudentia rerum merita non potest immutare nec mihi Socratico decreto fas esse arbitror uel occuluisse ueritatem uel concessisse mendacium. 25 Uerum id quoquo modo sit, tuo sapientiumque iudicio aestimandum relinquo. Cuius rei seriem atque ueritatem, ne latere posteros queat, stilo etiam memoriaeque mandaui. 26 Nam de compositis falso litteris, quibus libertatem arguor sperasse Romanam, quid attinet dicere? Quarum fraus aperta patuisset si nobis ipsorum confessione delatorum, quod in omnibus negotiis maximas uires habet[13], uti licuisset. 27 Nam quae sperari reliqua libertas potest? Atque utinam posset ulla! Respondissem Canii uerbo, qui cum a Gaio Caesare Germanici filio conscius contra se factae coniurationis fuisse diceretur: 'si ego', inquit, 'scissem, tu nescisses'.

He does not deny his desire to protect the Senate: he supposedly tried to impede a *delator* from making an accusation. He set down an account of what happened, probably independent of what he narrates in the *Consolatio*, for *seriem* sounds narrative and sequential. He claims that his alleged desire for Roman *libertas* appeared in forged letters. *Delatores* had been examined (under torture?) and admitted the forgery, but Boethius hadn't been able to use their confessions in his defense. He is defiant and unrepentant: he makes it clear that he wanted a Roman *libertas*[14] that was no longer possible. One notes his *Romanitas* in his defense of the Senate that betrayed him[15]. And his re-deployment of Canius' grim joke (*verbo*)[16]. His apology ends with a mad-scene, an almost infernal vision (I, 4, 46, «videre autem videor») of the «nefarias sceleratorum officinas», the hellish kitchen where plots are hatched. The phrasing can be

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[10] Catholics under Theoderic vs. Arians under Justin.
[11] See Boissière, *L'accusation publique*, and Boissier, *Les Délateurs. Edictum Theoderici*, 49, allows slave testimony in cases of treason: «Hoc etiam de familiaribus servari debere censemus, qui cuiuslibet familiaritate vel domui inhaerentes, delatores aut accusatores emerserint: excepto tamen crimine maiestatis». *Edictum Theoderici*, 50, disallows anonymous denunciations and subjects unsuccessful *delatores* to the death-penalty: «Occultis secretisque delationibus nihil credi debet; sed eum qui aliquid defert, ad iudicium venire convenit; ut si, quod detulit, non potuerit adprobare, capitali subiaceat ultioni».
[12] See Bark, *The Legend of Boethius' Martyrdom*.
[13] Confession under torture?
[14] Code for replacement of Gothic rule in Italy? See Moorhead, *Boethius' Life*, p. 20.
[15] E.g. his historical exemplum of defiance to Caligula. See Rand, *Founders*, pp. 158-159, for Boethius' Ciceronian dedication to eternal Rome. See Fichtenau, *The Carolingian Empire*, p. 115, on the loss of the concept of honest public service under Charlemagne. For more on this theme, see Ganz, *The* Epitaphium Arsenii, p. 544, and De Jong, *Epitaph for an Era*, p. 5.
[16] Iulius Can(i)us is known from Seneca, *Dialogi*, IX, 14, 4-10. The joke is found only there. For the typology, see Shanzer, *Laughter and Humour*, pp. 35-36.

compared to that at Ammianus, XXIX, 1, 34, where Valens investigated a plot in Antioch in 371: «cogitati sceleris officina». Boethius-prisoner focalizes from the receiving end of the Later Roman justice system.

The other main source – with far more circumstantial detail – is the *Anonymus Valesianus*, 85-87:

> 85 Post haec coepit adversus Romanos rex subinde fremere inventa occasione. Cyprianus, qui tunc referendarius erat, postea comes sacrarum et magister, actus cupiditate insinuans de Albino patricio, eo quod litteras adversus regnum eius imperatori Iustino misisset: quod factum dum evocatus negaret, tunc Boethius patricius, qui magister officiorum erat, in conspectu regis dixit: 'falsa est insinuatio Cypriani[17], sed si Albinus fecit, et ego et cunctus senatus uno consilio fecimus; falsum est, domine rex'. 86 Tunc Cyprianus haesitans non solum adversus Albinum sed et adversus Boethium, eius defensorem, deducit falsos testes [adversus Albinum]. sed rex dolum Romanis tendebat et quaerebat quem ad modum eos interficeret: plus credidit falsis testibus quam senatoribus. 87 Tunc Albinus et Boethius ducti in custodiam ad baptisterium ecclesiae. rex vero vocavit Eusebium, praefectum urbis, Ticinum et inaudito Boethio protulit in eum sententiam. quem mox in agro Calventiano, ubi in custodia habebatur, misere fecit occidi. qui accepta chorda in fronte diutissime tortus, ita ut oculi eius creparent, sic sub tormenta ad ultimum cum fuste occiditur.

The Anonymous both corroborates and fleshes out Boethius' account. Here too are letters, specifically addressed to Justin I, but attributed to Albinus. Boethius is depicted as having dived in with fatally rash support for Albinus, denying the truth of the accusation, but then in effect handing both himself and the Senate over as accomplices: «If Albinus did it, we all did it»[18]. One thinks of the meme, «I am Spartacus». This placed Boethius in the crosshairs, and one can imagine how the Senate (far off in Rome) jumped to dissociate itself – at the cost of sacrificing Boethius[19]. Cassiodorus seems to have been a *tertius gaudens*[20].

3. *A detour to Ammianus (half a conspiracy?)*

Boethius' allusion to forged letters reminds us of the features shared by conspiracies. Were these the ones supposedly written to Justin by Albinus? Or were these different (forged) letters intended to incriminate Boethius, a sort of widening stain? We can compare the deadly role of forgeries in Ammianus

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[17] See Troncarelli, *Inaudita in Excerpta*, p. 167, for the difficulty of the phrase. It could also mean: «The document introduced into the *acta* by Cyprian is fake».

[18] Troncarelli, *Inaudita in Excerpta*, pp. 168-171, ingeniously sees a hypothetical syllogism. I see a rhetorical strategy of solidarity that backfired.

[19] The beaver was said to castrate itself when pursued for its medicinal testicles: see Isidore of Seville, *Etymologiae*, XII, 2, 21: «Castores a castrando dicti sunt. Nam testiculi eorum apti sunt medicaminibus, propter quos cum praesenserint uenatorem, ipsi se castrant et morsibus uires suas amputant. De quibus Cicero in Scauriana: "Redimunt se ea parte corporis, propter quod maxime expetuntur". Iuuenalis: Qui se eunuchum ipse facit, cupiens euadere damno testiculi».

[20] He stepped into Boethius' post as *magister officiorum*, for which see PLRE II, p. 267, and Barnish, *The Variae*, p. XLVIII.

(XV, 5 and 6), Silvanus' framing and forced usurpation in Cologne[21]. It started with forged letters, and includes instructions for how a documentary forgery can be contrived and then compounded[22]. I'll touch quickly (in no particular order) on some of its related themes: 1) Outsiders/insiders: the loyal Franks serving deceitful Romans (inverted in Boethius' case, where questionably loyal Romans serve Ostrogothic masters). 2) Envy and enmity as triggers: it is precisely good public servants who are framed by corrupt ones[23]. It is the accusers who constitute the real conspiracy, not the accused, and there are wheels within wheels in this journey into fear[24].

3.1. *Historical / Historiographical models*

And models? The essence is that Silvanus' hand was forced into usurpation[25]. There is no obvious intertextuality, Ammianus doesn't quote Tacitus' epigram, but he may have had *Historiae*, II, 76 in mind, where Licinius Mucianus invited Vespasian *ad imperium*: «abiit iam et transvectum est tempus quo posses videri non cupisse: confugiendum est ad imperium!»[26]. Even though Silvanus didn't want to be emperor[27], he had nowhere to go but up: «In consilia agitabatur extrema (…) ad culmen imperiale surrexit» (XV, 5, 15). "Deniability" is also important in the story: Constantius' distance from Cologne permitted him to pretend that he didn't know about the usurpation: «it hadn't happened»[28].

3.2. *Shadows of recent wounds?*

Frustratingly, we lack Ammianus' own narrative of Magnentius' revolt and the ensuing civil war[29]. But we might try to read Ammianus' account of

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[21] See Matthews, *The Roman Empire*, pp. 37-38, for a sober English summary.
[22] The signature *manu propri*a was retained, while seditious text was inserted into the body of the letter that had been drafted by the secretary. The explanation in the *De Boetio Senatore* involves abuse of an authentic seal of Boethius'. See Troncarelli, *Inaudita in Excerpta*, p. 172.
[23] Dynamius, Lampadius, Arbitio, Apodemius.
[24] The commander sends one person he doesn't trust (Ursicinus) to deal with someone else he doesn't trust (Silvanus). Worst case scenario: that they both join up against him. Ideal scenario: both kill one another. Reasonable expectation: one will kill the other, so one less problem.
[25] Contrast simply being accused of it, as in Sidonius, *Epistulae*, I, 7, 11: «(Arvandus) tum demum laboriosus tarda paenitudine loquacitatis inpalluisse perhibetur, sero cognoscens posse reum maiestatis pronuntiari etiam eum, qui non affectasset habitum purpuratorum».
[26] The striking phrase, brought to my attention by Roger Tomlin, had been picked up by Syme, *Tacitus*, p. 166.
[27] According to Ammianus' narrative, which is all we have. His loyalty was proven by his *largitio* in Constantius' name at XV, 6, 3. See below note 29 for Magnentius' quite different behavior!
[28] Ammianus, XV, 5, 21: «quo commento Silvanus gesta etiam tum imperatorem ignoraret». More at XV, 5, 24 where Constantius' party tries to forestall rumor by forced marches.
[29] Which would have been in Book 13. See Gardthausen, *Ammiani Marcellini*, p. 3, for evidence. For a modern account of Magnentius' usurpation, see Barnes, *Athanasius and Constantius*, pp. 101-106. We have only the bitter aftermath in Britain in Ammianus, XIV, 5.

Silvanus' uprising at Cologne against this recent (lost) trauma. David Hunt pointed out parallels between Silvanus and Magnentius[30]. And there was personal history in Constantius' case, for his victory at Mursa on the 28th of September in 351 would not have been possible had Silvanus not deserted to his side[31]. There is a drumbeat problematizing Frankish *fides* in XV, 5, 6, where the *homines dicati imperio*, Malarichus and Mallobaudes, must stand surety for one another's loyalty.

Philologists pull at loose threads. And in this case a stray word attracts attention. In XV, 5, 29, Silvanus' soldiers in Trier are depicted as burning to burst through the passes of the Cottian Alps: «causantis inopiam militis et rapida celeritate ardentis angustias Alpium perrumpere Cottiarum». Why «Cottian»[32]? The Brenner seems to have been the most direct route from Cologne to Italy[33]. I can only suggest that a model, a recent memory, was present in Ammianus' mind: namely Magnentius' last stand at Mons Seleucus (La Bâtie-Montsaléon), very much in the Cottian Alps[34].

3.3. *A confession*

Buried deep in the account is the phrase: «inter quos ego quoque eram» (XV, 5, 22). Ammianus was with Ursicinus, so this is at least in part eyewitness testimony. In 355 the traumatic question must have been: would Silvanus be the next Magnentius? In XV, 6, 4 Ammianus knows of Poemenius' loyalist counter-insurgency against Decentius at Trier. We could guess or speculate about how Ursicinus (and Ammianus perhaps?) "turned" Silvanus' élite Germanic auxiliaries[35]. Had these very troops been at Mursa[36]? We could read the Silvanus episode as a confession: we have an eyewitness narrator

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[30] Cameron – Garnsey, *The Late Empire*, pp. 14-15.

[31] Ammianus, XV, 5, 33.

[32] No explanation in De Jong, *Philological and Historical Commentary*, ad loc.

[33] According to Stanford's Orbis (<https://orbis.stanford.edu>): Ara Agrippinensium to Mediolanum.

[34] Which is narrated in Julian, *Oratio*, 2, 74C: «τῶν γε μὴν πρὸς τὸν τύραννον πραχθέντων ὅ τε ἐπὶ Σικελίαν ἔκπλους καὶ ἐς Καρχηδόνα, Ἠριδανοῦ τε αἱ προκαταλήψεις τῶν ἐκβολῶν ἀπάσας αὐτοῦ τὰς ἐν Ἰταλίᾳ δυνάμεις ἀφελόμεναι, καὶ τὸ τελευταῖον καὶ τρίτον πάλαισμα περὶ ταῖς Κοττίαις Ἄλπεσιν, ὃ δὴ βασιλεῖ μὲν παρέσχεν ἀσφαλῆ καὶ τοῦ μέλλοντος ἀδεᾶ τὴν ὑπὲρ τῆς νίκης ἡδονήν, τὸν δὲ ἡττηθέντα δίκην ἐπιθεῖναι δικαίαν αὑτῷ καὶ τῶν ἐξειργασμένων πάνυ ἀξίαν κατηνάγκασε». Zosimus, II, 53, 3, must be wrong.

[35] Ammianus, XV, 5, 30, Brac[c]hiati and Cornuti. Both were *auxilia palatina*, listed by the *Notitia Dignitatum*, pp. 122; 128; 130; 133; 135; 140. Speidel, *Ancient Germanic Warriors*, p. 42, shows one of the latter on the Arch of Constantine. Both were Germanic auxiliaries who would fight at Strasbourg in 357 to dramatic effect per Ammianus, XVI, 12, 43: Speidel, *Ancient Germanic Warriors*, p. 102. For their venality, see Ammianus, XV, 5, 30.

[36] Magnentius had a large barbarian army. See Hoffmann, *Das spätrömische Bewegungsheer*, p. 144. Constantius took over many of the Western troops after Mursa. See Hoffmann, *Das spätrömische Bewegungsheer*, p. 480, Silvanus' troops ended up with Julian in Gaul. See Hoffmann, *Das spätrömische Bewegungsheer*, p. 202. I have been unable to pin down the Bracchiati and Cornuti at Mursa, but consider the possibility worth raising.

(the *auctor*) who regards his subject as innocent[37], but also described how he and his master Ursicinus (both *actores*) had to contribute to that innocent's downfall-murder, in fact, in a Christian building[38]. According to Matthews, he «wrote of the outcome with detachment as merely a question of expediency and efficiency»[39]. I am not so sure and prefer to see something closer to «Those that I fight I do not hate / Those that I guard I do not love»[40].

4. *Back to Boethius*

Like Silvanus separated from his ruler[41], Boethius lamented his distance from his judges and his lack of opportunity to defend himself[42]. His connection to the conspiracy is unclear, but – one must make no mistakes – he was sympathetic to it. He tried to help by impeding an informer and was himself delated. He then risked a dangerous move (the "Spartacus strategy") that misfired, and found himself alone and condemned. By when he wrote the *Consolatio* he wanted to set the record straight, but had largely given up on his own personal safety[43]. Hence his defiant tone. He stylizes himself as the philosopher before the emperor[44]. Both his and Silvanus' stories share issues of ethnicities in uneasy collaboration.

I'd like, however, to note an important point and eventual distinction. Both stories include an initial element of personal enmity and envy. Silvanus was completely framed; Boethius however was delated by informers. At that point he seems quixotically to have collaborated in his own downfall and in the eventual damage-control for other senators. Both he and Silvanus however took voluntary fatal dives.

5. *A Carolingian conspiracy*

The third conspiracy is the Revolt of Bernard of Italy against Louis the Pious in 817-818. The main historiographical sources are the *Annales Regni*

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[37] Perhaps again by contrast-imitation with Magnentius who offered a donative in connection with his usurpation. See Zonaras, XIII, 6.
[38] Ammianus does not use the Christian terminology, but seems to be implying that Silvanus expected sanctuary.
[39] Matthews, *The Roman Empire*, p. 38.
[40] William Butler Yeats, *An Irish Airman Foresees His Death*.
[41] Ammianus, XV, 5, 15: «timensque ne trucidaretur absens et inauditus». This is a concern about a hit-squad.
[42] Cf. Boethius, *Consolatio*, I, 4, 36: «Nunc quingentis fere passuum milibus procul muti atque indefensi ob studium propensius in senatum morti proscriptionique damnamur».
[43] His wife Rusticiana (*Consolatio*, II, 4, 6: «Viuit uxor ingenio modesta, pudicitia pudore praecellens et, ut omnes eius dotes breuiter includam, patri similis») and father-in-law Symmachus (*Consolatio*, I, 4, 40) were still safe.
[44] Not the biblical prophet before the king, on which see Fontaine, *Une clé littéraire*. For more examples, but no discussion of Boethius, see Van Renswoude, *The Rhetoric of Free Speech*.

Francorum, the *Moissac Chronicle*, and Thegan's and Astronomus' biographies of Louis the Pious. These can be assembled as a composite[45], divided and conquered, or read as memory with hindsight and propaganda[46]. I'll begin with what is undisputed. Bernard was prompted to rebel by Louis' *Ordinatio* of July 817 which made Lothar emperor, while subjecting Pippin and Louis to him[47]. It failed to include Bernard of Italy in its provisions, thereby implicitly disinheriting the latter's son Pippin. Bernard is presented as egged on by evil counselors[48]. His goals vary according to source: sole rulership of Italy, usurpation of Louis' imperial power and dethroning him, or perhaps only gaining traction for negotiating. Italy and Francia confronted one another over the Alps, passes were occupied[49], Louis mustered troops[50], but there is no evidence for battle[51]. Bernard surrendered to his uncle at Chalon-sur-Saône[52] and was tried in Aachen[53]. He was condemned to death, but the sentence was commuted to blinding. He died in custody three days later (17 April 818). From injuries? Resisting arrest[54]? Or by his own hand[55]?

6. *Midpoint: so far, so good?*

The three conspiracies are differently focalized. Silvanus, the man framed, is presented extra-diegetically by Ammianus. Only later comes the admission that makes the author an *actor* and triggers my "confessional" reading of the account. In Boethius, the virtuous sympathizer with patriotic treason, we see a man pushed, perhaps from the margins, to become a fall guy. His autobiographical outburst is not an overt confession, but an unrepentant apologia; his models are Roman. In the third conspiracy, my focalizer, Theodulf,

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[45] See, as an example, Von Simson, *Jahrbücher*, pp. 112-126.
[46] Patzold, *Zwischen Gerichtsurteil und politischem Mord,* pp. 37-38, takes the latter approach.
[47] *Capitularia regum Francorum*, 136 (MGH, LL 1, pp. 270-273).
[48] Astronomus, *Vita*, 29, and Thegan, *Gesta*, 22. In the *Moissac Chronicle*, the idea is initially his own. See CMM, p. 149: «cogitavit consilium pessimum». But then "Achiteus" and others are named as counselors (p. 150).
[49] Aggressively or defensively? Dahlhaus-Berg, *Nova antiquitas*, p. 16, sees Bernard's actions as purely defensive. Likewise, Jarnut, *Kaiser Ludwig*, p. 641.
[50] Hard documentary evidence in Hetti of Trier's letter to Frothar (MGH, Epp. 5, pp. 277-278).
[51] Moissac alone presents Bernard as captured by an army. See CMM, p. 149.
[52] Malfatti, *Bernardo*, p. 35, saw no reason for him to have given himself up and saw him as heading to Francia, but not expecting resistance. He follows the Italian tradition in Andreas of Bergamo, *Historia*, 6, where Irmengard falsely promised Bernard safety in Francia. This tradition is also taken seriously by Werner, *Hludovicus*, pp. 43-45. The Moissac Chronicle presents him as, in essence, giving up, terrified by the Lord upon hearing that Louis was guarding the passes into Italy. See CMM, p. 149.
[53] Any honest treatment has to skate over the military aspects of the revolt. See Dutton, *The Politics of Dreaming*, p. 70, for one sentence.
[54] Airlie, *Making and Unmaking the Carolingians*, p. 137: «shot while trying to escape».
[55] This must be the force of Astronomus, *Vita*, 30: «mortis sibi consciverunt acerbitatem». There is not «schillernd mehrdeutig», as suggested by Patzold, *Zwischen Gerichtsurteil und politischem Moder*, p. 52. Depreux, mentioned by Patzold, is right.

is someone whose involvement and role remain unclear and debated, but who left us autobiographical poetry. I hope here to have a contribution to make about what his crime may have been, who his model was, and how he was seen. There will be a *Nebenbefund*, about the *fortuna* of Boethius in the early ninth century.

7. *Theodulf: collateral damage?*

The Carolingian historians mention Theodulf of Orléans alone among Frankish bishops as involved in Bernard's uprising[56]. He had been a leading intellectual of Charlemagne's: a *missus dominicus*[57], a poet, intellectual, and theologian[58], and as of ca. 798 a bishop, a prince of the church, not just a bureaucrat. Transitions and successions are perilous. Theoderic turned into his own evil twin in ca. 523[59]. Louis the Pious succeeded Charlemagne in 814. Theodulf had successfully bridged the transition from Charlemagne's to Louis' court[60], only to find himself on trial in connection with Bernard's revolt. He was deposed from his see in 818[61] and imprisoned in monasteries at Angers and then Le Mans[62]. Like Boethius, he wrote in and from his confinement. Two of his verse epistles (*Carmen* 71 to Aiulfus of Bourges and *Carmen* 72 to Modoin of Autun) and *Carmen* 73, Modoin's answer, have survived and are the only evidence for his delict. Theodulf never unambiguously revealed what he did. Instead, came procedural objections: that he had been tried at court[63], had never confessed, and that only the Pope had the right to judge him[64]. Things ended in an impasse: Modoin had brokered amnesty from Louis in return for a blanket confession (*pura confessio*) from Theodulf that the latter refused to make[65]. He

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[56] His name is mentioned by Thegan, *Gesta*, 22; Astronomus, *Vita*, 29; CMM, p. 150; and by *Annales Regni Francorum*, but without further clarification.
[57] Monod, *Les moeurs judiciaires*.
[58] He is considered the author of the *Libri Carolini*, which would have been an imperial commission.
[59] My phraseology for the diptych clearly visible in the Anonymus Valesianus. Zimmermann, *Theoderich der Grosse*, p. 37, sees two authors within the Chronicle.
[60] Rzehulka, *Theodulf*, p. 50; Liersch, *Die Gedichte Theodulfs*, pp. 23-24. Also Noble, *The Revolt*, p. 30.
[61] His successor Jonas was in office by July 818: Liersch, *Die Gedichte Theodulfs*, p. 24.
[62] Schaller, *Theodulfs Exil*.
[63] Dahlhaus-Berg, *Nova antiquitas*, p. 20, before a *Hofgericht*.
[64] See Theodulf, *Carmina*, 72, 55-56 and 65-66 for Leo III's conferral of the pallium. *Carmen*, 72, 56: «non est confessus praesul et ecce perit»; 63-67: «Esto: forem fassus, cuius censura valeret / dedere iudicii congrua frena mihi? Solius illud opus Romani praesulis exstat / cuuis ego accepi pallia cerat manu».
[65] Theodulf, *Carmina*, 73, 85-92, Modoin promises him amnesty from Louis, release from imprisonment, and return to court, as long as he confesses. See Schaller, *Philologische Untersuchungen*, p. 26, for a second plausible allusion to this issue in *Carmen*, 17, 17: «Pallia apostolica data tunc de sede vigebant/ Iusque potestatis vestis et ordo fuit», if one dates it later. On *confessio pura,* see Stella, *Carlo e la sua ombra*, p. 23, n. 39.

died in prison before 821[66]. Dieter Schaller saw a *damnatio memoriae*, which could explain the state of the evidence[67]. But two epitaphs for Theodulf survive in manuscripts, the second of which, a longer composition in first person, states that Louis listened to informers against his archbishop, even though he wanted to bring him back[68].

7.1. Carmen *34*

Like Boethius, Theodulf became entangled in a conspiracy, whose details remain obscure. Most modern scholarship regards him as innocent of involvement with Bernard's uprising[69]. And Exhibit A is *Carmen*, 34, 1-8[70]:

> Fabula Geryonem tricipem regnasse canit, quod
>   Unum cor potuit fratribus esse tribus[71].
> Pagina veridico recinit sermone beata,
>   Figmenta exsuperans omnia lege pia,
> Terrea germanos ob regni culmina reges   5
>   Crudeli quosdam fraude dedisse neci.
> Omnibus hoc votis, omni est hoc arte cavendum,
>   Ne nostro in saeclo tale quid esse queat[72].

The poem must be a political allegory supporting primogeniture as opposed to partition (power-sharing) among royal heirs. But this still leaves two possible contexts. One is 806, Charlemagne's *divisio imperii*, which would position Theodulf in opposition to Frankish custom and Charlemagne's disposition[73]. The alternative is 817, which would put Theodulf in harmony with Louis' *ordinatio*, where Pippin I and Louis the German were subjected to Lo-

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[66] The *terminus a quo* is provided by Louis' amnesty of October 821 for those associated with Bernard's uprising. See Dahlhaus-Berg, *Nova antiquitas*, p. 21.

[67] Schaller, *Theodulfs Exil*, p. 91. Theodulf is not mentioned in Schwedler, *Vergessen*.

[68] See Theodulf, *Carmina*, p. 444, vv. 17-20: «Qui delatorum contra me falsa nocentum / suscepit verba, quam pius certe mihi / (…) Unde quidem voluit me revocare satis». Compare Anonymus Valesianus, 86: «plus credidit falsis testibus quam senatoribus».

[69] For innocence, see Rzehulka, *Theodulf*, 52-57; Schaller, *Briefgedichte*, p. 113; Schaller, *Theodulfs Exil*, p. 91: «einer kaum schuldhaften Verstrickung» in Bernard's fate. Likewise, Godman, *Poets and Emperors*, p. 105; and Greeley, *Raptors*, p. 46.

[70] Transmitted by Sirmond's 1624 edition alone, which is to be found in PL 105.

[71] Isidore of Seville, *Etymologiae*, XI, 3, 27, from Justin's *Epitome of Pompeius Trogus' Philippica*, XLIV, 4, 16.

[72] «Mythology sings that three-headed Geryon reigned because three brothers could share one heart (cf. *Acta Apostolorum*, 4, 32: "Multitudinis autem credentium erat cor unum, et anima una: nec quisquam eorum quae possidebat, aliquid suum esse dicebat, sed erant illis omnia communia"). But the blessed page resounds in truth-speaking words trumping all such inventions with its pious law that kings who were brothers once condemned some [people] cruelly and deceitfully to death because of earthly ambitions. We must beware in all our prayers and devices that nothing of the sort occur in our times».

[73] This was the date supported by Hauréau, *Singularités*, pp. 88-89. Likewise by Noble, *Some observations*, p. 33.

thar, and Bernard of Italy was written out of the picture[74]. But if the poem dates to 817, its content is in line with the *ordinatio* and out of line with Bernard, thereby rendering Theodulf's condemnation odd[75]. Accusation of intellectual complicity in opposition to the *ordinatio* seems unlikely on the basis of this poem[76]. Godman thus read it as an attempt at *ingratiation* by Theodulf with Louis' policy and his heir[77]. I would add some additional caveats here. Is the poem complete? Suppose it dated to after Theodulf's condemnation and represented a change of heart[78]? But if one accepts that he was innocent of conspiring with the young king of Italy against Louis, can one get a better sense of what he did do?

7.2. *Theodulf's non-confession:* Carmen *71*

Discussions of the conspiracy don't always use Theodulf effectively[79]. In his *Carmen*, 71, 71-78, to Aiulfus of Bourges he said:

> Non regi aut proli, non eius crede iugali
>   peccavi, ut meritis haec mala tanta veham.
> Crede meis verbis, frater sanctissime, crede
>   me obiecti haudquaquam criminis esse reum.
> Perderet ut sceptrum, vitam, propriumque nepotem: 75
>   haec tria sum numquam consiliatus ego
> Addimus et quartum: mihi non fuit illa voluntas
>   utcumque ut rerum, haec mala tanta forent.

From these hints we must reconstruct the accusations. I read the first couplet (71-72), not as the substance of accusations, but as what Theodulf didn't do and was known not to have done[80]. Clearing the decks, as it were: nothing against Louis, Lothar, or Irmengard[81]. The *crimen obiectum* first comes, I think, in 75-76[82].

This key passage needs to be unpacked and translated correctly. The key questions are: 1) What is the syntax of *ut* in v. 75? A result clause? Or a jussive noun-clause? 2) Who is the subject of *perderet*? And what does *perdo* mean here?

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[74] Godman, *Poets and Emperors*, p. 99.

[75] Already noted by Noble, *The Revolt*, p. 32, who admits the lack of clarity.

[76] Unless one assumes a complicated hypothesis, such as a change of heart and a different dating of *Carmen* 34. But *entia non sunt multiplicanda*.

[77] Godman, *Poets and Emperors*, p. 99.

[78] See Schaller, *Philologische Untersuchungen*, for alarming warnings about the transmission of Theodulf's poems and the failings of Duemmler's edition.

[79] See Schaller, *Studien*, p. 108, on the need for philology to speak.

[80] Disagreeing with Noble, *Some observations*, p. 31.

[81] This syncs with later traditions about the empress' enmity to Bernard. See *Visio Pauperculae*, etc. Dutton, *The Politics of Dreaming*, p. 73, sees her as having made a deposition against Bernard (reading *depositionis* with the MS, not taking Wattenbach's conjecture *desponsationis*).

[82] Disagreeing in this with Schaller, *Briefgedichte*, p. 115.

Consilior can mean either «to deliberate about» or «to give advice». I take the syntax as indirect command, giving the substance of what Theodulf is supposed *to have recommended*[83].

«I never advised, that [Louis] should lose his scepter, his life, and his own sons» (Liersch)[84].

«I never advised these three things: that he [who?] should lose the sceptre, his life, and his own descendant» (Alexandrenko)[85].

«I have never counselled these three things: that he should lose his throne, his life, and his nephew [Bernard]» (Godman)[86].

These translations[87] all take *perdo* as «lose», all entail different problems, and are all colored by that red herring – that Theodulf was Bernard's co-conspirator. I prefer to translate *perdo* as «destroy», with Louis as subject, in which case the scepter and life are Bernard's. In my interpretation, *nepotem* can then be very precise («nephew»); *proli*, already denoted Lothar. Theodulf thus emerges as someone accused of being an evil counselor (Dante had a place for them!)[88] and of having caused Louis to destroy a kingdom, a life, his very own nephew. As Thegan, *Gesta*, spins it: «Illud iudicium mortale (...) imperator exercere noluit, sed consiliarii Bernhardum luminibus privaverunt».

«I didn't, believe me, sin against the king, his son, or his wife so as to rightly bear the brunt of such great evils. Believe my words, holy brother, believe them. By no means believe me guilty of the charge leveled against me. That he should destroy a scepter, a life, and his very own nephew: I never counselled these three measures. I have added a fourth point, namely that it was never my desire that such terrible evils happen»[89].

We need to hold this thought, that Theodulf, on my interpretation, became embroiled as, accessory not to Bernard's revolt, but to Louis' sentencing of his nephew, an action for which the emperor would do penance at Attigny

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[83] Schaller, *Briefgedichte*, p. 115, notes rightly «seine Beratung».
[84] This was the route of Liersch, *Die Gedichte Theodulfs*, 25: «Nie hab' ich geraten, dass der kaiser das scepter verlieren solle, das leben, die eignen söhne, niemals habe ich zu diesen dreien geraten». The scepter is imperial, the threat was to Louis' life, and *nepos* is taken as a collective for "offspring," intending some threat to all of Louis' sons. He followed Von Simson, *Jahrbücher*, p. 115, n. 1.
[85] Alexandrenko, *The Poetry of Theodulf*, p. 298. *Perderet* means «lose», but the subject could be Bernard (?), in which case *nepotem* must be a vaguer «descendant».
[86] Godman, *Poets and Emperors*, p. 101: But Godman's rendition doesn't really make sense, for loss of Bernard is not immediately compatible with the two other items, unless it refers to loss of a loving relationship.
[87] The passage was also discussed by Noble, *Some observations*, p. 34, but he didn't translate it. He concentrated on the singular *proli*, referring to Lothar. It is worth noting, though, that *prolibus* is a rare form, occurring only 21 times in the whole LLT Corpus.
[88] In the 8th Bolgia. Also *Psalmi*, 63, 3: «absconde me a consilio malignorum a tumultu operantium iniquitatem».
[89] This is the tragedy that «would haunt Louis in years to come», De Jong, *The Penitential State*, p. 29.

in 822[90] and again in 833[91]. Theodulf was accused of advocating capital pun-
ishment or the blinding that eventually was inflicted. Now for models.

7.3. *Naso and Naso:* Carmina *72 and 73*

In 819 Theodulf addressed a long elegiac plea (*Carmen* 72) from his monastic
confinement to Bishop Modoin of Autun. The latter had survived the transition
from Charlemagne's court to Louis'[92] and was in a position to intercede for him[93].
The packet, interestingly, also included accounts of several natural wonders: a
drought affecting the river Sarthe and two battles of birds, one near Toulouse and
one near Lyon[94]. Modoin replied in *Carmen* 73 with consolatory exempla about
«gnawing envy», *livor edax*. The first historical victim is Ovid, "Naso"[95], which
matches Theodulf's own self-stylization[96] and Modoin's own poetic nickname
("Naso")[97]. The second exemplum, however, is my concern, our topic being the
reach of models between the Ostrogothic Kingdom and Carolingian Italy.

> Ipse Severinus magna est deiectus ab urbe,
>   Consul Romana clarus ab urbe procul.   50

Severinus is our Boethius. And it makes perfect sense for Modoin to cite
him. But how informed and how deep did this model run for both the corre-
spondents? Who is Modoin's Boethius and where does he come from? He is
depicted as cast down and exiled from the City (Rome), an assimilation per-
haps to Ovid in the previous lines. We need some *Überlieferungsgeschichte*.

7.4. *The historical reception of Boethius' fall in the early Carolingian period*

The transmission of the *Consolatio* is murky between the sixth and the
ninth century with dead silence after the 520's, and real uncertainties sur-
rounding its journey to Northern Europe. Did it make its way to Vivarium

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[90] De Jong, *The Penitential State*, p. 122. The atonement for Bernard is narrated in the *Annales regni Francorum*, a. 822 (MGH, SS rer. Germ. 6, p. 158). See De Jong, *The Penitential State*, pp. 126-127, for Radbert on Louis' (insincere) penance. Radbert alluded to Bernard's eyes. In general, Guillot, *Autour de la pénitence publique*, and Depreux, *The Penance of Attigny*.
[91] See Booker, *Past Convictions*, and De Jong, *The Penitential State*, p. 128.
[92] See Noble, *The Revolt*, pp. 319-320, for Louis' mistrust and clean-up (he sent his own sisters away, also Adalhard and Wala) and his liquidation of Charlemagne's central administration.
[93] Manitius, *Geschichte der lateinischen Literatur*, p. 549. He was appointed by Louis in 815.
[94] On these prodigies, see Dutton, *The Politics of Dreaming*, pp. 84-86.
[95] Theodulf, *Carmina*, 73, 45-48.
[96] See *Carmen* 72's intertextualities with the *Tristia* and the *Epistulae ex Ponto* (Duemmler apparatus).
[97] MGH, Poetae 1, pp. 382-384. For more on Carolingian nicknames, see Garrison, *The Social World of Alcuin*, and De Jong, *Epitaph for an Era*, pp. 132-136, on «nicknames, bynames, pseu-
donyms, and aliases».

and thence to Monte Cassino and to Fleury[98]? Was it in England in the Early Middle Ages[99]? Alcuin and his homeland used to be considered key[100]. It now seems, however, that Alcuin encountered the *Consolatio* and first used it in Francia[101]. Indicators seem to converge on Fleury[102], the abbey that Charlemagne had given to Theodulf[103]. And from there emerged perhaps the earliest surviving manuscript of the *Consolatio*, Orléans, Bibl. Mun, 270[104]. So we could imagine the *Consolatio* as a hot and topical intertext in Francia at the time. After all, Theodulf has been claimed as «certainly as great an admirer of Boethius as [Alcuin]»[105]. The basis is, however, one reference in the *Opus Caroli*, to Boethius' commentary on Aristotle's *Peri Hermeneias*[106].

7.5. Consolatio, *I, 4*

How much could Modoin and Theodulf have known about Boethius' fall? In the commentary and glossing on the historical realia in *Consolatio*, I, 4, one finds little accurate historical knowledge or understanding of the text. Theoderic was a tyrant, Conigastus a *barbarus*, the coemption involved selling the king's grain[107], the *palatinae canes* were greedy men's wives[108]. This is derived from guesswork and from the *Consolatio* itself and is reminiscent of James Willis' «A View of Medieval Philology»[109].

7.6. Vitae

Particularly important then should be the narratives about Boethius to be found in commentaries and paratexts surrounding the *Consolatio*. But the six Boethian *Vitae* published by Peiper fail to impress: Boethius is dated under Marcian (450-457) by some: Rome was captured by Theoderic when Boethius was consul[110]; Odoacer invaded Italy in 405[111].

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[98] This was the path posited for some Vivarium books by Courcelle, *Les lettres grecques*, pp. 382-388.
[99] Troncarelli, *Tradizioni perdute*, pp. 112-124.
[100] Courcelle, *La Consolation de philosophie*; Courcelle, *Les sources antiques*.
[101] Courcelle, *Les sources antiques*. This was in his *De grammatica /Disputatio*, on which see Copeland – Sluiter, *Medieval Grammar*, pp. 272-275, who date it between 790-800.
[102] Papahagi, *The Transmission*, pp. 5-8.
[103] Dahlhaus-Berg, *Nova antiquitas*, p. 9.
[104] For a detailed description, see Troncarelli, *Cogitatio mentis*, pp. 149-150.
[105] Papahagi, *The Transmission*, p. 7.
[106] *Opus Caroli regis*, IV, 23, pp. 545, l. 37, and 546, ll. 1-4.
[107] Contrast Troncarelli, *Inaudita in Excerpta*, p. 165.
[108] Details from the commentary in the MS Digby 174 edited by Silk, *Commentarius*, pp. 32-47. Now seen as twelfth century and derived from Remigius. See Love, *The Latin Commentaries*, p. 106.
[109] Willis, *Latin Textual Criticism*, pp. 126-130.
[110] Peiper, *Philosophiae Consolationis*, pp. XXXII-XXXIII.
[111] *Ibidem*, p. XXXV.

Modoin's emphasis on Boethius' consulship suggests that he knew his Boethius from sources such as the *Vitae* collected by Peiper[112]. *Vita* I: «consul in urbe fuit»; *Vita* II: «consul fuit Romanorum»; *Vita* V: «Tempore quidem consulatus Boetii capta Roma». The *Consolatio* alludes to Boethius' sons' consulship[113], but not to his own of 510. No clear intertextuality points to the text of the *Consolatio*. Even educated ecclesiastics read the historical background of the *Consolatio* in the Carolingian Empire through a glass darkly.

7.7. *Near miss / Close call*

In this story we see a close call, an intersection that didn't happen. Modoin's historical memory of Boethius seems dependent on Peiper's *Vitae*. Fleury emerges as the home of the earliest known manuscript of the *Consolatio*, one that has been dated to 825 – just a few years too late for Theodulf, who was dead by 821[114]. And what of Theodulf? I would argue *ex silentio* that Theodulf had never read the *Consolatio*, despite one citation of Boethius' *logica* in the *Libri Carolini*. He didn't demonstrably use the *Consolatio* in an obvious place, his poems about the theodicy, *Carmina* 7[115] and 13, which, as Schaller pointed out, are more plausibly dated late[116]. *Carmen* 13 includes an allusion to the *rota fortunae* and also to *Liber sapientiae*, 8, 1, both of which also feature in the *Consolatio*[117], but the latter passage was frequently cited in relation to questions of divine justice, and former had been a topos since Cicero[118].

Self-dramatization as Boethius would have been irresistible for someone in Theodulf's tight corner with his ruler. And, arguably a better choice for a respectable clergyman, than "Naso"[119]. Now, at the opening of *Carmen* 72 Theodulf's Thalia-Erato makes her way *de carceris antro*[120] to supplicate Modoin. I find this scenario unlikely for an author, who had internalized how Philosophy banished Boethius' theatrical hussies in *Consolatio*, I, 1, 8. In Theodulf we see a purely Ovidian poet in exile, whose *error* we have to work

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[112] *Ibidem*, pp. XXX-XXXV.
[113] *Consolatio*, II, 3, 8, and II, 4, 7.
[114] See Troncarelli, *Cogitatio mentis*, pp. 249-250; pp. 243-244, where he lists BAV, Vat. Lat. 3363, dated by Bischoff to the first thirty years of the ninth century. and perhaps also written at Fleury. Love, *The Latin Commentaries*, p. 94, dates it to the first half of the ninth century.
[115] Which draws on Old Testament voices: David, Jeremiah, and Job.
[116] Schaller, *Philologische Untersuchungen*, pp. 24 and 26.
[117] *Consolatio*, II, 1, 19, «rotae impetum», and II, 2, 9, «rotam volubili orbe versamus». See *Consolatio* III, 12, 22. There are 51 hits in Augustine alone for *fortiter + suaviter*, echoing *Liber sapientiae*, 8, 1.
[118] See Cicero, *In Pisonem*, 22, and, for fortune's wheel in general, Gruber, *Kommentar zu Boethius*, p. 170, and also p. 75. Also Courcelle, *La Consolation de philosophie*, pp. 127-134.
[119] Note how the latter nickname would be used by his enemies against Bernard of Septimania accused of adultery with Judith. See De Jong, *The Penitential State*, p. 109.
[120] Not sufficiently close to *Consolatio*, III, 2, v. 18: «ales caveae clauditur antro» to qualify for intertextuality.

out from his *carmina*[121]. It is a pity that he quarreled so violently with Alcuin in 801-802[122]. Alcuin knew the *Consolatio* and could have sent him a copy[123] to provide philosophical solace. The *Consolatio* would soon be cited in Carolingian discourse about Theoderic, but that would first be in Walahfrid's *De Imagine Tetrici*, 42-43 and 256-257 (*Consolatio*, I, 4), a poem that can be dated to spring 829[124].

8. *Conspiracies in general: into orbit?*

Conspiracies are by their nature difficult for judges and historians. Sparse and over-allusive sources make it doubly difficult for pre-modern historians to try to work out what happened inside ancient and medieval conspiracies. And autobiographical poets must be the trickiest sources[125]. We soon begin to sound like conspiracy-theorists ourselves[126]. And there are dismal paranoid refrains: it's always about envy[127].

8.1. *Attempting an alternative narrative*

Editors must print a text, and translators must agree on a translation. I'm going to take the risk that no novelist can avoid, namely imagining a scenario to account for the meagre evidence. Theodulf's own writings on kingship make him a most unlikely co-conspirator of the young king of Italy. I have already re-interpreted his autobiographical statement about what he didn't and did do to exclude involvement in Bernard's uprising. He refused to confess his guilt, but we have to reconstruct the charges against him from allusive formulations. I focused on *consiliatus*, reading it as «having counselled». It seems to me that the historiographical sources concentrate heavily on that word in the assignment of blame. For the most part, Bernard was presented as susceptible to evil counsel (hence as to some degree innocent), while on the other end, all the surviving sources aim to disculpate Louis the Pious[128], sad-

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[121] Thinking of Ovid, *Tristia*, II, 207, «duo crimina, carmen et error», and Theodulf, *Carmina*, 44, 15-16. This is what Noble, *Some observations*, p. 33, seeks to profile. For Ovid, already Von Simson, *Jahrbücher*, p. 122.
[122] Meens, *Sanctuary*.
[123] See above, §7.4.
[124] Homeyer, *Zu Walahfrid Strabos*, p. 904.
[125] See the wisdom of Schaller, *Briefgedichte*, p. 109, on the slipperiness of literary epistles and how their facts can be denatured by their literary models.
[126] Syme, *History in Ovid*, p. 216 on the range.
[127] Theodulf, *Carmina*, 71, 25-26, of Sintegaudus' removal from his bishopric; 73, 45, for Theodulf's fall.
[128] Astronomus, *Vita*, 29 (p. 382), improbably has Louis boosting Bernard before Charles! Even Andreas of Bergamo in the later ninth century aims to do so by making Irmengard responsible! See Andreas of Bergamo, *Historia*, 6.

dled with his nephew's corpse and with the onus of his death. He could have spared Bernard's life and tonsured him, he could have executed him, but what he did was have him blinded[129]. Bernard, for whatever reason, did not survive this judicial mutilation, whatever its intention was. And the weight of Charles' instructions about how his descendants were not to be harmed lay heavy on Louis' conscience[130]:

> De nepotibus vero nostris, filiis scilicet praedictorum filiorum nostrorum, qui eis vel iam nati sunt vel adhuc nascituri sunt, placuit nobis praecipere, ut nullus eorum per quaslibet occasiones quemlibet ex illis apud se accusatum sine iusta discussione atque examinatione aut occidere aut membris mancare ant excaecare aut invitum tondere faciat; sed volumus ut honorati sint apud patres vel patruos suos et obedientes sint illis cum omni subiectione quam decet in tali consanguinitate esse[131].

8.2. *A hard decision and the subsequent blame game*

All the sources are united in emphasizing the difficulty of the decision about Bernard's punishment. Astronomus, *Vita*, 30 (p. 384) described an "execution" party, while Louis' choice of blinding is seen as milder (*indulgentius agente*). P. 386 emphasizes what Louis didn't call for: no executions; no further mutilations. It is almost as if Astronomus is thinking of Charles' strictures in the *Divisio regnorum*, 18. Thegan, *Gesta*, 23, p. 212, presents Louis as against capital punishment: it is his *consiliarii* who had Bernard blinded. He presents the penance at Attigny as if it directly followed Bernard's death. Both Thegan and Astronomus simply listed Theodulf among the rebellious with no further comment.

The CMM likewise disculpates Louis, though less extravagantly:

> Tunc pariter iudicaverunt eos omnes dignos ad mortem. Sed piissimus imperator perpercit vitae illorum iussitque Barnardo occulos erui. Sed cum factum fuisset die tercio mortuus est.

It ends, apparently, before Attigny. But Moissac alone provides some more detail about Theodulf:

> Teudulfum vero episcopum Auriliense, qui et ipse auctor predicti maligni consilii fuit, synodo facto episcoporum vel abbatum nec non et aliorum sacerdotum, iudicaverunt

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[129] The actual blinding is said by Nithard, *Historiae*, I, 2, to have been performed by Bertmundus, the *praefectus* of the *provincia Lugdunensis*. On this punishment in general, see Bührer-Thierry, *'Just Anger' or 'Vengeful Anger'?*.

[130] See *Capitularia regum Francorum*, 45 (*Divisio regnorum*), 18 (MGH, LL 1, pp. 129-130). Jarnut, *Kaiser Ludwig*, p. 647, drums in his own awareness of his guilt.

[131] «As for our descendants, the sons of my aforementioned sons, those either already born or who have yet to be born – I have decided to advise that none of them should on any occasion either execute, mutilate or blind or [even] tonsure, if he be unwilling, one of them accused before him without a judicial inquiry and trial. We desire that they be respected by their fathers and uncles and that they obey them with every sign of respect that should obtain in such family relations».

tam ipsum, quam omnes de ordine aecclesiastico, episcopos, abbates vel ceterum cle-
rum, qui de hoc maligno consilio conscii venerant (fuerant in BN lat. 5941) a proprio
deciderent gradu quod ita factum est[132].

8.3. *The dangers of counsel*

Moissac's language is very repetitive and is focused on ill-intentioned
counsel (*malignum consilium*), which is also applied to Achiteus/Eggideus
qui auctor consilii maligni fuerat. The apparatus for the *Moissac Chronicle*,
shows that the word *praedicti* is missing from one of the MSS[133]. The man-
uscript in question, Paris, BN lat. 5941, AA, or "Aniane Annals"[134], has been
described as «heavily interpolated»[135]. But although the archetype (Ω)[136] must
have read *praedicti*, the reading could have been an error[137]. If that is the case,
the passage means:

> But they convened a synod of bishops or abbots and also other priests, and judged Theo-
> dulf, the bishop of Orléans, who was himself too the originator of an evil counsel, as well
> as all the ecclesiastics, bishops, abbots and the rest who had come as parties to this evil
> counsel [that they should] be deposed from their rank, which is what was done.

The second *malignum consilium* is not specified, but I am suggesting
that it was connected with the debate about the punishment of the captured
conspirators. Fulda had asked for clemency[138]. Theodulf, I propose, was, as
senior archbishop, somehow involved in Louis' decision-making about the
conspirators. Theodulf either made a suggestion that was not interpreted as
he intended it to be, or he was accused of making a suggestion that he had not
made. In either case he could be presented as responsible for the tragic death
of Bernard.

8.4. *Counsel and punishment*

Theodulf had been a judge (*missus dominicus*) himself in 797-798. He
understood ambiguous oaths and judicial stratagems[139]. But he also warned

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[132] CMM, p. 150.
[133] *Chronicon Moissiacense*, MGH, SS 1, p. 313, deest in MS. 2. Kats – Claszen, CMM, p. 150,
notes «not AA». AA is the siglum for BN lat. 5941, which has been digitized and is easily avai-
lable.
[134] See CMM, p. 15.
[135] Kramer, *A Crowning Achievement*, p. 232. The interpolations are primarily from Einhard's
Vita Karoli. See Kats – Claszen, CMM, p. 37.
[136] *Ibidem*, p. 53, calls it «the composer's autograph».
[137] *Ibidem*, p. 64, acknowledges the presence of errors in P that are not shared by AA.
[138] Malfatti, *Bernardo*, p. 36, citing fragmentary letters from Fulda. The text in question is in
Epistularum Fuldensium fragmenta, 1 (MGH, Epp. 5, p. 517), which attests the monks' letter
to Louis.
[139] Theodulf, *Carmina*, 28, 837-838 and 615, «Finge aliud».

witnesses about occasioning others' death[140], and expressed horror at the severity of Frankish corporal punishments[141]. He preferred whips to the sword and saw a merciful judge as virtually resurrecting prisoners[142]. Could he have advocated blinding because it fell short of execution? Or could he have been falsely reported by enemies as pro-blinding[143]? If Bernard really did commit suicide, could the guilt for causing it have been assigned because Bernard died in mortal sin? These are unanswerable questions, but still worth posing.

8.5 *The implications of* confessio

Why did Louis demand Theodulf's *confessio*? In light of what Modoin says about Louis' guaranteed amnesty, provided Theodulf make an oral confession[144], Louis may have wanted the archbishop of Orléans to take the blame or responsibility, *vulgo* "the fall", for Bernard's death. Hence Louis' anger[145]. Thegan, *Gesta*, 23, limits Louis' (immediate?) confession to «not preventing his counselors from carrying out this mutilation»[146]. Louis may have wanted someone to help shoulder the guilt. He presumably believed that the confession would help process the evil in and guilt of the state. The *confessio* Louis demanded from Theodulf then might not just have been a legal one, but one prospective to Attigny. He may have intended to show third parties, enemies of Theodulf's[147], that something was being done – before reinstating him. Or perhaps the intent was more sinister, namely to occasion such public personal humiliation that the option remained unthinkable for Theodulf. Even though such a confession differed from a Maoist struggle session, the humiliation would have sufficed[148].

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[140] *Ibidem*, 28, 781-84: «Sis vigil, interea, ne dum vis promere vera / quilibet intereat proditione tua. / Dignus morte manet sons, noli rodere sontem / nec tua vox pandat sanguinis eius iter».
[141] See Monod, *Les moeurs judiciaires*; especially Theodulf, *Carmina*, 29, 27-32: «quin oculos generis pulchri stirpemque parentis / crusque manusque simul iura moderna levant» – for thieves!
[142] *Ibidem*, 28, 871-872, and881-886.
[143] But Modoin didn't see any deniability for Theodulfus. *Carmen*, 73, 97-98: «Sed mihimet melius visum est, ut sponte fatetur, / Quodque negari ullo non valet ingenio».
[144] *Ibidem*, 73, 89-92: «Commissum scelus omne tibi dimittere mavult, / Si peccasse tamen te memorare velis. / Nam prodesse tibi confessio pura valebit, / Si te voce probas criminis esse reum». *Confessio pura* means «making a clean breast of it».
[145] *Ibidem*, 73, 99-100: «Nullo alio superare modo puto principis iram / Posse, probes nisi te criminis esse reum».
[146] «Quod audiens imperator, magno cum dolore flevit multis temporibus, et confessionem dedit coram omnibus episcopis suis, quia non prohibuit consiliariis suis hanc debilitatem agere».
[147] Benedict of Aniane? Matfrid? Jonas? Mayke de Jong reminds me that the reinstatement probably involved being allowed to return to court, not a return to his see. In Theodulf, *Carmina*, 72, 19, one should read *aut* for *haud*, following Schaller, *Philologische Untersuchungen*, pp. 44 and 64. And *Carmen*, 73, 86, speaks of a return to Caesar's *nitidum limen* («shining threshold»). But *Carmen*, 73, 104, promises a return to the *amissum gradum*.
[148] Mayke de Jong points to the (later) travails of Ebo of Reims, for whom, see De Jong, *The Penitential State*, pp. 51-52. For Eb(b)o and his infamia, see Booker, *The False Decretals*.

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9. *Paying later vs. paying now: and how?*

History didn't leave matters there. Those who sit in judgement on conspiracies or betray or expose them pay both in *Rezeptionsgeschichte* and, so some believe, in various hot abodes in the hereafter. Boethius' and Symmachus' executions damaged Theoderic's reputation: Pope John and Symmachus were seen depositing him in a crater of hell in Lipari[149]. Bernard's did the same for Louis, for the *Visio Paupertulae* shows a similar concern for justice for Bernard in the afterlife[150]. Bernard's fate was seen as a crime requiring penance, which Louis performed in 822 at Attigny. He faced that public humiliation before and with his bishops, a year after Theodulf died. And Gregory the Great was not the last to see Theoderic in hell[151]. Since the conference took place at the Scuola Normale Superiore di Pisa, I end with a famous local voice, improving on Gregory the Great, and imagining Boethius' last smile, one of Christian and philosophical detachment, one hopes, not of *Schadenfreude*.

> Ecco Lipari, la reggia
> Di Vulcano ardua che fuma   90
> E tra i bòmbiti lampeggia
> De l'ardor che la consuma:
> Quivi giunto il caval nero
> Contro il ciel forte springò
> Annitrendo; e il cavaliero   95
> Nel cratere inabissò.
>
> Ma dal calabro confine
> Che mai sorge in vetta al monte?
> Non è il sole, è un bianco crine;
> Non è il sole, è un'ampia fronte   100
> Sanguinosa, in un sorriso
> Di martirio e di splendor:
> Di Boezio è il santo viso,
> Del romano senator[152].

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[149] Gregory the Great, *Dialogi*, IV, 31.
[150] See the splendid pages of Dutton, *The Politics of Dreaming*, pp. 67-74. I am intrigued by whether the *Visio* influenced Louis' penance or whether it is an *ex eventu* prophecy, which seems to be what Dutton, *The Politics of Dreaming*, p. 74, is suggesting. Levison, *Die Politik*, p. 238, sees the vision as a means to bring Louis to repentance.
[151] I hope to discuss Walahfrid Strabo's *De imagine Tetrici* in another context.
[152] Carducci, *La leggenda di Teodorico*, in *Rime nuove*, dicembre 1884-20 gennaio 1885. The poem works from the legend of Theoderic's wild ride from the Thidrekssaga. For an English translation, see Haymes, *The Saga of Thidrek*, pp. 268-269. For a start on the tradition, see Licht, *Walahfrid, Strabo*, pp. 26-27.

Appendix. The Cassiodoran Vita

The *Vita* edited in Fabio Troncarelli's *Tradizioni perdute* is described as «molto particolare»[153] divergent from the *Lives* published by Peiper. It is supposed to descend from Cassiodorus' ancient edition, traces of which can be discerned in a cluster of early MSS[154]. Troncarelli edited the text from five of them[155]. This Vita has known sources: 1-7 and 13-17 come from the *Ordo generis* and 8-12 come from the *Liber Pontificalis*. But the *Vita* is highly fragmentary, Harley 3095 having the fullest form. It seems to me that the medieval evidence looks like a composite put together from pieces, not shadows of something originally unitary. While I fully acknowledge the traditions and information, I remain somewhat skeptical about the posited Cassiodoran archetype. The only sound historical information in this text comes from the *Ordo generis.* Too much of the information is transmitted in bits and pieces and marginally[156] or appended to a commentary. This text thus seems to me more like a Frankenstein monster, not demonstrably something formerly whole of which we have the *membra disiecta.*

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[153] Troncarelli, *Tradizioni perdute*, p. 1.
[154] *Ibidem*, p. 3: 8 are complete; 7 are incomplete.
[155] *Ibidem*, p. 11.
[156] *Ibidem*, p. 17.

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Danuta Shanzer
Universität Wien and Österreichische Akademie der Wissenschaften
danuta.shanzer@univie.ac.at

Cassiodorus' *Variae* in the 9ᵗʰ Century

by Marco Cristini

The fate of Cassiodorus' *Variae* during the Early Middle Ages is largely unknown, since the manuscript tradition begins with the eleventh century, and long quotations taken from them are attested only from that period. However, words or expressions reminiscent of the *Variae* occur more than once in Charlemagne's letters to Byzantium, in the works of Paschasius, and in the *Donation of Constantine*. The author of the epistles sent by Charlemagne to the East Roman emperor was aware of the ideological context of *Variae* I, 1, and the same is true for the *Donation of Constantine*. At the same time, Paschasius used Cassiodorus as a source of elegant words and expressions, thereby treating him like a classical author. It is impossible to ascertain whether Carolingian writers had access to all books of the *Variae,* or only to a substantial selection of letters (similar for instance to the manuscript containing the *Epistolae Austrasicae*), but there is a high degree of likelihood that they knew quite a few epistles of Cassiodorus, and were able to appreciate the political messages conveyed by them.

Early Middle Ages; 9ᵗʰ Century; Charlemagne; Paschasius Radbertus; Cassiodorus' *Variae*; Donation of Constantine.

Marco Cristini, University of Tübingen, Germany, marco.cristini@sns.it, 0000-0002-9629-5119

Abbreviations
CCCM = Corpus Christianorum, Continuatio Mediaevalis.
CCSL = Corpus Christianorum, Series Latina.
CDS = Cross Database Searchtool.
CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum.
LLT = Library of Latin Texts.
MGH, AA 9 = *Chronica minora saec. IV. V. VI. VII.* (II), ed. T. Mommsen, Berlin 1892 (Auctores antiquissimi, 9).
MGH, AA 11 = *Chronica minora saec. IV. V. VI. VII.* (II), ed. T. Mommsen, Berlin 1894 (Auctores antiquissimi, 11).
MGH, AA 12 = Cassiodorus, *Variae*, ed. T. Mommsen, Berlin 1894 (Auctores antiquissimi, 12).
MGH, Conc. 2, 2 = *Concilia aevi Karolini (742-842). Teil 2 (819-842)*, Hannover-Leipzig 1908 (Concilia, 2, 2).
MGH, Conc. 3 = *Die Konzilien der karolingischen Teilreiche 843-859*, ed. W. Hartmann, Hannover 1984 (Concilia, 3).
MGH, Epp. 3 = *Epistolae Merowingici et Karolini aevi* (I), ed. E. Duemmler, Berlin 1892 (Epistolae [in Quart], 3).
MGH, Epp. 4 = *Epistolae Karolini aevi* (II), ed. E. Duemmler, Berlin 1895 (Epistolae [in Quart], 4).
MGH, Epp. 7 = *Epistolae Karolini aevi* (V), ed. P. Kehr, Berlin 1928 (Epistolae [in Quart], 7).
MGH, Poetae 1 = *Poetae Latini medii aevi Carolini* (I), ed. E. Duemmler, Berlin 1881 (*Poetae Latini medii aevi*, 1).
MGH, SS rer. Germ. 6 = *Annales regni Francorum*, s.a. 814, ed. F. Kurze, Hannover 1895 (Scriptores rerum Germanicarum in usum scholarum separatim editi, 6).
MLW = *Mittellateinisches Wörterbuch bis zum ausgehenden 13. Jahrhundert*, München 1967-.
NGML = *Novum glossarium mediae Latinitatis ab anno DCCC usque ad annum MCC*, København 1955-.
PL = Patrologia Latina.
SC = Sources Chrétiennes.
ThlL = *Thesaurus linguae Latinae*, Leipzig 1900-.

1. *Introduction*

The letters of Cassiodorus are one of the most important sources for the history of sixth-century Italy, and were widely used as a model for the drafting of letters during the Late Middle Ages and the Early Modern Period, yet their fate during the Early Middle Ages is largely unknown. They are mentioned in three ninth-century catalogues from Lorsch, and then brief quotations taken from them surface in documents written from 997 onwards in the area around Rome, as recent research carried out by Internullo has shown[1]. Apart from two eleventh-century fragments, the *Variae* are again attested from the twelfth century onwards. However, scholars have often looked for explicit mentions of Cassiodorus or, failing these, for whole sentences taken from his correspondence, neglecting the occurrences of single words or expressions[2]. Thanks to the databases of classical, late antique, and early medieval texts that are now available, it is possible to obtain quite easily a comprehensive overview of the occurrences of the main lexical and stylistic peculiarities of Cassiodorus' letters in earlier and later works, thereby gaining an insight into their diffusion in ninth-century Europe. To this end, selected expressions taken from the *Variae* have been investigated by using three databases (*Library of Latin Texts*, *Monumenta Germaniae Historica*, and *Corpus Corporum*[3]) and their occurrences have been duly contextualized in order to assess their significance.

2. *Cassiodorus at Aachen: the* Variae *as models for Charlemagne's letters to Constantinople*

Diplomatic letters played a fundamental role in Late Antiquity and the Early Middle Ages, since they integrated and sometimes replaced oral mes-

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[1] For an overview, see Michel, *Transmission*. On the Lorsch catalogues, see Cristini, *Liber epistularum Senatoris*. On ninth and tenth century occurrences, see Internullo, *Felix querela*, as well as Internullo's paper in this volume.
[2] The lack of explicit mentions of Cassiodorus' *Variae* in early medieval works has led to a *communis opinio* which could be summarized as follows: «aucun élément ne semble attester de la connaissance des *Variae* parmi les membres de l'école palatine ni de la chancellerie carolingienne» (Michel, *Les Variæ*, p. 90).
[3] *Corpus Corporum*: <http://www.mlat.uzh.ch/MLS/>; *Monumenta Germaniae Historica*: <https://www.dmgh.de/>; LLT: <www.brepolis.net.> [Last accessed 28 December 2021].

sages. However, the definition of diplomatic correspondence is by no means straightforward, because it encompassed (and indeed still encompasses) several types of documents which were sent to different addressees. For the purpose of this study, a diplomatic letter is seen as an epistle signed by a sovereign and sent to another sovereign or to a leading secular authority belonging to a political entity situated outside the territories ruled by the sender[4]. These documents were not at all rare in the ancient and medieval world, for each embassy usually carried one or more letters, possibly supplemented by oral messages, yet they rarely survived, as their usefulness was often limited to a particular situation, after which the preservation of these documents became of secondary importance. The chanceries of the major Post-Roman kingdoms, the Carolingian Empire and Byzantium, probably kept originals or copies of many of them, but the loss of almost all secular archives resulted in the disappearance of most letters concerning foreign affairs, while documents dealing with doctrinal issues or Church properties were preserved by ecclesiastical writers, or in the archives of religious and monastic institutions[5].

Quite a few diplomatic letters written in Ostrogothic Italy and Merovingian Gaul have survived and, although they are by no means complete, they nevertheless allow us to grasp with a good degree of precision the most important features of late antique and early medieval diplomatic epistles[6]. Unfortunately, the same is not true for the Carolingian world, and especially for its founder, Charlemagne. In fact, only four of Charlemagne's diplomatic letters have survived, two addressed to Offa, king of Mercia, and two sent to Constantinople (one to emperor Nicephorus I and the other to his successor, Michael I)[7].

The small size of the sample is misleading, as Charlemagne's reign witnessed constant contacts with Byzantium, which became crucial after the annexation of the Lombard Kingdom and the subsequent hegemony over most of Italy[8]. Following the imperial proclamation of 800, the authority of the Frankish sovereigns had to be founded on a new basis, and this often clashed

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[4] See most recently Flierman, *Gregory of Tours*.
[5] See Gregory the Great, *Epistulae*, IX, 229: the Visigothic ruler Reccared asked the Pope whether the papal archives contained a copy of the treaty signed by Athanagild and Justinian fifty years earlier, but Gregory reported that the documents from Justinian's time had been destroyed by fire. The fact that only half a century later neither the Visigothic nor the Roman chancery (possibly acting as an intermediary) had a copy of such an important document contributes to explain the rarity of early medieval diplomatic letters.
[6] Ostrogothic Italy: Cassiodorus' *Variae* (including 32 diplomatic letters, 19 of which were sent to Constantinople and 13 to Germanic sovereigns or foreign peoples); Merovingian Gaul: *Epistolae Austrasicae* (including at least 44 diplomatic letters). The standard text of the *Variae* is now offered by the six-volume edition directed by Giardina, but see also Mommsen's classical edition. The *Epistolae Austrasicae* have been newly edited by Malaspina, whose work replaced Gundlach's edition.
[7] Edited in Alcuin, *Epistolae*, 87 and 100 (letters to Offa), and in *Epistulae variorum Carolo Magno regnante scriptae*, 32 and 37 (letters to Constantinople). Another letter allegedly written by Charlemagne and addressed to Offa (edited in PL 98, col. 905) is clearly forged, as it has already been shown by Von Sickel, *Acta regum et imperatorum*, 2, pp. 58 and 276.
[8] See most recently Kislinger*, Diskretion.*

with the traditional imperial prerogatives, giving rise to a lengthy debate about the title of emperor[9]. It has already been observed that after 800 Charlemagne had to look for new models, and that he did not hesitate to make use of late antique formulas. The most famous is undoubtedly «Romanum gubernans imperium», which was first used in a few papyri from Ravenna dating back to the time of Justinian and, although in a slightly different form, in the constitution *Deo auctore* of 530[10]. The letters sent to Constantinople indicate that he may also have used other sixth-century documents.

The first case-study is represented by the letter to Nicephorus I (811)[11]. Charlemagne reports that he welcomed an envoy from Constantinople, the *spatharius* Arsafius, who had been sent to his son Pippin, but had been unable to carry out the negotiations due to the death of the young *rex Langobardorum* in 810. It is likely that the main goal of the embassy was Pippin's military expedition to Veneto and the Venetian lagoon, a territory which was still formally subject to the authority of Byzantium, although it enjoyed a high degree of independence[12]. Charlemagne took this opportunity to resume the negotiations with Constantinople, which had been at a standstill for almost a decade, with the aim of achieving the recognition of his imperial title and, more generally, of putting forward a peace agreement[13]. To this end, he sent several envoys to the East, who are mentioned at the end of the letter.

This document includes some lexical and stylistic peculiarities that bring it close to Cassiodorus' *Variae*. First of all, the title *fraternitas,* referring to the *basileus,* is striking. When Frankish kings wrote to Constantinople, they usually addressed the Eastern emperor as *dominus* or *pater*, not as *frater* or *fraternitas*[14]. Interestingly, Einhard remarks that Charlemagne sent several embassies and letters to Byzantine rulers, in which he called them brothers[15]. This information was considered as noteworthy, since it is one of the few remarks concerning Charlemagne's relationship with Constantinople which Einhard included in his work.

The use of the vocabulary of kinship in diplomatic communications has always been an important element of the correspondence between ancient

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[9] This is the so-called *Zweikaiserproblem*, on which historians have been debating for over a century, see e.g. Ohnsorge, *Das Zweikaiserproblem*; Muldoon, *Empire and Order*, pp. 46-51; most recently Ančić, *The Treaty of Aachen*.
[10] Classen, *Romanum gubernans imperium*; see also Herrin, *Ravenna*, p. 378.
[11] I henceforth use the text edited by Duemmler in *Epistulae variorum Carolo Magno regnante scriptae*, 32 (pp. 546-548). On the background of the two letters sent to Constantinople, see Lounghis, *Les ambassades byzantines*, pp. 158-162. The sources mentioning the two legations are listed by Nerlich, *Diplomatische Gesandtschaften*, pp. 265-267.
[12] See Kislinger*, Diskretion, pp. 286-289.*
[13] The negotiations led to the so-called Treaty of Aachen, see most recently Ančić, *The Treaty of Aachen*; Džino*, From Justinian to Branimir*, pp. 151-152.
[14] See *Epistolae Austrasicae*, 18 («dominus»), 19 («dominus et pater»), 20 («dominus et pater»), 25 («dominus [...] pater»), 26 («dominus»).
[15] Einhard, *Vita Caroli*, 28: «mittendo ad eos crebras legationes et in epistolis fratres eos appellando».

sovereigns, but other expressions were usually employed in this period[16]. A comparison with the *Epistolae Austrasicae* confirms the rarity of *fraternitas*, which occurs only in a letter of Bishop Mapinius to Bishop Nicetius (*Epistolae Austrasicae*, 11, 4) in a religious context. This represented the main usage of *fraternitas* within epistles written during late antiquity[17]. The term was not part of the technical vocabulary which was used in the chancery of the Merovingian courts when addressing foreign sovereigns. Charlemagne, on the other hand, used *fraternitas* not only in his letters to Byzantium, but also in a letter to Offa, king of Mercia, dated to 796[18]. In this case, it is likely that the letter was drafted by Alcuin, who may have applied a term which was typical of letters written by clerics in the correspondence between sovereigns, but he may have borrowed an expression then in use in the chancery at Aachen, or have been inspired directly by a late antique letter collection, such as that of Cassiodorus[19].

What is certain is that Cassiodorus is one of the very few authors who employed the term *fraternitas* in letters that are not addressed to the clergy, as is shown by *Variae*, III, 2 (to the king of the Burgundians), and *Variae*, V, 1 (to the king of the Varni), both written on behalf of King Theoderic[20]. *Fraternitas* conveys here a precise political message, as it places the addressee and the sender on an equal footing, which may be, depending on the circumstances, a *captatio benevolentiae* towards a sovereign who was clearly less illustrious than the sender, or an implicit claim to a degree of authority which has not yet been fully accepted by the addressee.

Of course, the choice of the term *fraternitas* by Charlemagne might be considered not so much a reminiscence from Cassiodorus as an expression with a precise political meaning, aimed at stressing the equivalence of Charlemagne's position, especially since previous Frankish kings usually addressed the Eastern emperor by using *pater* or *dominus*, which implies a relationship

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[16] See Dölger, *Die "Familie der Könige"*; Krautschick, *Die Familie der Könige*; Nerlich, *Diplomatische Gesandtschaften*, pp. 73-78; Brandes*, Die »Familie der Könige«*. There are indeed a few occurrences of *frater*, but in different geographical or chronological contexts. The Visigothic king Sisebut calls *frater* the Lombard ruler Adaloald (*Epistolae Wisigoticae*, 9, p. 671, l. 19); the same term occurs in a letter sent by Emperor Michael II to Louis the Pious (*Concilium Parisiense a. 825*, pp. 475 and 478, often in the expression *spiritalis frater*), whereas Louis the German calls Basil I both *frater* and *fraternitas*, possibly following the example set by Charlemagne's letters, see Louis the German, *Epistula ad Basilium*.
[17] See ThlL VI, 1, col. 1259, ll. 7-14; MLW 4, coll. 466-467. Gregory the Great often employs *fraternitas* when addressing members of the clergy, see O'Donnell, *The Vocabulary*, p. 178. On the other hand, Symmachus uses it in a letter to a friend (*Epistulae*, IV, 21, 2).
[18] Alcuin, *Epistolae*, 100 (p. 145, l. 10): «Relectisque vestre fraternitatis epistolis». On this letter see Musca, *Carlo Magno*, pp. 54-62.
[19] Wallach, *Charlemagne and Alcuin*, has argued that Alcuin took part personally in the drafting of Charlemagne's correspondence.
[20] Cassiodorus, *Variae*, III, 2, 3-4 («Et ideo illum et illum legatos ad fraternitatem tuam credidimus destinandos. (...) Quapropter fraternitas vestra adhibito mecum studio eorum nitatur reparare concordiam»), and V, 1, 1 («spathas nobis etiam arma desecantes vestra fraternitas destinavit»).

of subordination. However, these two interpretations are by no means mutually exclusive. It is likely that Charlemagne, or rather the actual writer of his letters, decided to turn to a few late-antique documents because he needed models offering expressions suitable for a relationship between sovereigns who should have been regarded as equals.

Another echo of Cassiodorus can be found at the end of the epistle, in the expression «propter quod nihil morantes (...) legatos nostros praeparavimus ad tuam amabilem fraternitatem dirigendos». If the use of the verb *dirigere* is widespread in documents of this kind, the gerundive and – above all – the noun *legati* are much less so, especially in the *Epistolae Austrasicae*, in which *legatus* occurs just twice (*Epistolae Austrasicae*, 8, 1, and 18, 1, written respectively by Bishop Nicetius and Theodebald), compared to twenty-three occurrences of *legatarius*, while *dirigere* is never used in the gerundive. In a similar way, the ambassadors are called *missi*, not *legati*, in the second letter to Offa[21]. On the other hand, the expression «legatos [ad aliquem] dirigendos» preceded by a perfect indicative in the first person plural occurs three times in Cassiodorus, always within diplomatic letters: first in an epistle sent to the Visigothic king Alaric II, then in one addressed to the Frankish sovereign Clovis and, finally, in the first letter of the young Athalaric to emperor Justin[22]. As far as the latter two documents are concerned, a further parallel with Charlemagne's letter is represented by the use of the adverb *quapropter* to introduce the sentence containing the mention of the embassies. Of course, these are common statements in diplomatic letters, but it should be noted that the expression «legati dirigendi» before the year 900 appears within a diplomatic letter only in Cassiodorus and in the epistle to Nicephorus I[23].

Turning now to the letter to Michael I (813), this document aimed to promote peace between the Carolingian Empire and Byzantium, and concord between their respective Churches. Charlemagne announced that he had sent two envoys to Constantinople, Amalarius of Metz, archbishop of Trier, and Peter, abbot of Nonantola, who were tasked with concluding peace negotiations between the two empires. It seems that the emperor of Constantinople had agreed to sign a formal peace treaty following the previous embassy, and had sent a draft of it to Charlemagne, who signed it and sent it back to Byz-

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[21] Alcuin, *Epistolae*, 100 (p. 145, l. 11). The first letter does not mention any envoy. On the terms used to refer to envoys, see Nerlich, *Diplomatische Gesandtschaften*, pp. 103-106.

[22] Cassiodorus, *Variae*, III, 1, 4: «Et ideo salutationis honorificentiam praelocuti legatos nostros illum atque illum ad vos credidimus esse dirigendos»; III, 4, 4: «quapropter ad excellentiam vestram illum et illum legatos nostros magnopere credidimus dirigendos, per quos etiam ad fratrem vestrum, filium nostrum regem Alaricum scripta nostra direximus»; VIII, 1, 5: «quapropter ad serenitatem vestram illum et illum legatos nostros aestimavimus esse dirigendos, ut amicitiam nobis illis pactis, illis condicionibus concedatis».

[23] As is shown by the search string «legat* dirigend*» on *Corpus Corporum* (works written before 900) and on LLT and CDS (up to ten words between the two terms). There is an occurrence in *Acta Concilii Carthaginensis a. 525* (p. 256): «Epistula ergo quam beatissimo sancto fratri et consacerdoti meo seni missori, primati provintiae Numidiae, pro dirigendis legatis transmisimus, ab officio recitetur».

antium for the emperor to sign as well. In the end, Amalaric and Peter were supposed to bring back to Aachen a copy of the agreement translated into Greek and bearing the signature of the *basileus*[24].

A close analysis of the letter reveals striking similarities with the *Variae*, especially with the first letter, *Variae*, I, 1. The expression «quaesitam (...) pacem» at the beginning of Charlemagne's letter brings to mind the incipit of the epistle sent by Theoderic to Anastasius I: «Oportet nos, clementissime imperator, pacem quaerere»[25]. This is a significant analogy not only because the political goals of the two documents are very similar, but also because the expression *pacem quaerere/quaesita pax* is rare in classical Latin, and is mostly used by Augustine and other ecclesiastical writers in religious contexts, not to refer to political issues[26]. More traditional expressions such as *pacem petere*, *orare*, *postulare*, *exposcere* or *rogare*[27] would have placed the sender in a clearly subordinate position, comparable to that of a supplicant, and very similar to the traditional image of a defeated barbarian. Therefore, Cassiodorus, writing on behalf of Theoderic, chose an ambiguous expression to maintain the balance between a formal deference to Constantinople and the wish to claim the independence of the Goths and the quasi-imperial status of their sovereign.

Although in a radically different geopolitical context, Charlemagne's concerns were quite similar. The Frankish king wished to obtain recognition of his imperial dignity and a peace agreement that would put an end to the clashes with Byzantium, but at the same time it was advisable not to offend the *basileus*, who was traditionally reluctant to share the title of *imperator* with other sovereigns. For these reasons, the reign of Theoderic and, more specifically, the vocabulary used in *Variae*, I, 1, represented a perfect model.

Charlemagne's letter contains other traces of expressions reminiscent of Cassiodorus, as is shown by the sentence «praesentes legatos nostros (...) ad tuae dilectae fraternitatis gloriosam praesentiam direximus»[28]. While it is not

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[24] This eventually happened in 814, see *Annales regni Francorum*, s.a. 814 (p. 140): «Leo imperator, qui Michaheli successerat, dimisso Amalhario episcopo et Petro abbate, (...) descriptionem et confirmationem pacti ac foederis misit».

[25] Cassiodorus, *Variae*, I, 1, 1. See *Epistolae variorum Carolo Magno regnante scriptae*, 37 (p. 556, ll. 7-9): «in diebus nostris diu quaesitam, et semper desideratam pacem inter Orientale atque Occidentale imperium stabilire». On the revival of Cassiodorus, *Variae* I, 1, in the Late Middle Ages, see Fabrizio Oppedisano's paper in this volume (note 61).

[26] See Livy, *Ab Urbe condita libri*, XLII, 50, 11 («de bello et pace quaeri»), which is the occurrence most similar to those of Cassiodorus, but the context is completely different. «Quaesita pax»: see Cicero, *De officiis*, I, 80; Justin, *Historiae Philippicae*, II, 4; *Historia Augusta*, *Gallieni duo*, 5, 5; Orosius, *Historiae*, I, 15, 3. For occurrences in religious works, see e.g. Tertullian, *Adversus Marcionem*, II, 19; Cyprian, *De Ecclesiae Catholicae unitate*, 24; Jerome, *Epistulae*, 125, 93; Augustine, *Epistulae*, 220, 12, and *Enarrationes in Psalmos*, 33, ser. II, 19; Gregory the Great, *Homiliae in Ezechielem*, X, 44. There are only few occurrences of the expression with a political meaning after Cassiodorus, and mainly in poems which hardly influenced Charlemagne's chancery; see Corippus, *Iohannis*, IV, 377; Theodulf, *Carmina*, 27, 101.

[27] ThlL X, 1, p. 876, ll. 56-69. See NGML (Passabilis - Pazzu), col. 820, ll. 16-52.

[28] *Epistolae variorum Carolo Magno regnante scriptae*, 37 (p. 556, ll. 17-20).

the case to dwell further on *fraternitas* and *legati*, which have already been examined, the expression «praesentes legatos» preceded by *direximus* deserves a brief comment, as it is similar to a passage of *Variae*, IX, 5, 2, namely «praesentes direximus portitores». The two expressions are not identical, but a search of the occurrences of *direximus* followed or preceded by *praesentes* indicates only one case similar to those examined, namely a letter of Pope Paul I to King Pippin, in which he writes «direximus praesentes nostros fidelissimos missos»[29]. Clearly, this similarity could be a mere coincidence, but in the light of the presence of not a few analogies in both Charlemagne's letters and the *Variae*, it is likely that the person in charge of drafting the royal correspondence was inspired either by Cassiodorus' letters or by chancery formulas containing some expressions taken from them.

The letter to Michael includes another late antique linguistic borrowing that is quite significant in terms of political communication. We find it once again in the sentence «diu quaesitam et semper desideratam pacem inter Orientale atque Occidentale imperium»[30]. In fact, the expressions «Orientale imperium» and «Occidentale imperium» are quite rare, and occur mostly during Late Antiquity, more precisely in the sixth century[31]. They started to be used to define the two parts of the Roman Empire in the fifth century, and the occurrences show a fairly consistent pattern: out of nine authors, six use both expressions, and only three limit themselves to using one of them, an indication that they employed them consciously and not just casually.

The first occurrences are found in the *Historia Augusta* and in Orosius, who exerted a strong influence on the authors of the following centuries, and served as a model for Paul the Deacon. It cannot be ruled out that the author of the letter to Michael I was inspired by Orosius, or simply by Paul the Deacon, but it is noteworthy that half of the occurrences date back to the sixth century,

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[29] *Codex Carolinus*, 17 (p. 514, l. 5). The occurrences have been found by using Brepolis (LLT and CDS), searching for *direximus* in association with *praesentes* (up to ten words between the terms). There is another occurrence in Iohannis VIII papa, *Epistolae*, 181 (p. 145, l. 21: «praesentes misso nostros direximus»), but it is a letter sent by Pope John VIII to Wigbod, bishop of Parma, in 879.

[30] As it has already been noted, although very briefly, by Classen, *Karl der Grosse*, p. 95, note 355: «Mit den Begriffen *imperium occidentale* und *orientale* wird spätrömischer Sprachgebrauch aufgenommen».

[31] «Orientale imperium»: *Historia Augusta*, *Aurelianus*, 22, 1, possibly also *Triginta Tyranni*, 30, 11; Orosius, *Historiae*, VII, 36, 2 (in all likelihood the source of Paul the Deacon, *Historia Romana*, XIII, 9); *Chronica Gallica a. 452*, pars posterior, 11 (p. 646); Prosper, *Epitoma Chronicon*, continuatio II, 13 (p. 489); Cassiodorus, *Chronica*, 1328 (p. 159); Cassiodorus, *Historia Ecclesiastica Tripartita*, 9, 4 (titulus); Marcellinus Comes, *Chronicon*, praefatio; Jordanes, *Getica*, 244, and *Romana*, 339; *Laterculus imperatorum ad Iustinum I* (p. 422, l. 36, and p. 423, l. 24); Paul the Deacon, *Historia Romana*, XV, 7. «Occidentale imperium»: Orosius, *Historiae*, VII, 37, 1 (transcribed by Paul the Deacon, *Historia Romana*, XII, 9); Prosper, *Epitoma Chronicon*, 1286 (p. 470); Cassiodorus, *Chronica*, 1209 (p. 155); Marcellinus Comes, *Chronicon*, a. 392, 1; Jordanes, *Getica*, 236. These occurrences are the result of looking for the search strings «occidental* imperi*» and «oriental* imperi*» on *Corpus Corporum* (http://www.mlat.uzh.ch/MLS/, works written before 850) and on LLT and CDS (http://www.brepolis.net/, up to ten words between the terms).

almost all of them in chronicles, many of which were present in ninth-century Carolingian libraries and scriptoria, as the manuscript tradition indicates[32]. Cassiodorus himself used both expressions in his *Chronica* and, in all likelihood, he was behind the composition of the *Historia Tripartita*, which was written under his supervision, whereas the *Getica* is based on his *Gothorum Historia*. Thus, a quarter of the occurrences can be traced back directly or indirectly to Cassiodorus and his circle. Nor should we overlook Marcellinus Comes, who was very close to Justinian and accepted to define the political entities that emerged after the division of the empire with the expressions «Occidentale imperium» and «Orientale imperium»[33].

Although it is not possible to come to any definitive conclusion, it seems likely that the authors of Charlemagne's letters decided to use a few expressions taken from the late antique political vocabulary when it came to defining formally his relations with Constantinople. Faced with the *basileus* claiming the uniqueness and indivisibility of the imperial title, Charlemagne and the intellectuals of his court made use of works written in the fifth and sixth centuries, which in all likelihood included the *Variae*, to demonstrate that the coexistence of two empires, one in the West and one in the East, was by no means impossible[34]. The *Epistolae Austrasicae* and, more generally, the letters written by the Merovingian sovereigns no longer constituted a valid model because of both the problematic relationship between Charlemagne and the previous dynasty, and his radically different attitude towards Constantinople. It was necessary to find new models, and Cassiodorus' *Variae*, written three centuries earlier under a sovereign who considered himself the legitimate heir of the Western emperors, represented an excellent alternative. This could contribute to explain the interest of the Carolingian sovereigns

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[32] See the comments by the editors at: Cassiodorus, *Chronica*, p. 117 (the archetype is a Reichenau manuscript written at the beginning of the ninth century, see Gatti – Stoppacci, *Cassiodorus Senator*, p. 87); Cassiodorus, *Historia Tripartita*, p. XVII (manuscript C, written at Corbie at the beginning of the ninth century); Jordanes, *Getica*, pp. XIII (diffusion in the Carolingian period), XXVIII-XXIX (e.g. manuscript V, written in the ninth century and coming from the abbey of Saint-Amand, and manuscript H, written in eighth/ninth century and coming from Fulda; it is likely that manuscript P, possibly from Lorsch, was written in the first half of the ninth century and not in the tenth century; see also Tischler, *Remembering the Ostrogoths*, p. 72, note 26). The circulation of the *Laterculus* and Marcellinus' *Chronicon* in Carolingian Europe is not attested. *Laterculus*, pp. 48-50, reports that one of the archetypes of the latter work, manuscript T of Oxford, can be dated to the sixth century. It possibly originated from Vivarium, see Troncarelli*, Il teatro delle ombre*, p. 85. The location of the manuscript in the ninth century is unknown, but it was in southern France in the fifteenth century.

[33] See also the *Laterculus*, which was probably written in the same period, as is argued by Zecchini, *Ricerche*, p. 71, and Van Hoof – Van Nuffelen, *Clavis Historicorum*, p. 683.

[34] I find unconvincing Ančić, *The Treaty of Aachen*, p. 32, according to whom the word *imperium* means that «Charlemagne and Michael have the highest authority in *one world empire*, whose prime function is to provide the peace and security necessary for the proper functioning of the Church and the means of salvation. In this world of ideas there is no place for *two different empires*» (italics of the author). The intertextuality with late antique sources indicates instead that Charlemagne intended to refer to two distinct empires, although united by the common faith and the same Roman origins.

in the mythical and historical figure of Theoderic, which is attested by the equestrian statue of the Amal king that was brought to Aachen, as well as by the famous poem *De imagine Tetrici* by Walahfrid Strabo[35].

3. *Cassiodorus and Paschasius Radbertus*

So far the discussion has focused exclusively on diplomatic correspondence. Further light on the issue of the circulation of Cassiodorus' *Variae* in the ninth century may be shed by turning to the monasteries of the Frankish Kingdom. In fact, the works of Paschasius Radbertus show at least two significant similarities with Cassiodorus, which could be the result of a direct knowledge of the *Variae*.

The most important one is represented by the verb *pennesco*, which in classical and early medieval times occurs only in these two authors[36]. Cassiodorus uses it in a letter in which a young Goth is released from the guardianship of his uncle. As it often happens, Cassiodorus inserts a metaphor taken from the animal world in a bureaucratic document, comparing the transition of the Goths to adulthood, which was determined by their ability to handle weapons, to young eagles that procure food on their own after having taken on adult plumage[37]. Paschasius uses the term in an allegorical context to allude to the desire for glory, but he also refers to wings and thus to the idea of flying[38].

The relevance of this similarity emerges with greater clarity if we broaden the search for occurrences up to the thirteenth century. Although the number of extant Latin works increases dramatically, there are only two other occurrences, both in Saba Malaspina's *Liber gestorum regum Sicilie*[39]. In view of the extreme rarity of the verb *pennesco*, the similar (though not identical) context in which it occurs in Cassiodorus and Paschasius, and the fact that the other occurrences of this verb in the pre-humanistic period undoubtedly

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[35] See most recently Licht's edition of Walahfrid Strabo, *De imagine Tetrici*, as well as Herrin, *Ravenna*, pp. 378-381.

[36] See ThlL X, 1, col. 1096, ll. 64-68; Du Cange *et al.*, *Glossarium*, 6, col. 258a: <http://ducange.enc.sorbonne.fr/PENNESCERE>; NGML (Pea - Pepticus), col. 230, ll. 3-6.

[37] Cassiodorus, *Variae*, I, 38, 2: «pullos suos audaces aquilae tamdiu procurato cibo nutriunt, donec paulatim a molli pluma recedentes adulta aetate pennescant: quibus ut constiterit firmus volatus, novellos ungues in praedam teneram consuescunt: nec indigent alieno labore vivere, quos captio potest propria satiare».

[38] Paschasius Radbertus, *De fide, spe et charitate*, Spes, 5: «Celsa igitur spes gloriae, quae omnibus illustratur bonis, et virtutum pennescit alis, ut semper ad altiora attollat animam possidentis».

[39] Saba Malaspina, *Liber gestorum regum Sicilie*, I, 6 (p. 107), and IV, 3 (p. 181): the chronicler first, referring to Manfred, writes: «volat audax aquila, que nondum etate plene ceperat adulta pennescere, et rapaces ungulas assuefacit ad predas»; then, he describes Conradin: «catulum dormientem et pullum aquilae, qui nondum etate ceperat adulta pennescere». In both cases, it is clear that Saba draws inspiration from the passage of Cassiodorus, as has already been noted by the editors of *Liber gestorum*, see Saba Malaspina, *Liber gestorum regum Sicilie*, p. 107, note 96.

derive from the *Variae*, it is likely that Paschasius was also inspired by them, either directly or indirectly. In fact, the choice of *pennesco* would be quite difficult to explain had Paschasius not intended to imitate Cassiodorus, since he could have employed a much more common synonym, *plumesco*, found in several authors, including Jerome, Augustine (in the *Confessions*) and Gregory the Great (in the *Moralia*), as well as in the *Bible*[40].

A further echo of Cassiodorus can be found in the sixth book of the *Expositio in Matheo*, composed by Paschasius after 849-853, when he had to leave the office of abbot[41]. The nexus «iniusta praesumptio» occurs only in this work and in the *Variae*[42]. This parallel strengthens the conjecture that Paschasius knew either the letters of Cassiodorus or a Carolingian collection of formulas including passages taken from them.

4. *Cassiodorus and the* Constitutum Constantini

Expressions reminiscent of the *Variae* are also present in one of the most famous medieval forgeries, namely the *Donation of Constantine*, or *Constitutum Constantini*. As is well known, the genesis of this document has been the subject of a long debate and scholars are still far from reaching unanimous conclusions about its author, dating and the existence of several versions[43]. It is not possible here to offer a complete and exhaustive overview of the most recent bibliography, suffice it to say that in recent years the *Constitutum* has been traced back to the monastery of Corbie, where much of the process of drafting the *Pseudo-Isidorian Decretals* took place around 830[44]. According to Johannes Fried, the donation in its present form is ascribable to Wala and Paschasius Radbertus, with the collaboration of Hilduin of Saint-Denis[45]. This reconstruction is mainly based on the manuscript tradition, since the *Constitutum* was transmitted almost exclusively through manuscripts containing the *Pseudo-Isidorian Decretals*[46], and does not necessarily exclude a Roman origin of the document, which might have been subsequently modified in Corbie.

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[40] See ThlL X, 1, col. 2458, and e.g. Jerome, *Commentarii in Matheum*, XXIV, 28; Augustine, *Confessiones*, IV, 16; Gregory the Great, *Moralia*, XIX, 48, and XXX, 35; *Biblia Vulgata*, *Job*, XXXIX, 26.

[41] De Jong, *Epitaph for an Era*, p. 43.

[42] See Cassiodorus, *Variae*, IV, 13, 1; XI, 7, 5, and Paschasius Radbertus, *Expositio in Matheo*, VI (p. 583). On Radbert's use of his sources, see the introduction to Pascasius Radbertus, *Expositio in Matheo*, p. XXI.

[43] For an overview of the different reconstructions, see Gandino, *Falsari Romani*; Muresan, *Le 'Constitutum Constantini'*.

[44] On the origin of the *Pseudo-Isidorian Decretals* at Corbie, see Zechiel-Eckes, *Fälschung als Mittel*. More prudent Knibbs, *Pseudo-Isidore's Ennodius*.

[45] Fried, *Donation*. Interestingly, Saint-Denis seems to be the source of the Frankish interpolations of the *Liber pontificalis*, thereby indicating that Carolingian writers were willing to modify and use previous works to pursue political goals, see McKitterick, *Rome and the Invention of the Papacy*, pp. 216-218.

[46] The manuscript Paris Lat. 2777 is the only exception.

Fried remarks that the conclusion of the sixteenth paragraph of the *Donation*, in which Constantine allows Sylvester to wear a tiara during processions, contains an unusual expression, namely *ad imitationem imperii nostri.* In the body of the text, Fried reports that the sentence is «new and without precedent»[47], but in a footnote he admits the existence of an analogy with the first epistle of the *Variae*, in which Theoderic, addressing Emperor Anastasius, writes that «regnum nostrum imitatio vestra est, forma boni propositi, unici exemplar imperii»[48]. Although, by his own admission, the concept of *imitatio imperii* expressed in such explicit terms does not occur in other authors, Fried believes that the *Variae* were not used as a model for the *Donation of Constantine*[49]. On the other hand, Muresan comes to the opposite conclusion after re-examining the issue in a recent paper, and argues that the author of the *Donation*, or at least of this passage, intentionally imitated Cassiodorus[50].

Muresan's argument finds confirmation in another passage of the *Constitutum*, namely paragraph 19, which contains the sentence «si quis autem, quod non credimus, in hoc temerator aut contemptor extiterit». The expression «si quis autem (...) temerator extiterit» occurs only here and in two letters of Cassiodorus, *Variae*, IX, 13-14[51]; similar forms are attested in other sources, but the wording «si quis autem» seems to be a peculiarity of Cassiodorus in this context[52]. The *Donation* contains two other expressions typical of late antique Latin, namely «amplissimus senatus» and «serenitas nostra». Although they are also attested in other authors, there is the possibility, especially with regard to the former, that the author of the *Constitutum* had the *Variae* in mind when drafting the corresponding passages[53].

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[47] Fried, *Donation*, p. 45 (with note 140).
[48] Cassiodorus, *Variae*, I, 1, 3.
[49] It seems that there are no occurrences outside the *Variae* and the *Constitutum Constantini*. I have looked for the search string «imitatio* imperi*» on LLT and CDS (ten words between the terms, works written before 1500).
[50] Muresan, *Le 'Constitutum Constantini'*, pp. 187-189.
[51] Cassiodorus, *Variae*, IX, 13, 3 («si quis autem iussionum nostrarum inprobus temerator exstiterit»), IX, 14, 6 («si quis autem saluberrimi constituti temerator extiterit»).
[52] I have looked for the search string «temerator exstiterit» and «temerator extiterit» on LLT and CDS (ten words between the terms, works written before 820) and *Corpus Corporum* (before 900). See *Codex Iustinianus*, X, 26, 3, 1: «sin vero quisquam temerator horreorum exstiterit»; Bonifatius, *Epistolae*, 43 (p. 291, l. 21): «nam qui temerator exstiterit»; *II Concilium Toletanum*, 5: «si quis ergo huius decreti temerator exstiterit». This last occurrence is quite similar to that of Cassiodorus, but there is «ergo» instead of «autem» and the authenticity of the acts of the Second Council of Toledo is not certain. The expression «si quis autem (...) temerator extiterit» occurs in *Concilium Romanum a. 826*, 17 (p. 575, ll. 5-6), as well as in *Concilium Romanum a. 853*, 17 (p. 322, l. 33). The last occurrence is a transcription of the previous one, which refers to the Roman Council of November 826, presided over by Pope Eugene II, who had travelled to France in 824 to meet Louis the Pious. It seems likely that the passage in question is the result of an imitation of either the *Variae* or (most likely) the *Donation*, which Eugene II or some member of his retinue may have seen during his stay in Gaul.
[53] «Amplissimus senatus» occurs twice in Cassiodorus, *Variae*, IX, 16, shortly after the two letters including «si quis autem (...) temerator extiterit».

Taken individually, these analogies might seem too small and uncertain to support the hypothesis that the author of the *Donation of Constantine*, or at least of its final version, was familiar with the *Variae*, but they should be assessed as a whole and together with the occurrences of other Cassiodorean expressions within ninth-century texts. Paschasius Radbertus most likely knew some of the letters contained in the *Variae,* and possibly played a role in the drafting of the *Constitutum*. Moreover, *Variae*, I, 1, was almost certainly used as a model for the second letter that Charlemagne sent to Constantinople. It is therefore unsurprising that this same letter, and some other epistles of Cassiodorus, were taken into consideration a few years later when drafting or, more likely, reworking a document aimed at drastically reducing the prestige of the Eastern Empire, since it retrospectively deprived it of the monopoly of imperial authority and symbols from its very conception by Constantine.

5. *Conclusions*

Words or expressions reminiscent of Cassiodorus' *Variae* occur more than once in Charlemagne's letters to Byzantium, in the works of Paschasius and in the *Donation of Constantine*. Evidently, one cannot rule out that such analogies are due to formularies used in the Carolingian chancery, which included a few expressions taken from Cassiodorus, yet this does not seem to be the most likely explanation. It is possible that the first document of the *Variae* became a kind of epistolary model, especially after Charlemagne (or rather the actual writers of his epistles) imitated it when writing to Byzantium. However, *pennesco* is taken from a quite unimportant letter, and the other Cassiodorean passages which were imitated by Carolingian authors show no clear pattern. If ninth-century chancery formularies really included a few passages by Cassiodorus, we should expect to find more substantial analogies, such as the transcription of whole paragraphs or sentences.

The intertextuality with the *Variae* indicates a more complex situation. The author of Charlemagne's letters to Constantinople seems to have possessed some awareness of the ideological context of *Variae* I, 1, therefore it is likely that he had some basic knowledge of sixth-century history. The same is true for the *Donation of Constantine*. On the other hand, Paschasius used Cassiodorus as a source of elegant words and expressions, thereby treating him like a classical author, whose writings could provide early medieval scholars with models of style. It is impossible to ascertain whether Carolingian writers had access to all books of the *Variae* or solely to a substantial selection of letters (similar for instance to the manuscript containing the *Epistolae Austrasicae*), but the case studies which have been examined so far suggest that they knew quite a few epistles of Cassiodorus, and that they were able to appreciate the political messages conveyed in them.

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Marco Cristini
Universität Tübingen
marco.cristini@sns.it

The Revival of Cassiodorus' *Variae* in the High Middle Ages (10ᵗʰ-11ᵗʰ Century)

by Dario Internullo

This paper is based on a number of reuses of Cassiodorus' *Variae* that have been found in notarial documents written in Rome and Lazio between the tenth and eleventh century. Given that the manuscript tradition of the *Variae* becomes visible only from the twelfth-thirteenth centuries onwards, these reuses are a good starting point to reflect on a specific question: what were the practical and contingent motivations that, in Lazio, stimulated the intellectual elites to research and reuse the *Variae*? By following an alternative path to that of the manuscript evidence, it is thus possible better to identify the contexts of preservation, circulation, and practical use of the *Variae* underlying the more evident late medieval revival.

Middle Ages; 10ᵗʰ-11ᵗʰ century; Lazio; Rome; Cassiodorus' *Variae*; Medieval notaries, Legal Renaissance.

Dario Internullo, Roma Tre University, Italy, dario.internullo@uniroma3.it, 0000-0001-9519-0166

Abbreviations
RF = *Regesto di Farfa*, ed. I. Giorgi – U. Balzani, I-V, Roma 1879-1914.
RS = *Regesto di Subiaco*, ed. L. Allodi – G. Levi, Roma 1885.
RT = *Regesto di Tivoli*, ed. L. Bruzza, Tivoli 1880.
SPV = *Le antiche carte dell'archivio capitolare di S. Pietro in Vaticano*, ed. L. Schiaparelli, in «Archivio della Società Romana di Storia Patria», 24 (1901), pp. 393-496; 25 (1902), pp. 273-354.

1. *Introduction*

The present work provides a contribution to the topic of the circulation and uses of the *Variae* in the Middle Ages. From a historiographical point of view, it is justified by the almost total lack of studies on the knowledge of the *Variae* prior to the twelfth-fourteenth centuries, i.e. the centuries in which a veritable "explosion" of manuscripts emerges, of which several studies have already highlighted the uses and reuses in the chanceries of Europe[1]. From a scholarly point of view, it can be justified by a personal research path, which I wish briefly to illustrate in order to explain clearly the perspective that allowed me to gather the data discussed here.

While writing a book on the culture of Rome in the fourteenth century, I realized, under the inspiration of Benoît Grévin, that the chancery of the Roman commune widely used the *Variae* when writing its epistles. Wishing to understand the origin of that recovery, as soon as that book was published (2016), I made the decision to go backwards: Marc Bloch would have said *à rebours*, although the most fitting image of this path could be that of salmon going upstream in search of a sweet spot to lay and fertilize eggs. Over the years, I thus found other Cassiodorean reuses, first in the twelfth and thirteenth centuries (2017-2019) and then, in a totally unexpected way, at the beginning of the eleventh (2020-2021)[2]. What I discuss here, then, is the result of this latest research season. At the same time, it is also the fruit of a productive dialogue with Nicolas Michel, a scholar who, in recent times, has been hunting for the *Variae* throughout the late Middle Ages in the broadest sense of the term, from the eleventh to the fifteenth century, not only in Rome but all over Europe. As far as the earlier period is concerned, one should here refer to the research of Marco Cristini presented on this same occasion.

Therefore, in the next pages, I will deal with the reuse of the *Variae* in post-Carolingian Italy, more precisely in Lazio in the years around 1000. The chronological and geographical span of time and space is not entirely acciden-

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[1] Reuses: Grévin, *Rhétorique du pouvoir*; Grévin – Barret, *«Regalis excellentia»*. Manuscript tradition: Fauvinet-Ranson, *La reception variée*; Stoppacci, *Cassiodorus Senator*; Michel, *Transmission.*
[2] Internullo, *Ai margini dei giganti*; Internullo, *La citazione*; Internullo, *«Felix querela»* (this one discusses a first result of the broader study presented here).

tal. Although I know Lazio better than other regions, I have searched for the presence of *Variae* in other places, especially in that where I expected to find them, Ravenna. So far, I have had no positive findings in the archiepiscopal archives, of which I have made a survey up to the 1060s. Thus, the chronology I have adopted depends on the fact that, although I have made a complete survey of all the archives of Rome, and partial surveys of other archives in Lazio, from the early tenth to the thirteenth century, up to now the first Cassiodorean reuses seem to concentrate on the years 997-1027. Am I going too far with respect to the core theme of the colloquium? Perhaps not, given that politics, justice, and documentary culture in Rome and Lazio around 1000 still present features that are in some ways similar to those of the Carolingian period. In addition, my perspective will remain backward-looking in this work as well, and may encourage additional, new findings for the eighth and ninth centuries.

The text presented here is divided into three, almost concentric, parts. The first part, the smallest circle, presents the data, i.e. the reuses of the *Variae* so far collected, and their documentary tradition. The second part, the intermediate circle, deals with the contexts in which such reuses occurred, focusing first on the protagonists of these practices, and then on their political and cultural reference systems. The third part, the larger circle, will take the reflection to a more general level, to understand why the notaries of Lazio exhumed the *Variae* at that time, according to what impulses, with what purpose and with what possible parallels outside Lazio.

2. *Reusing Cassiodorus'* Variae *at the turn of the first Millennium (997-1027)*

At present, thirteen reuses of the *Variae* are known to me, in documents written in Lazio, and they date between 997 and 1066. I will focus here on the first ten, since those closer to the middle of the century will be the subject of future works by Nicolas Michel (for instance, a reuse in Terracina in 1049). The following table, which summarizes at a glance the data at my disposal, will be a good basis for illustrating the practice of reusing the *Variae* around the year 1000. It lists, in chronological order, the archival tradition of the document in question, its type, the writer who composed it, the place where he worked, and the *Variae* he drew from. I will illustrate each set of data separately.

Tab. 1

	Year	Source	Doc. Type	Writer	Place	*Variae*
1	997	RF 420	Donation	Stephanus *tabellio et dativus iudex*	Tivoli	XI, 2 + VIII, 29
2	1000	RT 9	Donation	Stephanus *tabellio*	Tivoli	XI, 2 + VIII, 29
3	1010	RS 199	Donation	Iohannes *scriniarius et tabellio*	Rome	XI, 2 + VIII, 29
4	1010	RF 608	T. donation	Leo *scriniarius et tabellio*	Rome	IV, 4
5	1012	RF 658	Placitum	Leo *scriniarius*	Rome	IX, 4
6	1013	RS 193	Donation	Iohannes *scriniarius*	Rome	XI, 2 + VIII, 29
7	1013	RF 665	Donation	Petrus *scriniarius*	Rome	XI, 2 + VIII, 29
8	1013	RF 666	T. donation	Petrus *scriniarius*	Rome	IV, 4
9	1015	RF 500	Donation	Petrus *scriniarius*	Rome	XI, 2 + VIII, 29
10	1027	SPV 9	Donation	Iohannes *scriniarius*	Rome	XI, 2 + VIII, 29

* The date 997 of n. 1 is discussed in RT, pp. 125-126.

The ten documents are spread over a chronological period from 997 to 1027. They show that the first reuses of the *Variae* in the documentary sources of Lazio have been transmitted through four different archival channels: the cartulary of the abbey of S. Maria di Farfa, the cartulary of the abbey of S. Benedetto di Subiaco, the cartulary of the episcopal see of Tivoli, and the archives of the basilica of San Pietro in Vaticano. The first three are cartularies, i.e. the typical manuscript that between the eleventh and the twelfth centuries were set up to copy transcriptions of charters and title deeds concerning landed properties of ecclesiastical institutions (abbeys of Farfa and Subiaco, bishopric of Tivoli). This was done in order better to manage those patrimonies or, in some cases, to address legal disputes that required a more rational management of the archives. It is therefore clear that the charters of Farfa, Subiaco and Tivoli have been transmitted to us as copies, whereas those of S. Pietro have been preserved in their original form.

From a typological point of view, nine out of the ten documents containing reuses of the *Variae* are donations. They concern various types of properties, among which one can observe a certain relevance of churches with lands, granted by donors of the upper class (*praesbyteri, nobiles, viri magnifici*), more rarely of the middle class (*viri honesti*), to the representative of the institution linked to the archive in question: the abbots of Farfa and Subiaco, the bishops of Tivoli and, in one case, a monastery within the Vatican complex. A single charter (n. 5) contains a so-called placitum proceedings (*notitia placiti*), i.e. proceedings of the judicial assemblies of Lombard-Carolingian origin that, in more or less amicable tones, were drawn up at the end of the hearing and often delivered to the beneficiaries of the sentence. Like other charters, they were also *munimina*, legal and "heavy" documents, tools of self-defence in court cases[3].

[3] For placitum proceedings and "heavy" documents, see Bougard, *La justice*, and Cammarosano, *Italia medievale*, p. 65, respectively.

As for the writers, all of them are notaries. The first two documents are written by a notary from Tivoli, Stephanus, who bears the late antique title of *tabellio* and who, in one of the two documents, also calls himself *dativus iudex*. The other eight documents were written by three notaries from Rome, who all bear the title of *scriniarius* or *scriniarius et tabellio.* There is no doubt about it: we are in the world of the practitioners of law and documentary culture.

We can now look at the reuses. As anticipated, they are concentrated within the section of the document known as the *arenga*, the prologue to the act which, interwoven with ethical, religious, juridical, and institutional principles, motivates and places the acts itself in perspective. It is not necessary to illustrate them one by one because, as is evident from the table, the four notaries show a total of three *arengae*, with a single *arenga* known to more than a notary. Again, nothing exceptional here. As Antonella Ghignoli pointed out, *arengae* are «microtexts» which often circulate independently from documents, parallel to the journeys made by books or men, touching different people and contexts. It is therefore more useful to analyze these microtexts by focusing on their typologies[4].

2.1. Variae*, XI, 2 + VIII, 29*

The first reuse, in the chronological order, is also the best represented in this series. It is known to three of the four notaries (Stephanus from Tivoli, Iohannes and Petrus from Rome) and is transmitted in seven of the ten documents. It is a reuse that one could define as "multiple", since it combines letters XI, 2 and VIII, 29. The first letter, from the year 533, contained an announcement made by Cassiodorus to Pope John II (533-535) regarding his recent appointment as Praetorian Prefect. Its *arenga* is an expression of the ancient religious feeling, which attributed a good individual career or fortune to divine intervention: the Roman bishop, who already enjoyed a very high prestige in religious matters, was the ideal recipient of Cassiodorus' gratitude. The second letter, from the year 527 ca., contained an order given by King Athalaric to the owners and *curiales* of Parma to restore the sewerage system of the city, continuing a policy already promoted by Theoderic. The *arenga* clearly explains the order: those who have obtained governmental functions must provide for the collective interest of their city.

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[4] Ghignoli, *Diffusione e 'pubblicazione' dei testi*. For a more classical reference, see Fichtenau, *Arenga*. Regarding the *Variae*, the reflection relies here on the commented edition by Giardina *et al.*

Tab. 2

RF 420. 997, Stephanus *tabellio* from Tivoli	Cassiodorus, *Variae*, XI, 2 + VIII, 29
Suplicandum est nobis, pissimi patres, *quos videmus sedule in* **Dei** *laudibus insistere, quatinus* **vestras orationes** *nobis ad salutem proficere* **sentiamus**. *Iccirco vobis* **libenti animo** *ex no***stra** *facul***tate** *offerimus, quos cernimus pro no***stra** *salute Deum iugiter supplicare, et Deo bonum nobis videtur mercimonium* **adipisci, qui** *de terrenis comparat coelestia et pro rebus exiguis veniam consequitur sempiternam.*	**Supplicandum vobis est, beatissimi patres**, *ut laetitiam quam per vos* **Deo** *largiente percepimus custodiri nobis* **vestris orationibus sentiamus**. *Quis enim dubitet prosperitatem nostram vestris meritis applicandam, quando honorem* **adipiscimur, qui** *a Domino diligi non meremur, et permutatione officii bona recipimus dum talia agamus?* (**XI, 2**)

RF 500. 1015, Petrus *scriniarius* from Rome	
Supplicandum nobis est beatissimos patres *quos videmus sedule in* **Dei** *laudibus assistere et* **orationibus**; *iccirco* **dignum est** *eis* **libenti animo** *ex no***stris** *facul***tatibus** *offerre illius amore qui bona tribuit nobis, sicuti Dominus in Evangelio dicit: «Date et dabitur vobis»* (Lc, 6,38). *Et iterum: «Quodcumque potest manu tua facere, instanter operare»* (Eccle, 9,10), *«eo quod non cognoveris tempus visitationis tuae»* (Lc, 19,44). *Et in Evangelio: «Thesaurizate vobis thesauros in coelo* (Mt, 6,20)».*	**Dignum est** *ut* **libenti animo** *faciatis quae iuberi pro urbis ve***strae** *utili***tate** *cognoscitis: nam quod proprio sumptu decuit aggredi compendiose vobis constat offerri.* (**VIII, 29**)

By combining the two models, the notaries of Tivoli and Rome developed an interesting, new *arenga*: linking the solicitation to "do", or better to "give", of *Variae*, VIII, 29, to the religious aura of *Variae*, XI, 2, they recomposed the subject, justifying the donation to a pious institution with the divine derivation of the goods owned by the actors of the document. Furthermore, they added to the Cassiodorean models some biblical formulas, mostly extracted from the Gospels. The sense of the new *arenga* is: we must turn our attention to those who have the function of praying to God, since our possessions originated from him. If one compares the model and its re-elaborations, one finds a shift from the collective interest of the city to the divine aura of the monasteries which now, between the tenth and eleventh centuries, constitute important spaces of social aggregation. Provided with innumerable estates, often of public origin, monasteries can make circulate the landed wealth through temporary concessions, thus structuring complex and dynamic social networks[5].

[5] Translation and commentary by Rita Lizzi Testa in the edition by Giardina *et al.*, 5, pp. 20-21, 152-164 (*Variae*, XI, 2), and by Ignazio Tantillo in the same edition, 4, pp. 58-59, 268-269 (VIII, 29). For monasteries in Latium see Wickham, *«Iuris cui existens»*.

2.2. Variae, *IV, 4*

The second *arenga* is also represented by donation documents. However, to be more precise, in this case we deal with testamentary donations, i.e. documents which, drawn up using the donation formulary, assumed the same function that wills had in Late Antiquity, with fideicommissaries appointed by the dying person to carry out his/her last wishes. The Cassiodorean model contained a letter sent by King Theoderic to the Senate of Rome in the year 509, to communicate the appointment of a new *comes patrimonii*, one of the attendants to the royal properties, followed by the praise of his qualities. Ideally justifying the practice, the *arenga* thus exalted the action of distributing offices (*honores*) to those who well deserved them (*bene meritis*).

Tab. 3

RF 608. 1010, Petrus *scriniarius* from Rome	Cassiodorus, *Variae*, IV, 4
Gloriosum quidem *esse cernimus ac **laudabilis benemeritis digna praestare. Quicquid enim talibus tribui pro generali potius** subventione **largimus**, ea scilicet quae a nobis per scripturarum seriem testamenti sancita est. **Itaque praeclaro animo** et rationabili, Deo summo, libenter eorum facultates erogare debemus illi a quo omnia nobis bona tribui novimus, sicuti ipse in Evangelio dicit: «Date et dabitur vobis» (Lc, 6,38), et alibi: «quodcumque potest manus tua facere, instanter operare» (Eccle, 9,10). Et pulcre illam debemus attendere vocem in illo tremendo iudicio, qua dominus dicet: «Euge serve bone et fidelis, quia in pauca fuisti fidelis, supra multa te constituam, et caetera»: quia pauca sunt omnia ea quae cernimus quamvis a nobis multa videantur (Mt, 25,23). Unde et beatus Hieronimus: «Ille est bonus dispensator qui sibi nichil reservat»* (Hier., Ep., 52).	***Gloriosum quidem*** *nobis est, patres conscripti, honores passim impendere, sed **laudibus bene meritis digna praestare. Quicquid enim talibus tribuimus pro generali potius** utilitate **largimur**. Cunctis siquidem proficit recti tenax provectus nec locus relinquitur iniuriae cum ad bonos pervenit regula disciplinae. Hoc **itaque praeclaro** desiderio illustrem virum Senarium comitivae patrimonii dignitate subveximus, qui venalitatis obscura **animi claritate** refugiat, qui calumnia non laetetur.*

In our example, the notary Petrus does not change much of the original meaning of the *arenga*, but in general he follows the same model we have seen for *Variae*, XI, 2 + VIII, 29: he links the contribution to collective interest, here defined *generalis subventio*, to a testamentary document addressed to those who, praying to God, enrich the one from whom the donor has received his possessions. A long series of biblical *auctoritates* follows, aimed at illuminating the generosity and finally, almost as a seal, a quotation from an epistle by Jerome on the good *dispensator*, that proceeds towards the exact same end[6].

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[6] Translation and commentary by Elio Lo Cascio in the edition by Giardina *et al.*, 2, pp. 83-84, 317-318 (IV, 4).

2.3. Variae, *IX, 4*

A third *arenga* is contained in the proceedings of a judicial assembly that had opposed a family group to the abbots of Farfa, concerning a house located in Rome, in the «Agone», i.e. Piazza Navona, and some lands in southern Sabina. The representative of the group, a certain Gregorius son of a priest named Orso and Bona, had brought in his defence some lease charters which, however, did not withstand the scrutiny of the urban prefect and the expert papal judges who, in 1012, declared them forgeries, and reassigned the lands to the abbots. That operation, apparently fair and overboard, was most probably a complex trick put in place by the abbots, prominent owners of the land *ab antiquo,* and clearly superior to their opponents in the cultural field[7].

Tab. 4

RF 658. 1012, Leo *scriniarius* from Rome	Cassiodorus, *Variae*, IX, 4
Felix quaerela est quando leges pietate superantur, et beata condicio subiectorum *qui* **cognoscunt aliis miserendum** *Deumque* **sibi optant esse propitium**. *Igitur per has exaratas litteras huius notitia memorationis seu diffinitionis sive refutationis iudiciali\<s\> sententia facta est.*	**Felix querella est quando leges pietate superantur, et beata condicio subiectorum** *si* **cognoscant** *illum* **aliis misertum** *quem et* **sibi optant esse propitium**. *Neque enim ob aliud curiales leges sacratissimae ligaverunt nisi ut, cum illos soli principes absolverent, indulgentiae praeconia reperirent.*

In *Variae*, IX, 4, from 527 ca., King Athalaric instructed the Praetorian Prefect Abundantius to delete the names of some member of a family from the province of Lucania from the register of *curiales*. Since the law did not allow a *curialis* to fail in his condition and related duties, and since the letter suggests it was the *curiales* themselves who had asked the king for him to be ousted from the group, the *arenga* here had the purpose of justifying a derogation from the law resulting from the sovereign's *pietas* towards his subjects. The document thus became an example of a "successful" appeal. What better model could there be to represent in writing a trial that, having proved complicated, was intended to be amicable and able to satisfy even the accused? Probably, in this case it was the central position of figures called *praefecti* in both texts that directed the choice of the *scriniarius* Leo[8].

How do these reuses relate to the known manuscript tradition? The sample is perhaps too small for an adequate answer. As a hypothesis, however,

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[7] Another Farfa cartulary, the *Liber notarius* (*Liber Largitorius vel notarius monasterii Farfensis*), contains a document from 991 through which the abbots had ceded for three generations to a «priest Ursus» some goods in the same area of Rome: the dossier is *Liber Notarius*, n. 404 (991), RF, n. 657 (1011) and 658 (1012), to which one can add RF, n. 638 (1013) and *Liber notarius*, n. 441 (1000), with Wickham, *Roma medievale*, pp. 445-446.
[8] Translation and commentary by Ignazio Tantillo in the edition by Giardina *et al.*, 4, pp. 76-77, 303-308 (IX, 4).

one could find a possible point of contact with one of the earliest known manuscripts containing the *Variae*: Montpellier, Bibliothèque Universitaire, H 294, originating in the late twelfth century within the French Cistercians networks and then, at least from the early thirteenth century, kept in the abbey of Clairvaux. The manuscript contains, in addition to various hagiographical works by Hildebert of Lavardin, the treatise on precious stones by Marbodus of Rennes, the *Opuscula sacra* of Boethius, and the *Variae*, also the small handbook that a Cistercian, Nicola Maniacutia, had composed in the mid-twelfth century to correct the most common errors in the Book of Psalms. Since Nicola was a Roman, and his activity took place mostly in Rome and Lazio, it could be hypothesized that the monks who composed the manuscript had one or more exemplars from Rome under their eyes. If this was the case, then it is plausible that a manuscript with the *Variae* ended up on French soil through more ancient copies from Rome[9].

Regarding the *Variae*, I should like to point out that the Montpellier manuscript does not contains all twelve books – thirteen if we add the *De anima* to them –, but it presents us with two distinct blocks: 1. books I-IV, 39 (ff. 1-47v), 2. books VIII-XIII (ff. 48r-120r), belonging to two codicological units that were initially separate, though they both came from the same monastic circuit. The two blocks are autonomous also from the point of view of book numbering, given that the first block refers explicitly to books I-IV, 39, whereas the second block restarts the numbering from the beginning, thus presenting itself as collection of books I-VI, and not VIII-XIII. This is perhaps another point which connects that manuscript with the reuses I am discussing here, given that the notaries from Lazio drew up from books IV, VIII, IX, and XI, but not VI and VII. Similarly, later reuses from Rome, from the twelfth to the fourteenth centuries, make use of *Variae*, III, 25 (1188), VIII, 24, once more XI, 2 (1244), I, 3-4, and XI, 2 (1360-1367): again, the books I-IV and VIII-XI, but not VI and VII. Only in the fifteenth century will a Roman notary show knowledge of *Variae*, VII, 15[10].

Of course, this kind of analysis should be applied to the entire twelfth-fourteenth-century manuscript tradition, given that some later manuscripts are thought to have been produced in Rome – e.g. Paris, Bibliothèque Nationale de France, lat. 2790, thirteenth century –, and that a numbering in two distinct blocks is common to many other codices. Similarly, further reflection would be needed for the only two extant pre-twelfth century fragments, the so-called *fragmentum Koppmannianum* and *folium Halense*. Since Marco

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[9] See Internullo, *«Felix querela»*. A description of the manuscript: < http://www.calames.abes.fr/pub/#details?id=D01041449 > [last access July 27th, 2022]. For Maniacutia see Peri, *«Correctores»*.

[10] For reuses in Rome during the twelfth to fourteenth centuries, see Internullo, *La citazione*; for the fifteenth century, see the description of Rome made by the notary Nicola Signorili (*De excellentiis et iuribus Urbis Romae*) in Subiaco, Monastero di S. Scolastica, Archivio Colonna, II.A.50, ff. 14v-16r.

Cristini recently questioned the presence of a complete manuscript of the *Variae* at Lorsch, as has long been believed on the basis of a misinterpretation of the ninth-century abbey catalogues, it is no longer certain that the *Koppmannianum* and the *Halense* were in fact produced in Germany from the alleged Lorsch archetype. The two fragments could be Italian, as Nicolas Michel recently suggested on their textual basis, and they could even be Roman. However, their scripts are quite simple caroline minuscules of the eleventh century and do not fit with the *minuscola romanesca*, the typical script of the manuscripts written in Rome and Lazio between the tenth and eleventh centuries. Nevertheless, not all Roman manuscripts of that period are written in *romanesca* and many of them show simpler caroline minuscules. Thus, a contact between the two fragments and the notaries' reuses here illustrated cannot yet be entirely ruled out [11].

3. *The local contexts: Tivoli and Rome, notaries and judges*

Let us now pass from the first to the second circle, that of the cultural, social, and political contexts of the Cassiodorean reuses. In this regard, it is useful to shift the focus to the protagonists of these practices, highlighting their more general documentary activities, their culture, the institutional environments in which they operated. I will make here a distinction between the first notary, Stephanus *tabellio* from Tivoli, and the other three, the *scriniarii* from Rome, instead of proposing a simple prosopography of each notary, for two reasons concerning the *scriniarii*. The first reason is that these men often and willingly worked as a group, strongly interacting with each other: it would be a useless effort to identify a single person within a very compact and homogeneous body of notaries. The second reason is that an important part of the documents considered came to us through copies, and it is therefore impossible to use the paleographical method to solve possible cases of homonymy, an always existing danger [12].

We start therefore with the Tiburtine notary, Stephanus. Besides the two documents with Cassiodorean resuses, we know Stephanus through a dossier composed of five charters, which cover a rather long chronological span, from 963 to 1007 [13]. The chronological data is interesting, since it reveals a particularly long-lived notary in term of his activity, making him active throughout

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[11] See Cristini, *«Liber epistularum Senatoris»*. For the *fragmentum Koppmannianum* see Hofmeister, *Zur Überlieferung* (with reproductions); for the *folium Halense* see the new description available here: < https://opendata.uni-halle.de/handle/1981185920/87758 > [last access July 27ᵗʰ, 2022; I thank Julia Knödler for promptly notifying me of the digitization of the manuscript]. For the *minuscola romanesca* see Supino Martini, *Roma e l'area grafica*. I thank Nicolas Michel for sharing with me his hypothesis, formulated in his forthcoming PhD dissertation.
[12] Excellent overviews on these figures are Carbonetti, *Tabellioni e scriniari*; Carbonetti, *Gli «scriptores chartarum»*, and Carbonetti, *Il «palatium Lateranense»*.
[13] RS, n. 93 (963), 186 (971); RT, n. 9 (1000); RF, n. 420 (997), 707 (1007).

the whole Ottonian period and, moreover, leads us to imagine a mature and particularly experienced person around the year 1000. In all the documents which he drew up, Stephanus signed himself as *tabellio civitatis Tyburtinae*. This is also an important data because, as we know from several studies, *tabelliones* were notaries of late-Roman tradition that, in some cities, had survived long after the collapse of the Western Empire. To stay with the example of Lazio, we know of the existence, in the tenth and eleventh centuries, of *tabelliones* in Nepi, Sutri, Anagni, Otricoli, Orte, Gallese, Rome, and certainly in Tivoli, if not even further afield[14]. Just as the other *tabelliones*, so also Stephanus is steeped in Justinianic legal culture and two sets of data demonstrate this. The first comes from his association with the types of documents: a lease called *cessio tituli conductionis,* and then *charta placiti conventionisque* (963), an amicable settlement defined *charta plenariae securitatis* (971), three free transfers entitled *chartulae donationis* (997, 1000, 1007). The second shows the link in the formulary of those documents: if we compare them, for example, with the most ancient "Roman" papyrus documents from the archiepiscopal archives of Ravenna, those of the sixth and seventh centuries, we find remarkable similarities[15]. A distant descendant of the late antique notaries of Lazio, the figure of Stephanus appears almost as a paradox in the vibrant years at the turn of 1000. In fact, he is so tied to his tabellional tradition that he reveals a certain discrepancy between the juridical frame at his disposal and the facts he tries to frame in legal terms. While in the rest of Italy *libelli*, *emphyteuseis*, and *precariae* circulate intensely, he still uses the old Roman *locatio-conductio* to qualify a relationship which, stipulated between one of the most powerful Roman aristocrat of that time, Caloleo, and a family group of lower level, is very close to the model of rural lordship: the recipients of the concession – made by Caloleo himself – undertake to pay to their *dominator* particularly well-defined rents of wheat, barley, spelt, fava beans, must, *herbaticum*, *glandaticum*, all of them defined within the text not with the ancient Roman term *pensio*, but with the medieval, public, and fiscal term *datio*[16]. Thus, at the end of a judicial placitum presided over by the bishop and the duke-count of Tivoli, the latter there on behalf of the Roman Pope, Stephanus does not draw up any proceedings-*notitia* nor a refutation-*refutatio*, but an amicable settlement of late antique model, a *plenaria securitas*, to which however he associates the term *deliberatio* – *charta securitatis deliberationisque* – and does not renounce to use verbs such as *definio* and *delibero*, very common in contemporary placitum documents[17]. But perhaps

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[14] Some examples: *Santa Maria in Via Lata*, n. 1 (921, Nepi); RS, n. 62 (927, Rome), 197 (929, Anagni); *Santa Maria in Via Lata*, n. 3 (949, Sutri); RS, n. 98-99 (1035, Rome); RF, n. 481 (1010, Orte); *Santi Cosma e Damiano*, n. 67 (1068, Gallese); RF, n. 1123 (1091, Otricoli).
[15] The papyri from Ravenna were gathered by Tjäder*, Die nichtliterarischen lateinischen Papyri Italiens.*
[16] RS, n. 93 (963).
[17] *Ibidem*, n. 186 (971).

the most remarkable encounter is that of the year 1000. After the turmoil that had led to the elimination from the scene of one of the dukes-counts who governed the city on behalf of the popes, and in some cases also of the emperors, the urban community of Tivoli gathered around the bishop, promising to pay the episcopal see a certain amount of money every year. In practice, it was a stipulation of political, symbolic, and fiscal relations between the citizens and the bishop, the new leader of the city, and I would not exclude the possibility that that money was paid up to the count a short time earlier. In theory, however, the *tabellio* Stephanus shows some awkwardness. To frame this complex practice, he found nothing better than... the *chartula donationis*! The whole affair was represented as a «donation» of an income in money offered by the people of Tivoli to the bishop and to the patron saint of the city, the martyr Lawrence[18]. Someone could object that this mismatch is such only in the eyes of the historian, whereas in reality everything could seem perfectly normal. Maybe we will never know how Stephanus and his clients were thinking, but at least it is certain that during his career, unfortunately illuminated only by this handful of charters, Stephanus somehow did not stand still. In the donation of 997 we find, next to his title of *tabellio*, also that of *dativus iudex*, and the same thing happens in the donation of 1007. *Dativus iudex* is a function that refers to judicial duties especially in the placitum assemblies and, from the early Ottonian period, it involves several legal practitioners of Lazio cities, starting with Rome. It probably formalized a certain experience matured by Stephanus in the resolution of judicial issues, as is the case in 971. Perhaps this experience itself stimulated new research to improve the documentary culture that the old *tabellio* had at his disposal and with which, at a certain point, he might have been dissatisfied: the first document that qualifies him as a *dativus iudex*, that of 997, is also the one in which we have the first evidence of the reuse of *Variae*, XI, 2 + VIII, 29.

We now turn to the *scriniarii*. No less ancient than the *tabelliones*, these writers of documents are medieval epigones of what in Late Antiquity had been the *notarii* of the bishops. Recruited from among the earliest lay stenographers or *exceptores*, they had placed their skill at the service of a growing ecclesiastical institution by writing letters, administrative registers, and council acts. Later, when, between the seventh and the eighth centuries, the papacy had progressively substituted the Byzantine authorities in the government of Lazio, thus developing its own bureaucracy around the chancery and the archives of the *scrinium*, these figures had taken on the title of *notarii regionarii* and *scriniarii Sanctae Romanae Ecclesiae*, then more and more frequently that of *scriniarii Sanctae Romanae Ecclesiae*. Until the ninth century, *scriniarii* were mostly officers of the papal chancery while, between the ninth and tenth centuries, they joined the Roman *tabelliones* as writers of private documents with the title of *scriniarii et tabelliones*; then, during the eleventh cen-

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[18] RT, n. 9 (1000), with Pacifici, *Tivoli nel Medioevo*, pp. 208-216.

tury, they totally replaced their former colleagues[19]. Our three Roman writers, Iohannes, Leo, and Petrus, fit perfectly into this group and into these dynamics. Notwithstanding possible cases of homonymy, the dossiers concerning them are particularly rich. Iohannes, active in the year 999-1027, composed documents in the form of both refutation (*chartulae refutationis*) and donation (*chartulae donationis*)[20]. Leo is also the author of the same documentary types, with the difference that, in 1012, he also drafted placitum proceedings, which reuses *Variae*, IX, 4, working at the service of the urban prefect and the *patricius* Iohannes de Crescentio[21]. To these types of documents Petrus adds a sale (*chartula venditionis*), an exchange (*chartula permutationis*), and, interestingly for us, a highly rhetorical papal concession (*privilegium*) from the year 1017, in which he signs himself as *notarius regionarius et scriniarius Sanctae Romanae Aecclesiae*[22]. Although the three *scriniarii* rely on the late antique formulary of *tabelliones*, there is nothing particularly old-fashioned here. Their organic relation with the papacy and its judicial structures, presided over by the prefect and the palatine judges, allowed them to draw continuous nourishment from books and documents preserved in the archives of the *scrinium*. Precisely because of this, their culture appears to be extremely rich and flexible, as shown not only by the variety of their type of writings, but also by the remarkable accumulation of learned references in the *arengae* or other sections of their documents. Regarding Cassiodorus, they are well able to diversify the reuses of the *Variae* according to the documentary type, with XI, 2 + VIII, 29, for donations, IV, 4, for testamentary donations, IX, 4, for placitum proceedings. Going beyond Cassiodorus, they are well-aware of the Bible and the Church Fathers and, in some cases, they highlight the worth of documentary writing (*munimen scripturae*) over the weakness of the «memories of the human mind» (*humanae mentis recordatio*). This is what Petrus did by writing in 1012 a refutation charter in which, in addition, he reveals his knowledge of Isidore of Seville's *Etymologiae*, from which he extracts a definition of *pactum* and *placitum* contained in the paragraph *de instrumentis legalibus* (V, 24). Petrus also refers, in other *arengae* of his donations, to «ancient and very prudent senators and magistrates» (*antiqui vel prudentissimi senatores et magistrati*) or to «illustrious elders» (*incliti seniores*) to introduce a rule, based on the Justinianic model, on the full freedom to alienate the properties which one owns.

It is clear that the lively group of the *scriniarii*, in the long run, was destined to win over the older group of the *tabelliones*. As the works of Cristi-

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[19] Carbonetti, *Tabellioni e scriniari*; Carbonetti, *Il «palatium Lateranense»*.
[20] RF, n. 441 (999); RS, n. 199 (1010); RF, n. 488 (1011); RS, n. 193 (1013); SPV, n. 9 (1027). Given the hesitation in the *completio* between «Iohannes nutu Dei scriniarius» and «Iohannes in Dei nomine scriniarius», one cannot exclude the presence of two different Iohannes, the second one being the notary who knew the *Variae* and wrote the documents of 1010, 1013, and 1027.
[21] RF, nn. 470 (1005), 608 (1010), 651 (1011), 656 (1012), 658 (1012).
[22] *Cartario di Santa Maria in Campo Marzio*, n. 2 (1007); RF, nn. 628 (1012), 665 (1013), 666 (1013), 668 (1013), 638 (1013), 500 (1015), 503 (1017), 504 (1017), 506 (1017), 719 (1019), 524 (1019).

na Carbonetti and Serena Ammirati have shown very well, the culture of the *scriniarii*, in continuous evolution and certainly looking forward, proved to be the winner over the culture of the *tabelliones*, turning backward, towards a past perhaps too distant, tiredly perpetuated in the transmission of ancient formularies from father to son, from generation to generation[23]. In fact, between the late tenth and the twelfth centuries, we see the figure of the *scriniarius* imposing itself as a winning notarial model in many cities of Lazio, a phenomenon that probably went hand in hand with an increase in the attractiveness of the papal *scrinium* as a center for legal training. However, the case of Stephanus shows us a possible instrument of survival for the *tabelliones*, that of the judicial tasks, especially those of the *iudices dativi*. We know other individuals who, coming from local notarial groups just like Stephanus, were absorbed among the ranks of the *iudices dativi* during the eleventh century, perhaps because of their judicial experience matured within the assemblies of Carolingian tradition: Costantius, Ardimannus, Iohannes, and Ranierus *tabelliones* from Sutri (1022, 1026, 1046, 1077), Belizo and Leo *tabelliones* from Rome (1050, 1069), Leo and Dominicus *tabelliones* from Orte (1010, 1058), Gregorius *tabellio* from Gallese (1068), and Orso *tabellio* from Nepi (1085)[24].

4. *Reasons for reuse. A first "legal Renaissance"?*

After having closely observed the textual reuses of the *Variae* and the cultural and institutional context of their writers, we can now ask ourselves: why did the notaries of Lazio exhume the *Variae*? And why did this happen at the turn of 1000? With these questions, we finally reach the third circle. This circle is larger, just as the level of reflection, but it is also softer from a scientific point of view, given that it moves into a more interpretive field.

In placing the reuses in a broader perspective, we must first deal with the problems of the documentary tradition. In several cities of Lazio, and mainly in those with a Byzantine tradition, the archives became conspicuous only in the tenth century[25]. Therefore, we cannot be sure that the re-emergence of the *Variae* in the notaries' work was not preceded by other reuses of the Cassiodorean text during the ninth century: as Marco Cristini points out, some possible reuses refer to the Carolingian public communication in the ninth century[26]. However, a systematic study of Roman archives suggests that the re-emergence of the *Variae* in the notarial practice of Lazio was really a phe-

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[23] Ammirati, *Testi e «marginalia»*; Carbonetti, *Il «palatium Lateranense»*.
[24] Sutri: *Santi Cosma e Damiano*, nn. 26 (1022), 28 (1026), 50 (1046), 81 (1077). Rome: *Santi Cosma e Damiano*, nn. 54 (1050; Belizo is simply *tabellio urbis Rome* in n. 42, year 1037), 68 (1069). Orte: RF, n. 483 (1010); *San Silvestro*, n. 6 (1058). Gallese: *Santi Cosma e Damiano*, n. 67 (1068). Nepi: *Santa Maria in Via Lata*, n. 114 (1085).
[25] Carbonetti, *I supporti scrittori*.
[26] See Cristini's article in this dossier.

nomenon of the years around 1000. The dozens of documents dating back to the first half of the tenth century preserved in Roman monasteries, as well as other documents of the ninth century transmitted through the cartulary of Subiaco, although well provided with rhetorical *arengae*, show that, for these previous periods, the models used were mostly biblical and patristic. From the late Ottonian period, instead, the picture becomes clearer, and some new references appear in the documentary panorama. Reasoning in these terms, and notwithstanding a certain margin of uncertainty, I will now attempt to place the revival of the *Variae* in a historical perspective that, if not correct, is at least plausible.

Comparing the few charters of the ninth and early tenth century with the relatively abundant charters of late tenth century, the first feature to emerge is the appearance, in the cities of Lazio, of new figures called by the sources *iudices dativi*. The first *iudices dativi* emerge in Rome during the 960s, but they then spread to Sutri, Tivoli, Cerveteri and Farfa. Contrary to what one might think at first, this was not a compact group with homogeneous social profiles. Alongside people like the *eminentissimus consul* Theophylactus and the urban prefect Iohannes, members of the highest aristocracy of the *Ancien régime* of early and high Medieval Rome, we find experts in Lombard law who acts as advocates for the monastery of Farfa, local *tabelliones* like our Stephanus, *tribuni*, and many others[27]. More than defining a new professional group, it looks as though *iudex dativus* has become the name of a function which, attributed to different people, guaranteed some judicial prerogatives. Since the first *iudex dativus* known to me is also the first one to bear the title of *iudex sacri palatii*, a title of Pavese and imperial origin, I am inclined to believe that title and function are an expression of a judicial reform stimulated by the presence of the Germanic emperors in Rome and Lazio[28].

It is not easy to understand what the contribution of this new function to the judicial practices of Rome and Lazio was. Observing the charters, it seems that, in most cases, the qualification of *iudex dativus* was attributed to those who had to assist more established figures at the placitum, for example the palatine judges (*iudices de clero*) at the service of the pope. And again, in most cases, it seems that the *iudices dativi* were often men with technical skills in the law. This is suggested by some Farfa placitum documents of the end of the tenth century, in which the *dativi* act as advocates defending one or the other party with the help of juridical compendia, or they use the same sources to guide the sentencing by the president through the composition of a legal opinion or *consilium*[29].

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[27] For the "old aristocracy" and the *Ancien régime* of Rome, see Wickham, *Roma medievale*, ch. 4.
[28] All these data are gathered and discussed in Internullo, *«Felix querela»*, and Internullo, *Senato sapiente*, ch. 4. For the Pavese *iudices sacri palatii*, see Radding, *Le origini della giurisprudenza*.
[29] Chiodi, *Roma e il diritto romano*.

The emergence of these figures in the documentary and judicial landscape between the tenth and eleventh centuries is accompanied, as mentioned, by a remarkable bringing together of the learned references within the documentary and judicial practices. Starting from the 960s, in fact, the remaining documents show a so far unprecedented link, or at least one much more explicit than in the past, to the two compendia of Justinianic law known as the *Summa Perusina* and the *Epitome Iuliani*. The same could be said for the Lombard-Carolingian laws used by the *dativi* and advocates of Farfa, since in this case, as Giovanni Chiodi has noted, they brought their law books to the attention of the papal judges who were handling the trial. While keeping in mind the rules of Lombard law, I would not wish to overemphasize the novelties of the period. However, I think it is useful to highlight once again the role of the judicial sphere because, as several scholars have already stressed, most of all Charles Radding and François Bougard, the placitum assembly went on to constitute, between the tenth and the eleventh century, a powerful engine for cultural development. It was in that assembly that judges and notaries – including *scriniarii* – interacted with traditions different from their own and, as a result, were stimulated to search archives for new texts useful to resolve complex problems, to improve their own documentation, and to learn more about their own juridical and political traditions[30].

With its rich papal and ecclesiastical archives, Rome was, of course, an immense reservoir of intellectual tools: the first European manuscript known to us with the complete version of Justinian's *Institutiones* seems to have emerged from Rome in the early eleventh century. In addition to the writing – a *minuscola romanesca* – the romanness of the volume emerges from the annotations on the first guard folio listing the names and functions of papal judges, but it is also the result of cross encounters since, on its final pages, we find transcribed a capitulary of Otto I, «issued in Pavia» (*datum Papie*)[31]. We would not be too far from the truth if we thought of this codex as an instrument that *iudices dativi* and *scriniarii* brought with them to the placitum assemblies. The fact that judges and notaries from Roman environments were perfectly at ease amidst the welter of books and Latin culture that flooded the Lateran is also clearly confirmed by many other sources. Good examples are the manuscripts of ancient and medieval history that bear traces of the writing used by local notaries and judges, the so-called "curial", or several beautiful tomb inscriptions, such as the one in S. Alessio on the Aventine hill commemorating in elegant elegiac couplets the figure and the family of Leo de Maximo. Leo was a *iudex dativus* who died in 1012; with that inscription he projected his family memory onto the Trojan myth and on the mythical figure of Sergestus, follower of Aeneas. Now, if we think that Leo's *post mor-*

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[30] Ammirati, *Il paratesto*; Loschiavo, *Insegnamento del diritto*; Chiodi, *Roma e il diritto romano*; Bougard, *La justice*; Radding, *Le origini della giurisprudenza*.
[31] Bamberg, Staatsbibliothek, Iur. 1, with Ammirati, *Il paratesto*, and Loschiavo, *Insegnamento del diritto*.

tem legacies were entrusted to the pen of Petrus, one of our Cassiodorean *scriniarii*, we can grasp quite well the cultural networks that unfolded around these men[32].

To sum up, Lazio at the turn of the first Millennium provides a particularly lively panorama, in which it is easy to imagine many practitioners of law going in search of texts and following the thread of quotations spotted on the occasion of a specific legal exchange. This intense movement has recently been related to the more famous "legal Renaissance" of the late eleventh and twelfth centuries, which led to the adoption of Roman law as the international law of Europe at the beginning of the thirteenth century. I am in complete agreement with scholars such as Charles Radding and Giovanna Nicolaj when they assert that the origins of late medieval jurisprudence, that of the Doctors of Bologna and their commentaries, must be sought in the judicial practices of the late tenth and early eleventh centuries in cities such as Rome, Ravenna, and Pavia[33]. I also agree in imagining this new effervescence as something greater than just the rediscovery of Justinianic law. It must have been a complex and articulated movement that, starting from a spirit of questioning and research, could lead to different outcomes. I would imagine that such spirit was also behind cultural practices apparently far from the specifically legal discourse, as are, for example, the register of concessions known as the *Breviarium* of the Church of Ravenna, composed at the end of the tenth century with old reams of papyrus left unused in the archives of the archbishop, or the *Honorantie* of Pavia, with their recognition of public rights of the royal palace, or the Catalan comital and episcopal documents which, in the same period, plundered Greek-Latin glossaries of a late antique tradition to ennoble their lexicon[34].

Keeping these processes in mind, we can perhaps better understand why the *Variae* were exhumed right around the turn of the Millennium by *iudices dativi* and *scriniarii* from Lazio, i.e. by men steeped in Latin culture, who actively participated in judicial practices. Rummaging through the Roman archives – to which, I assume, Stephanus from Tivoli also had access – these people must have come across one or more manuscripts of the *Variae*. I would be tempted almost naturally to assert that the introduction of the *Variae* in the notarial practice of Lazio entailed a real leap forward in law, in documents, and in other activities. Nonetheless, I would be careful not to conclude my reflection in this sense, because, ultimately, what we have seen are mostly *arengae*, introductions to documents that in fact have to deal with very prac-

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[32] Ammirati, *Testi e «marginalia»*; Galante, *La inscripcion sepulcral*; Cecchelli, *Ottone III e l'aristocrazia romana*; RF, n. 666 (1013). A specimen from the inscription: «Maximus hinc surget gemina cum pube suorum / et nata, superis dandus honore pio; / quos Sergestus acer patrum longo ordine sevit, / illustres animas perque ducum genera. Mite genus hominum, sapiens, insigne, decorum, / nominis antiqui consepelit tumulus».

[33] Radding, *Le origini della giurisprudenza*; Nicolaj, *Cultura e prassi*.

[34] *Breviarium Ecclesiae Ravennatis*; *Die «Honorantiae civitatis Papiae»*; Zimmermann, *Écrire et lire*, pp. 291-313.

tical issues of economy, law, and religion. However, the presence of a cultural reference within an *arenga* should not be underestimated because, as previously mentioned, it would make explicit the ideal cultural sphere in which the writer decided to place his work. From this point of view, the inclusion of the *Variae* in the *arengae* of Lazio informs us that the local notaries had decided to include Cassiodorus in their cultural range. It is not difficult to imagine how intrigued they were by the collection, finding within it many references to prefects, the Senate of Rome, justice, appointments, late antique popes, all subjects that to some extent had survived in local political practice, or at least in theory. We might perhaps add that, just as we have struggled for a long time to understand the nature, contents, forms, and functions of the Ostrogothic letters of the ancient praetorian prefect, it remains more than likely that the notaries of the year 1000 also considered the context and contents of the books they had just found obscure, at least to begin with. However, perhaps because of the precise archival location of the manuscripts – the papal *scrinium* –, they could immediately understand their function: the *Variae* were a chancery formulary, or at least a reservoir of high-level documents that their descendants would be able to draw upon[35]. And so they did. Possibly they were not able to exploit fully those models to articulate better their own documentary system, given that such a function would be delegated to the Justinianic corpus which, quotation after quotation, assembly after assembly, at the end of the eleventh century became the real engine of a strong cultural change. But they may not have started with this in mind.

What remains certain is that this discovery, stimulated by the post-Carolingian judicial practices, was not lost. Between the second half of the eleventh century and the first half of the twelfth, Rome went through a strong crisis, the ancient structures of the Carolingian model disappeared, and with them so did the placitum, but the *iudices* and *scriniarii* did not. Detached from the old hierarchies, they underwent a process of redefinition, and were transformed into groups of urban professionals. Progressively approaching the emergent commune, or rather contributing to its institutionalization, they brought their stratified culture into it. Thus, in the second half of the twelfth century, we see the chancery of the Roman commune, the so-called Senate, again use the *Variae* as a rhetorical model, and in some ways also contributing to their adoption by other Italian communal chanceries, as is the case of Genoa in 1164 with a possible reuse of *Variae*, VIII, 23[36]. These suggest that even more important projects were nourished by an assiduous reading of that epistolary collection. But this is another story, and it would be better to tell it elsewhere.

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[35] On the papal archives and library as the main centers of preservation of the earliest Cassiodorus manuscripts, see Courcelle, *Les lettres grecques*, pp. 373-382.
[36] *Codice diplomatico della repubblica di Genova*, II, n. 3 (1164). Nicolas Michel's forthcoming study also addresses communal reuses of the *Variae*.

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Dario Internullo
Università degli Studi di RomaTre
dario.internullo@uniroma3.it

Epigraphic Stratigraphy:
is There Any Trace of the Ostrogoths
in Early Medieval "Layers" (6ᵗʰ-9ᵗʰ Century)?

by Flavia Frauzel

The short but significant experiment of the Ostrogothic Kingdom in Italy left politically ephemeral albeit culturally surprisingly durable traces in the peninsula. Among them, epigraphy takes centre stage when discussing decrees, laws, and public documents, which are a direct expression of the rulers' will to gain greater visibility and disseminate their voice. However, epigraphy is also crucial to knowing the names, professions, ideas, and other concepts relating to the ordinary people. This contribution aims to examine a number of issues concerning controversial Germanic names datable between the sixth and seventh century AD, and variably assigned to Ostrogoths, Lombards, and even Carolingians characters; through the lens of these durable materials, which – ironically enough – are monuments both recording contemporary propaganda and everyday life facets, the article will also explore the graphic and epigraphic changes which occurred in Italy between the sixth-ninth centuries.

Early Middle Ages; Late Antiquity; Ostrogoths; Lombards; Germanic Names; Epigraphy; Palaeography.

Flavia Frauzel, CAMNES, Center for Ancient Mediterranean and Near Eastern Studies, Italy, flavia.frauzel86@gmail.com

Abbreviations

AE = *L'Année épigraphique. Revue des publications épigraphiques relatives à l'antiquité romaine*, Paris 1888-.

CCSL = Corpus Christianorum, Series Latina.

CIL = *Corpus Inscriptionum Latinarum, consilio et auctoritate Academiae litterarum regiae Borussicae editum*, Berlin I-XV, 1863-.

CIMAH = *Corpus Inscriptionum Medii Aevi Helvetiae*, V, *Le iscrizioni dei cantoni Ticino e Grigioni fino al 1330*, ed. M. Bernasconi Reusser, Freiburg 1997.

EDCS = Epigraphische Datenbank Clauss – Slaby (<http://www.manfredclauss.de/>).

EDH = Epigraphic Database Heidelberg (<http://edh-www.adw.uni-heidelberg.de/home>).

EDR = Epigraphic Database Roma (<http://www.edr-edr.it/Italiano/index_it.php>).

ICI = *Inscriptiones christianae Italiae septimo saeculo antiquiores*, Bari 1985-.

ICUR = *Inscriptiones Christianae Urbis Romae septimo saeculo antiquiores*, ed. G.B. De Rossi, 2 voll., Roma 1861-1888; *Supplementum*, ed. I. Gatti, Roma 1905.

ILCV = *Inscriptiones Latinae Christianae Veteres*, ed. E. Diehl, I-III, Berlin 1925-1931; *Supplementum*, ed. J. Moreau – H. I. Marrou, Zürich 1967.

InscrIt = *Inscriptiones Italiae*, Roma 1931-

MGH, LL 1 = *Capitularia regum Francorum* (I), ed. A. Boretius, Hannover 1883 (Leges [in Folio], 1).

MGH, Poetae 1 = *Poetae Latini medii aevi Carolini* (I), ed. E. Duemmler, Berlin 1881 (Poetae Latini medii aevi, 1).

MGH, SS rer. Lang. = *Scriptores rerum Langobardicarum et Italicarum, saec. VI-IX*, ed. G. Waitz, Hannover 1878.

PIB I = S. Cosentino, *Prosopografia dell'Italia bizantina, 493-804*, vol. 1, Bologna 1996.

PLRE I = *The Prosopography of the Later Roman Empire*, vol. 1, *A.D. 260-395*, ed. A.H.M. Jones – J.R. Martindale – J. Morris, Cambridge-London-New York-Melbourne 1971.

PLRE II = *The Prosopography of the Later Roman Empire*, vol. 2, *A.D. 395-527*, ed. J.R. Martindale, Cambridge-London-New York-New Rochelle-Melbourne-Sidney 1980.

PLRE III = *The Prosopography of the Later Roman Empire*, vol. 3, *A.D. 527-641*, ed. J.R. Martindale, Cambridge 1992.

SupplIt = *Supplementa Italica. Nuova Serie*, Roma 1981-.

1. *Introduction*

Let me start off by asking a deliberately provocative question: has there ever been a real epigraphy of the Ostrogoths? Probably not. It's a well-known fact that in Italy, the few Ostrogoths who wanted and could afford to commemorate themselves on a tombstone or in some other durable material expressed themselves in Latin, respecting all the stylistic conventions of the contemporary epigraphic *habitus*, and that the only way to recognize them is by their peculiar names. How can we therefore investigate the traces left by this people after their formal expulsion from the peninsula following the Gothic War? One way to track the faint traces of the Ostrogoths in the postwar period would be once again to resort to onomastics, detectable in documents, such as the Ravenna Papyri, and in some inscriptions dating from after the sixth century.

In 2019, at the conference *The Legacy of Justinian. The Last War of Roman Italy*[1], I spoke extensively about Theodenanda, a presumed niece of Theoderic, mentioned on a tombstone preserved in the church of S. Nicola in Genazzano[2], but which almost certainly came from Rome, specifically from the Vatican Basilica. However, two other women named Theodenanda are also referred to in two epigraphs. One, very fragmentary, is preserved in Pavia[3], the other, complete, was found at the church of S. Pietro a Corte (Salerno)[4], and can be dated to the year 566. This latter location – which is known to be linked to the Lombards – and this very early internal dating for a Lombard tombstone, provides the opportunity to tackle a question often debated by scholars, which can be summed up as follows: is this epigraph with a Germanic name attributable to the Ostrogothic years, the Lombard period, or yet another age?

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[1] The volume edited by Hendrik Dey and Fabrizio Oppedisano will soon be published.
[2] See Frauzel, *Inscriptiones Medii Aevi Italiae*, pp. 95-101 (with bibliography).
[3] CIL, V, 6470; ILCV, 3178; Fiebiger, *Inschriftensammlung*, 10; Panazza, *Catalogo delle iscrizioni*, pp. 236-237, n. 21; Boffo, *Iscrizioni Latine dell'Oltrepò*, pp. 177-180; SupplIt, IX, p. 246 (Boffo, 1992).
[4] Del Pezzo Costabile, *Teodenanda e i Goti*, pp. 93-100; Amarotta, *La cappella palatina di Salerno*, p. 55, note 113; Galante, *Un accesso alla storia di Salerno*, p. 43; Lambert, *Pagine di pietra*, pp. 78-79; Lambert, *Testimonianze di vita dalle iscrizioni*, p. 9, note 22; AE 2008, 309; Lambert, *Pagine di pietra*, pp. 121-124; Lambert, *I documenti epigrafici*, pp. 53-54.

The purpose of this article is, therefore, to select an array of artefacts dating from the end of the sixth-seventh century, variously attributed to one or another "ethnic" horizon, and then to discuss, in much broader terms, the graphic and epigraphic transformations that took place between the eighth and ninth centuries in the Italian peninsula (and elsewhere).

2. *Post-war and doubtful Ostrogothic/Lombard inscriptions*

The first examples with which I would like to deal come from Croatia, specifically from the cathedral of Parenzo (the Euphrasian Basilica, from the mid-sixth century), and are obituary graffiti dating from the end of the sixth-seventh centuries, of a man with a clear Gothic anthroponym, Amara[5], and of two women, Burga[6] and Richelda[7] (Fig. 1, a-b), about whom however there are several doubts; all these graffiti were made on the *opus sectile* decoration of the apse. There is also a marble tombstone, unfortunately damaged, that seems to mention a woman, perhaps named Gunna[8] (Fig. 2). The Ostrogoths are known to have exercised control, not only over the Italian peninsula, but also over some areas of present-day Croatia, so it is no surprise to find such evidence in this place.

While we are dealing with the subject of graffiti, at least passing mention should also be made of some names recognized among the countless extemporaneous inscriptions found in the sanctuary of S. Michele Arcangelo on Mount Gargano, including the undeniably Ostrogothic anthroponym Aligernus[9] (Fig. 3, a). A second graffiti from the same context, albeit incomplete, may have recorded a second Aligernus[10] (Fig. 3, b). The compound name consists of *alia-* «other», and *gerna-z* «eager»[11]. During the sixth century, the name Aligernus occurs on two other occasions: one, the younger brother of King Theia, who surrendered to Narses in 554[12]; the other, documented in the epistolary collection of Pope Gregory I the Great in 598[13], was an Ostrogoth who lived in Campania

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[5] InscrIt, X, 2, 155; Fiebiger, *Inschriftensammlung*, 23-24; Rugo, *Le iscrizioni*, II, 118.

[6] InscrIt, X, 2, 147; Rugo, *Le iscrizioni*, 114c. The name *Burga*, certainly Germanic, shows similarities with the Lombard *Burgu*, but it cannot be ruled out that it may be Gothic, although there are well-founded doubts in this regard. Some characters, such as the *A* with a broken horizontal stroke, and the very broad cursive *R*, although most certainly conditioned by the hard support and the writing instrument, appear to come from a later period, more similar to the late seventh century than to the Ostrogothic Age.

[7] InscrIt, X, 2, 138; Rugo, *Le iscrizioni*, II, 110. This anthroponym could be derived from the Gothic *rīkja*, «kingdom», *rīka*, «powerful, king», and *hildjō*, «battle». However, the spelling <ch> and the palaeographic features apparently refer to a late chronology, namely the seventh century.

[8] See InscrIt, X, 2, 189. Here, Attilio Degrassi suggested recognizing the name *Utigunna*, although this assumption lacks scholarly consensus.

[9] Carletti, *Iscrizioni murali*, 1980, p. 70, n. 53.

[10] *Ibidem*, p. 37, n. 6.

[11] Francovich Onesti, *I nomi degli ostrogoti*, p. 31, n. 18.

[12] PLRE III, p. 48; PIB I, p. 125.

[13] Gregory the Great, *Epistulae*, IX, 36.

and was the father of a man with a Latin name, Sabinus. It should also be noted that an Aligerna *honesta femina* appears in an epitaph from Suno (Province of Novara), in the parish church of S. Genesio, which can be framed in an earlier chronology (sixth century)[14]. The name, of East Germanic origin, was fairly widespread even in the Lombard period, as shown by this example, datable on the basis of archaeological data to the seventh century, and, even later, by the Aligernus abbot of Montecassino, who died in 986[15].

Also from Southern Italy, specifically in Apulia, comes an artefact of great interest, found on the rod of a silver open ring fibula with the head and neck of an animal. It is an auspicious epigraph bearing the canonical formula *vivas in Deo,* made for a person by the name of Amaliginusi (?)[16] which was read with extreme difficulty due to its precarious state of conservation (Fig. 4). The artefact, together with a silver digital ring, is part of the burial objects of an open-pit two-body tomb in Oria, near the "F. Milizia" Middle School in via Strabone. The second tomb of the same type, excavated at the same time, showed no contents. Scholars attributed the two tombs to the end of the sixth-seventh century. The fibula is kept in the National Archaeological Museum (Taranto), but is not on display. The short inscription is introduced by a *signum crucis*, then presents the curious anthroponym and a single *V* alluding to the formula *vivas in Deo.* Could the *Amal-* component perhaps echo an Ostrogothic origin, specifically of the Amali lineage, for the individual mentioned in the inscription? The same question was raised by Donatella Nuzzo in her edition of the piece in the *Inscriptiones Christianae Italiae*. I therefore refer to her contribution for philological and archaeological questions related to the epigraph, and also for a broader overview of the excavation context and the class of artefacts under examination[17].

A small marble slab was discovered the catacombs of S. Giovanni in the city of Syracuse at the turn of the twentieth century. The object in question closed a *forma* sepulchre on the floor and mentioned a Giddo, buried on the seventh day from the calends of December (December 25) of an unspecified year[18] (Fig. 5). The name Giddo, here declined in the genitive, seems to derive from the Germanic root *gelða- or *gelda, «compensation» (Got. Gild, gildan-), common among the Ostrogoths and the Lombards; the reduced form *gid- is known, from which it is plausible that the name Giddo[19] derives. An alternative

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[14] Doni, *Inscriptiones antiquae*, 20, 9; Muratori, *Novus Thesaurus*, p. 1965, 11, and p. 1968, 5; CIL, V, 6586; ILCV, 327; Fiebiger, *Inschriftensammlung*, 47; Ferrua, *Escursioni epigrafiche*, p. 12; Mennella, *La cristianizzazione rurale*, p. 159, note 20.

[15] *Catalogus abbatum monasterii casinensis* (MGH, SS rer. Lang., p. 489).

[16] Andreassi, *L'attività archeologica in Puglia*, p. 780; Maruggi, *Le necropoli*, table LXXXI, 2; D'Angela, *L'altomedioevo in Puglia*, p. 25, n. 30; ICI, XIII, 52, EDR120891; Felle, *La documentazione epigrafica latina*, pp. 612-613.

[17] ICI, XIII, 52 (Nuzzo, 2011).

[18] Orsi, *Nuovi scavi nelle catacombe*, p. 351; ILCV, 3031; Ferrua, *Note e giunte*, p. 32, n. 94.

[19] Francovich Onesti, *I nomi degli ostrogoti*, p. 119; Francovich Onesti, *Vestigia longobarde*, p. 195.

is that the anthroponym is of African origin, and that it is a corruption/variant of the name Gildo[20], famous thanks to the homonymous *comes et magister utriusque militiae per Africam* who lived in the Theodosian Age, rebelled against the Western Empire, was captured and killed in 398[21]. References are scarce in the internal chronology among the group of tombstones discovered in the catacomb[22], written mainly in Greek, although an epigraph dated to the post-consulate of Basil (the Younger?)[23] was found in a different area of the hypogeum complex, which makes it possible to date the use of the cemetery at least to the second half of the fifth century but, more likely, to 542[24].

Moving to Northern Italy, where the corpus is much more extensive, I would first of all like to highlight the Manifrit inscription (Fig. 6), from the church of S. Vincenzo in Galliano (near Cantù), datable to end of the sixth/beginning of the seventh century, today preserved in the Museum of Ancient Art of the Sforza Castle in Milan (Room I, left wall)[25].

The entire inscription, on a vertical marble slab with a double smooth frame, is crossed lengthwise by a Latin cross with expanded apices, that divides the text into two symmetrical columns; the lower portion of the support is occupied by an *Agnus Dei* bearing the cross and a stylized tree. There are stylistic affinities with a later and higher-quality plaque from S. Giovanni in Conca (Milan), which was definitely made for a Lombard nobleman named Aldo (Fig. 7). From a palaeographic point of view, the tombstone shows vertical capital letters of quite regular shape, engraved with a triangular pointed tool to emphasize the letters. Noteworthy, in line 6, is the numeral *L* drawn like a sort of curved *W*, in form very similar to those seen in the epitaphs of three clearly Ostrogoth characters: Guntelda[26] (Como), Wilifara[27] (Civitavecchia)

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[20] For an overview of the recurrences of the anthroponym in epigraphy, see EDCS08300606 = HD003054 (from Caesarea, current Algeria); EDCS00380676 = HD051655 (from Germany, current Wincheringen); EDCS00380677 = HD051656 (from Germany, current Wincheringen); EDCS47600422 (from Herapel, on the border between modern-day France and Germany).
[21] PLRE I, pp. 395-396, *Gildo*. See also the inscriptions CIL, IX, 4051 (EDCS14805080), and CIL, VI, 41382 (EDR073007; HD024202; EDCS05101912), where Gildo is defined *hostis publicus.*
[22] Ferrua, *Note e giunte*, pp. 13-62 (annotations, with bibliography, on the entire *corpus*; for more precise bibliographic references on epigraphic studies in Sicily and in particular in Syracuse, see *Ibidem*, pp. 9-12).
[23] Orsi, *Nuovi scavi nelle catacombe*, p. 354.
[24] Ferrua, *Le iscrizioni datate della Sicilia*, pp. 25-26.
[25] Annoni, *Monumenti e fatti politici*, pp. 469-471; Rugo, *Le iscrizioni*, V, 21; Russo, *Studi sulla scultura*, p. 11; Amory, *People and Identity*, p. 392; Sannazaro, *Osservazioni sull'epigrafia*, p. 209; Francovich Onesti, *I nomi degli ostrogoti*, p. 66, n. 183.
[26] Allegranza, *Antichissima leggenda*, p. 12; Allegranza, *De sepulchris christianis*, p. 166; Rovelli, *Storia di Como descritta dal marchese*, vol. 1, p. 329; Bernasconi, *Le antiche lapidi*, n. XVIII, p. 49; CIL, V, 5415; Monneret de Villard, *Iscrizioni cristiane della provincia di Como*, p. 78; Fiebiger – Schmidt, *Inschriftensammlung zur Geschichte*, 232.
[27] Le Blant, *Inscriptions chrétiennes*, I, p. 46, note 20; ICUR, I, 1093; CIL, XI, 3567; Calisse, *Storia di Civitavecchia*, p. 45, note 3, and p. 727, note 3; Fiebiger – Schmidt, *Inschriftensammlung zur Geschichte*, 231; ILCV, 3926a; ICI, II, 4; Fiocchi Nicolai, *I cimiteri paleocristiani*, pp. 41-42.

and Berevulfus[28] (Voghera). The anthroponym consists of two components: the first appears to be the Germanic *magina-, «power», whereas *manna-, «man», is considered more improbable; the second is friþu-z, «peace»[29].

The name would therefore seem to be attributable to a man of Gothic origin, despite the obviously late chronology of the inscription. Nicoletta Francovich Onesti wrote in this regard: «Siccome l'uomo fu sepolto a 52 anni, era nato probabilmente prima del 568 e quindi poteva avere un nome di ascendenza gotica, benché la forma fonetica abbia un aspetto piuttosto longobardo; infatti, come nel caso di *Guntelda*, la grafia è tardiva e sostanzialmente longobardizzata»[30]. I tend to favour the assumption of Nicoletta Francovich Onesti, although it should be noted that Manifrit is regarded as Lombard by most scholars[31], although this still remains a moot point.

3. *The epigraph of Wideramn and similar plaques from Lombardy and Piedmont*

The Lombard area has yielded some other notable materials, many of which, such as the tombstone of Guntelda, Basilius and Guntione (grandmother, son, and grandson respectively) and the Manifrit example, noted in the previous paragraph, which "oscillates" between the Ostrogothic and the Lombard horizons. Perhaps the most significant case comes from the Castelseprio complex, a *castrum* constructed in Late Antiquity (with some pre-existing Roman remains), where civilians also most certainly lived, and where various religious structures of enormous archaeological and historical artistic interest[32] were erected.

Here, in 1845[33], the important inscription of Wideramn was discovered, covering a privileged tomb where some spurs in gilded copper were also found, which were unfortunately lost (Fig. 8)[34]. In the absence of detailed stratigraphic data, it is even doubtful whether the epigraph comes from the church of S. Maria *foris portas* or from the cemetery area pertaining to S. Giovanni Evangelista, where many other burial sites have been discovered and excavated in more recent times[35]; Bognetti speaks of the «atrio di S. Maria»[36],

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[28] Sanguineti, *Seconda appendice*, p. 209, n. 33; CIL, V, 7414; ILCV, 2829; Fiebiger – Schmidt, *Inschriftensammlung zur Geschichte*, 230; Rugo, *Le iscrizioni*, V, 149; Mennella, *Le iscrizioni paleocristiane di Tortona*, p. 128, n. 12; ICI, VII, 10; EDR010863; EDCS05400664.

[29] Francovich Onesti, *I nomi degli ostrogoti*, p. 66, n. 183.

[30] *Ibidem*.

[31] For example: Russo, *Studi sulla scultura paleocristiana*, p. 11; Sannazaro, *Osservazioni sull'epigrafia*, p. 209.

[32] On the whole, see Bognetti, *Castelseprio. Guida storico-artistica*; Soprintendenza per i Beni Archeologici della Lombardia, *Parco archeologico*; De Marchi, *Castelseprio e Torba*.

[33] Corbellini, *Il museo lapidario*, p. 126.

[34] Ferraiuolo, *Epigrafi dal cenobio*, p. 89.

[35] Soprintendenza per i Beni Archeologici della Lombardia, *Parco archeologico*, pp. 23-26; De Marchi, *Castelseprio e Torba*, pp. 62-68.

[36] Bognetti, *Castelseprio. Guida storico-artistica*, Fig. 18.

but nineteenth century accounts do not support this claim[37]. In any case, this character is traditionally considered a sort of "Lombard founder" of one of the two buildings, given the importance attributed to his burial, and the inscription was unanimously assigned to the first half of the seventh century. The name derives from the components wiðu-, «wood», and hraƀna-z, «crow»[38], the use of which is documented by both the Ostrogoths and the Lombards[39].

Another issue to consider, aside the anthroponyms and formulaic language still firmly associated with the epigraphic conventions of Late Antiquity, is the peculiar iconographic apparatus: in the top portion, the slab is in fact decorated with a triple Christogram, which has been interpreted as a strong reference to the Trinitarian dogma, plausibly reaffirmed following Wideramn's conversion from Arianism to Catholicism. Unfortunately, even this doctrinal detail sheds no light on the origin of the man, given that both the Ostrogoths and the Lombards had adhered to the Arian creed at different times in their history. However, I believe that an Ostrogothic origin of the character cannot be ruled out *a priori*, even considering the area of provenance, the nature of the context of Castelseprio – a *castrum* occupied and reoccupied several times during the sixth-seventh centuries – as well as the chronology and quality of the tombstone, which displays various affinities with other inscribed plates, highly oblong, coming from Lombardy and neighbouring Piedmont, datable between the end of the sixth and seventh century.

The samples presented here are almost always of poorer quality than that of the Wideramn inscription, but still offer insights into the production of the lapidary workshops during the period immediately preceding the creation of this artefact with a controversial interpretation.

The first example is the sepulchral inscription of Berevulfus, *vir venerabilis* and presbyter, who probably lived for about 70 years, buried on 30 December of an unspecified year of the sixth century (Fig. 9). It was found a few months or years before December 1918, according to the account handed down by Patroni[40]: «Alcuni mesi o sono mi venne riferito che in Voghera trovavasi una epigrafe paleocristiana, rinvenuta da non molto tempo». With the help of the local Royal Inspector of Excavations and Monuments, M. Baratta, Patroni also managed to obtain a photograph of the inscription, which was «depositata presso il Municipio di Voghera»[41]. It comes from S. Ilario in Staffora[42], an ancient place of worship located close to the river of the same

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[37] Corbellini, *Il museo lapidario*, p. 126.
[38] Francovich Onesti, *I nomi degli ostrogoti*, pp. 121-122.
[39] Francovich Onesti, *Vestigia longobarde*, pp. 202 and 220.
[40] Patroni, *Epigrafe paleocristiana di un* Presbyter Berevulfus, p. 169.
[41] *Ibidem*.
[42] The date of the building's foundation remains a matter of debate: some scholars attribute it to the early Christian Age, and others to the Lombard Age. However, it seems clear that there was a pre-Romanesque phase – the most visible even today – which was followed by numerous alterations and phases of abandonment/desecration, which eventually culminated in the reuse of the building (popularly referred to as the "Red Church") as a Shrine of Cavalry Arms, under

name, which flows in the eastern area of Voghera, plausibly providing a natural boundary to the Roman city of Forum Iulii Iriensium, which was later renamed Voghera. Although there is a lack of archaeological and topographical data on the area, it would still seem that the church was located in ancient times on the outskirts of Iria.

The artefact consists of an oblong-shaped limestone slab with a smooth writing surface, which has survived almost intact except for a jagged fracture affecting the lower margin: it cannot be ruled out that there were one or two lines written below, bearing a consular date. In the thickness of the stone have been observed two holes left from ancient grips, plausibly original[43].

Berevulfus is a compound name consisting of *bera-, «bear», and *wulfa-z, «wolf»[44]; the numeral is probably to be understood as the link between a highly stylized *L* (top left) and a big, central X sharing a trait with both the *L* and another smaller *X*.

The prestige of the man, defined as *vir venerabilis*, is reflected in the highly refined inscription, similar in morphology and content to the inscriptions found in nearby Tortona (see below), but which is altogether of far better quality.

Unfortunately, the details of the discovery are unknown, so there is no way to ascertain whether the artefact was found *in situ* or reused. However, one may be certain that it belongs to S. Ilario, and I think it makes sense to focus on this dedication. St. Hilary of Poitiers (assuming the chapel was named after him and not a namesake) is a saint who, given his fierce opposition to Arianism[45], may have been chosen with deliberate intent to re-inaugurate a church that was formerly "compromised" by the heresy of Arius, of which Berevulfus would seem to have been a prominent representative.

The second example comes from Tortona: it is the funerary inscription of Sendefara[46], who died at the age of 35 on 13 January 541, under the consulate of Basilius (Fig. 10). It is an almost intact grey marble slab, with an elongated rectangular shape that has a semi-circular gap near the left margin, which pre-existed the written text (one notes that lines 9-10 are offset from the rest of the text to follow the gap). The left margin, which affects the first letters of some lines, was instead reset after the inscription had already been made.

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a 1952 resolution. See Patroni, *Epigrafe paleocristiana di un* Presbyter Berevulfus, pp. 170-171; Falciola, *La chiesa dei SS. Ilario e Giorgio*, pp. 88-96; Bono, *S. Ilario: la chiesa più antica*, pp. 20-24; Merlo Grado, *"Capella cum adiacente parrochia"*, pp. 325-386; Scarrione, *La chiesa di S. Ilario*, pp. 33-70; Merlo Grado, *Forme di religiosità*, pp. 83-146.

[43] Patroni, *Epigrafe paleocristiana di un* Presbyter Berevulfus, p. 169.

[44] Francovich Onesti, *I nomi degli ostrogoti*, p. 39, n. 62.

[45] Nor is there any certainty about the authorship of the *de Trinitate* (or *de fide contra arianos*), a doctrinal work of seminal importance in the context of the debate on Arius' positions on the nature of Christ.

[46] Sanguineti, *Seconda appendice alle iscrizioni romane*, p. 209, n. 33; CIL, V, 7414; ILCV, 2829; Fiebiger – Schmidt, *Inschriftensammlung zur Geschichte*, 230; Rugo, *Le iscrizioni*, V, 149; Mennella, *Le iscrizioni paleocristiane di Tortona*, p. 128, n. 12; ICI, VII, 10; EDR010863; EDCS05400664; Francovich Onesti, *I nomi degli ostrogoti*, n. 253.

Mommsen mistakenly believed the artefact to be divided into two fragments, the largest of which was found outside Tortona, while the shorter incipit, when the *CIL* V was released (1877), was apparently located at «Genuae (...) apud societatem»[47]. In reality, only a cast of the original arrived in Genoa[48]. Sanguineti reports that the epigraph was found by Cesare di Negro «fuori Tortona»[49]. Until a few years ago, it was attached to the left wall n. 7 of the Christian lapidary in the Archaeological Museum of Tortona, inventory item n. 1253[50]. Today the collection is fragmented and awaits relocation to a new museum.

The possibility that the plaque should be dated to 480, the year of the consulate of Caecina Decius Maximus Basilius iunior[51], looks improbable both due to the onomastics of the deceased and the palaeographic features of the inscription.

The female anthroponym Sendefara consists of two components: *sinþa-, «path», and *faro, «journey»[52].

The material aspects, formulaic conventions, and some palaeographic elements of the inscription, allows us to include the Sendefara epigraph in a rather homogeneous group[53] of Late Antique inscriptions discovered in Tortona and/or its surrounding areas, unfortunately almost all lacking a specific archaeological context. There are at least nine tombstones[54] featuring an elongated slab shape (in two cases the shape is almost quadrangular, for example in Fig. 11, n. 4) and the small size, the incipit *b(onae) m(emoriae)* which is followed by *hic requiescit in pace*, and frequent reference to the consular date. Palaeography sometimes appears to be at variance between one specimen and another (Fig. 11, n. 2), or between one "subgroup" and another, more or less refined (Fig. 11, nn. 1 and 5), but in my opinion it could be a matter of different hands from the same *atelier*.

Aside from the specific features of the plaque, I therefore consider very likely the presence of one (or more than one?) lapidary workshops operating in the city or in the Tortona area, which served both the local inhabitants and, at least in one case, the Ostrogothic population.

It remains unclear to which kind of tomb this type of slab should be associated, but I would like to point out an item of particular interest found

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[47] CIL, V, 7417.
[48] ICI, VII, p. 13.
[49] Sanguineti, *Seconda appendice alle iscrizioni romane*, p. 209.
[50] ICI, VII, p. 12.
[51] Cappelli, *Cronologia*, p. 210.
[52] Francovich Onesti, *I nomi degli ostrogoti*, pp. 84-85, n. 253.
[53] For editions, bibliography, and photographic reproductions, see EDR010665; 010674; 106596; 106702; 106765; 106793; 107546. Although these plates are more squared in shape, the tombstones in EDR010675 and 010676 should be added to the group.
[54] On the early Christian epigraphy of Tortona, see Mennella, *Le iscrizioni paleocristiane*, pp. 105-229, and ICI, VII, by the same author, pp. 3-118 (with updates and *Instrumentum*).

in some samples of the group, including the above-mentioned Sendefara inscription: the presence of a semi-circular hole near one of the margins of each slab, which, I believe, derives from the cutting of pre-existing funerary stones (*cippi*) into two, four or more sections – this also explains the pseudo-quadrangular shape of at least two artefacts – to obtain these smaller tombstones. In one slab, on the other hand, there is a pronounced concavity near the lower margin, in an almost central position (see Fig. 11, n. 6).

Di Negro's laconic notation[55] on the discovery of the Sendefara inscription outside Tortona would seem to leave no room for criticism about the archaeological context where the epigraph was originally supposed to be exhibited, but it alludes to the presence of a burial (or rather a necropolis?) in the suburbs of Tortona or the surrounding countryside. Unless we think of a large displacement of the slab, the Sendefara tombstone, therefore, seems to refer to a non-urban or peri-urban area. Near ancient Dertona there are at least two necropolises, one already Roman and then in use between Late Antiquity and the Middle Ages, with the other becoming active during the Christian Era in the church of S. Simone, both adjacent to Via Emilia[56].

4. *Survival and changes in epigraphic and palaeographic features between the 7th-8th centuries*

Aside from the affinities between these Lombard and Piedmontese samples with Wideramn's inscription, at the turn of the sixth and seventh centuries, graphic shapes and forms began to undergo profound changes in the fully Lombard Age, especially from the second half of the seventh century onwards.

Decorativism, verticalization and *scriptio continua* begin to emerge as the prevailing features, also reflecting a change in the clients and users of the epigraphic medium[57]. These characteristics are illustrated in some splendid plaques of nobles, queens, kings, and abbesses of the time (Figg. 12-15). Often the inscriptions of the Lombard elites are also written in verse and influenced by the poetic *topoi* of leading figures of the time, such as Paul the Deacon[58] and later Alcuin and Venantius Fortunatus[59], for the poems of the Carolingian Age.

Moreover, even in the Ostrogothic Age there were some well-known cases of epigraphic texts elaborated with the contribution of intellectuals of the

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[55] See Sanguineti, *Seconda appendice alle iscrizioni romane*, p. 209.

[56] Cera, *La Via Postumia*, pp. 165-166 (including a bibliography).

[57] For some aspects of these monumental inscriptions, cf. Ferraiulo, *Epigrafi dal cenobio*, pp. 59-68, and also pp. 99-128.

[58] For example, the epitaphs for the queen Ansa (Paul the Deacon, *Carmina*, 8 [MGH, Poetae I, pp. 45-46]) and for Duke Arechis II of Benevento (see Lambert, *La produzione epigrafica*, pp. 291-322).

[59] See, for instance, the funerary inscription of the priest Tafo (Banti, *Considerazioni a proposito di alcune epigrafi*, p. 172; Favreau, *Epigraphie Médiévale*, pp. 296-297).

time. I would like to note, for example, the famous inscriptions of the reclamation of the marshes of the Decennovium, the complex text of which is the work of Cassiodorus[60], but whose graphic quality does not appear to be particularly accurate, compared to that of other Theoderician inscriptions from Rome or Ravenna: it is in fact plausible that the marble slabs were engraved by local medium-level workshops, operating in the Terracina area, on behalf of Caecina Mavortius Basilius Decius[61] (Figg. 16, a-b).

Certain traditions that we could define as "Late Antique", such as the horizontal development of the inscriptions, the loose layout of the letters, and the use of certain forms, however, seem to persist even in the fully Lombard Age: see, for example, the foundation epigraph of Civitas Nova, found West of the ancient settlement of Mutina, by King Liutprand (early decades of the eighth century) and kept in Modena, in the Museo Lapidario Estense (Fig. 17)[62]. It is easy to imagine that some workshops were more traditional than others, and perpetuated older models, as seems evident from the comparison of two artefacts of very distant chronology, which I will discuss here. The first (Fig. 18) is a damaged funerary epigraph from the oratory of S. Martino in Morbio Superiore (Canton Ticino) and datable to 519 thanks to the mention of the consul Flavius Eutharicus Cillica, husband of Amalasuintha, daughter of Theoderic[63]. Outside the epigraphic mirror, near the left margin, there is a diamond pattern engraved with irregularities and a shallow groove. A large Latin cross, carved with a very deep groove (perhaps to accommodate a metal sheet or other type of decoration, such as painting or glass paste), stands out between the lattice and the text, extending to flank all the lines of the inscription except the last one (line 6), obtained beyond the base of the cross and offset from the rest of the epigraph. A dove (or rather a clumsy peacock?) is placed between the left arm and the apex of the cross.

The second example comes from the abbey of Leno (Brescia, Fig. 19), commemorates an anonymous abbot, and has been variably dated to the first or second half of the ninth century[64]. According to a recent hypothesis[65], mainly based on palaeographic elements, the piece would actually date back to the late Lombard Age, being perhaps reworked or redecorated in the Carolingian

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[60] See Giardina, *Cassiodoro politico*, pp. 76-78.
[61] For the editions of the four slabs (A+B+C+D*), being the D* a later copy (*inscriptio novicia*), see CIL, X, 6850 (A), 6851 (B), 6852 (C), p. 690 (D*); ILCV, 35 and 778; ILS, 827; De La Blanchère, *Terracine*, pp. 195-197 (A); Fiebiger – Schmidt, *Inschriftensammlung zur Geschichte*, 193; Coppola, *Terracina. Il museo e le collezioni*, nn. 92 (C) and 30 (D*); Bianchini, *Sulle iscrizioni di Mesa*, p. 118; Fauvinet-Ranson, *Decor civitatis, decor Italiae*, p. 73; Giardina, *Cassiodoro politico*, pp. 76-78 (A+B, with extensive bibliography); Guerrini, Theorericus rex *nelle testimonianze*, pp. 141-146 and 168-171 (A+B+C+*D); EDCS21900003 (A+B); EDCS21900005 (C).
[62] Patetta, *Studi storici e note*, pp. 315-330.
[63] Rugo, *Le iscrizioni*, V, 48; CIMAH, V, pp. 30-32; Francovich Onesti, *I nomi degli ostrogoti*, n. 94; *I Goti. Catalogo della mostra*, p. 369, Fig. V.1.
[64] Aimone, *Note di epigrafia piemontese*, pp. 108-109; Ferraiuolo, *Epigrafi dal cenobio*, pp. 41-42.
[65] De Rubeis, *Modelli impaginativi*, pp. 63-64.

years. Whatever the case, if we observe the decorative motif, present on both margins, it is the same as the much older inscription from Morbio Superiore, here, however, rendered in a much more refined manner, given the different commissioning of the two slabs (an ordinary citizen in the former case, an abbot in the latter). This comparison makes it clear that certain styles and certain decorative motifs circulated among the stone workshops in Northern Italy for centuries and were handed down from generation to generation, showing often "hybrid artefacts" both in terms of decoration and writing, which are thus very difficult to date and include within a specific cultural/ethnic framework. In the words of Flavia De Rubeis: «Ma nell'insieme, esse sono scritture in fase di transizione, da un sistema dal tracciato oblungo verso un sistema di recupero totale della capitale epigrafica di ascendenza classica»[66].

5. *The Carolingian Graphic Reform and its effects on epigraphy*

These "echoes from classic epigraphy" became apparent in the ninth century, especially in its second half. And in terms of monastic commissions[67], which between the seventh and eighth centuries acted as a driving force for the development of new graphic forms, borrowed from contemporary book production, I think it is interesting to mention another important piece from the abbey of Leno. This is the epitaph of Anselmus[68], who died in the year 877, and contains an obsolete indication of the lunar cycle, much more frequent in early Christian epigraphs (fourth-sixth centuries) than in the ninth century, and clearly inserted to emphasize the *dies natalis* of the deceased. What also catches the eye is the airy and accurate layout of the tombstone; as Marco Sannazaro wrote[69]: «La cura con la quale è stata pensata questa epigrafe si ritrova anche nella scelta di distendere le poche righe di testo su tutta la superficie della lastra, ricorrendo a spaziature molto ampie tra le linee di scrittura. È un sistema che richiama il trattamento di alcune scritte monumentali a tutta pagina di codici coevi, che forse hanno ispirato l'elegante soluzione adottata» (Fig. 20, a-b).

These considerations, with which I agree, are a direct consequence of what has been defined as the Carolingian Graphic Reform, that is, a specific royal programme to make the writing – primarily in books – standardized, clearer, legible, and usable. The king declared it in the *Admonitio generalis* of 789: «Et si opus est euangelium psalterium et missale scribere, perfectae aetatis homines scribant cum omni diligentia»[70]. The aim was above all to

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[66] *Ibidem.*
[67] For this complex and fascinating branch of Medieval Epigraphy, see Ferraiuolo, *Epigrafi dal cenobio.*
[68] Sannazaro, *Le iscrizioni paleocristiane*, pp. 343-347 (with further bibliography).
[69] *Ibidem*, p. 347.
[70] *Capitularia regum Francorum*, 71 (MGH, LL 1, p. 65).

avoid doctrinal misunderstandings of sacred writings, often caused by the difficulty of scribes to read, interpret, and transcribe certain writings of the time (such as the complex "insular" writing from Ireland, to mention just one example). From this, therefore, a new type of writing would derive, the Carolingian minuscule (or: *minuscola carolina*), which would become widespread across the territories of the Frankish Empire and would also have an impact on epigraphic conventions.

Sometimes, this almost perfect imitation of ancient epigraphic models led to misinterpretations of the inscriptions' chronology, and even to label them as fake epigraphy from the Renaissance (it is the case of some papal plaques from the end of the eighth and the first half of the ninth centuries, as we will see below, and of several funerary *carmina* dedicated to Carolingian kings)[71].

Such a confusion is very clear in the following case-study: to return to the onomastic question and the doubts about the "ethnic" attribution of some Germanic anthroponyms, I would like to note an inscription for the burial of a three-year-old child, Evols, *filius comitis Hirice*, found in the eighteenth century in S. Lorenzo in Caraglio (Cuneo, Fig. 21)[72]; initially these names were considered Ostrogothic[73] and the artefact was dated to the sixth century, but more recently Hiric has been recognized as an Alemannic name[74], and the inscription assigned to the Carolingian Age (it has in fact been proposed to identify Hiric, or better Henricus/Erik, who died in 799, as the brother of Hildegard, third wife of Charlemagne)[75]. The issue is still controversial, also due to the graphic aspects of the piece, with capital letters with a very clear and "classical-like" appearance, which probably influenced scholars who have suggested a dating from Late Antiquity. However, I believe that the characters of this inscription are fully consistent with the Carolingian Graphic Reform which, as noted above, also spread to lapidary workshops.

From the end of the eighth century onwards, in fact, the two dimensions of book and epigraphic writings coexist and interlink in an even closer way, also considering that frequently – but not exclusively – the clients of both products (codes and inscriptions) were the same: the monks. This is evident if, for example, we compare a painted inscription from the abbey of Farfa, and some characters from contemporary codices (Figg. 22 and 23, a-b-c)[76]. The same remarks can be made for many other Early Medieval monasteries: among them, the cases of S. Vincenzo al Volturno[77], S. Colombano di Bobbio[78],

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[71] De Rubeis, *Modelli impaginativi*, p. 63, note 7 (with extensive bibliography).
[72] Durandi, *Delle antiche città di Pedona*, pp. 29-30; Promis, *Storia dell'antica Torino*, pp. 103-105; Cipolla, *Appunti sulla storia d'Asti*, 1, p. 120; Barelli, *Il primo conte conosciuto*, pp. 53-54; Coccoluto, *Appunti sulle epigrafi altomedievali*, pp. 383-385, Fig. 5;
[73] Promis, *Storia dell'antica Torino*, pp. 103-105; Cipolla, *Appunti sulla storia d'Asti*, p. 120.
[74] Bordone, *Un'attiva minoranza etnica nell'alto medioevo*, pp. 27-28.
[75] Barelli, *Il primo conte conosciuto*, pp. 53-54.
[76] See Ferraiuolo, *Epigrafi dal cenobio*, pp. 94-96.
[77] Ferraiuolo, *Epigrafi dal cenobio*, pp. 152-167.
[78] *Ibidem*, pp. 129-142.

and Montecassino[79] are probably the most renowned and documented for the centuries in question, but the examples of this "hybrid writing" are numerous and ever-growing, and not only limited to the monastic context[80].

If epigraphic capital writing often seems to imitate the *incipit* writings of the time, sometimes we see the reverse phenomenon: it is the inscriptions that influence the book writings. A case in point is the manuscript MSS Latin 2, Bible, f. 1v, produced at the abbey of Saint-Amand in the years 871-877, and kept in Paris, Bibliothèque Nationale de France (Fig. 24), where the layout and the quality of letters look like a copy "on parchment" of the world-wide famous and much discussed epitaph of Pope Hadrian I († 795) preserved in St. Peter's in the Vatican (Fig. 25).

However, I would like to point out that exactly in the same years in which a workshop (from beyond the Alps)[81] created a masterpiece such as the funerary inscription of Pope Hadrian I, another workshop (in Rome) produced the most "eccentric" characters, in palaeographic terms, in the epigraphic panorama of the early Middle Ages: this is a donation plaque by a prominent person, a notary, for an important church, S. Maria in Cosmedin (Fig. 26), thus not an ordinary citizen[82]. This demonstrates the extreme "particularism" that characterized the writings – on any medium – of the centuries in question, and the fundamental role that the client and their economic resources played on the final product.

If the effects of the Carolingian Graphic Reform can still be seen in the famous and controversial epigraph of the years of Pope Paschal I († 824) mentioning the 2.300 bodies of martyrs moved from the catacombs of the Roman suburbs to the church of S. Prassede (Fig. 27)[83], it is evident from the mid-ninth century inscriptions, also of papal commission, that this exceptional period did not last very long. Already in the tombstones of the years of Pope Leo IV († 855), coming from the newly-founded city of Leopoli-Cencelle[84] and from the Civitas Leoniana[85] that surrounded the Vatican area after an attack by the Saracens in 846 (Figg. 28-29), the characters look decidedly closer to what was seen in the epigraphy of the Lombard Age, although less vertical, with more expanded serifs and a more airy layout on average. It is certain that even in this rapidly evolving and changing environment, the influence from book writing did not cease and indeed became ever more profound (Fig. 30).

[79] *Ibidem*, pp. 168-187.

[80] See, for example, Franco, *Scrittura epigrafica e scrittura dei documenti*, pp. 11-72.

[81] See Story *et al.*, *Charlemagne's black marble*, p. 158, Fig. 1; Caldelli, *Sull'iscrizione*, pp. 49-91.

[82] De Rubeis, *Epigrafi a Roma dall'età classica*, pp. 110-111.

[83] For a picture of the debated plaque, see Gallio, *La basilica*, p. 21.

[84] Ermini Pani – Somma – Stasolla, *Forma e vita di una città medievale*, pp. 14-17.

[85] Bianchi, *La Civitas Leoniana*, pp. 148-152.

6. *Conclusions*

At the conclusion of this fleeting excursus on epigraphy in Italy between the end of the sixth and the ninth centuries, and beyond the territorial limitations and various historical events to which each part of the peninsula was subject, we can observe some general phenomena.

1) Within the seventh century, which is also the "maximum" limit of our ability to identify Ostrogothic anthroponyms in epigraphy, we witness changes in the epigraphic *habitus* linked to late antique styles, especially because of the "new" and disruptive presence of the Lombards on the Italian peninsula. 2) The progressive and increasingly evident cross-contamination between epigraphy and book writing, given the presence of new vectors and users of the inscriptions, specifically the monks and, albeit to a lesser extent, the ruling class and the Lombard nobility. The graphic and epigraphic landscape is profoundly changed, with a clear acceleration after the end of the Gothic War, with profound repercussions in all mediums of writing, including stone, parchment, and codex. 3) Another breakthrough occurs with the Carolingian Graphic Reform, of short and ephemeral duration – like the dynasty itself – but successful in the long run, as witnessed by the permanence of font that we all still use, "Times New Roman", based on the *minuscola carolina*. In any case, the privileged relationship, or rather the mutual influence and reciprocal exchange between book and epigraphic writings had by then become a consolidated phenomenon, destined to last through all the centuries of the Middle Ages.

Fig. 1, a. Parenzo, Cathedral, *Burga* (InscrIt X, 2, 147).

Fig. 1, b. Parenzo, Cathedral, *Richelda* (InscrIt X, 2, 138).

Fig. 2. Parenzo, *Gunna* (?) (InscrIt X, 2, 149).
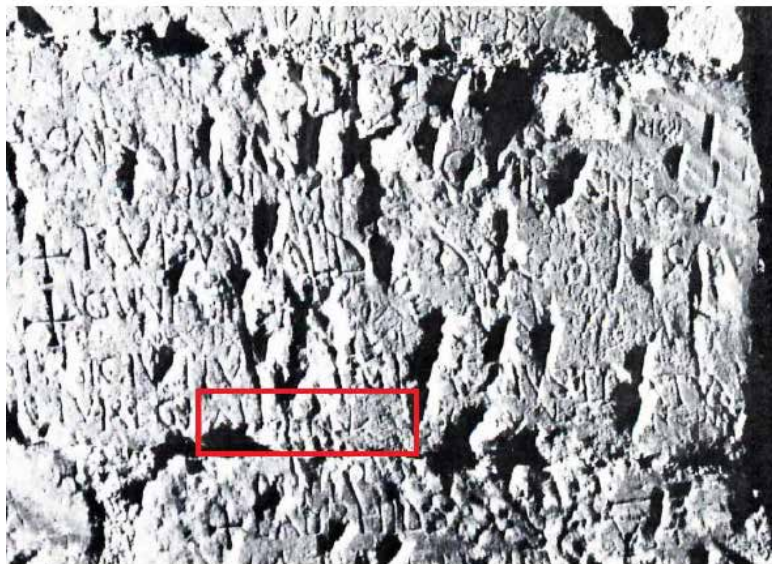
Fig. 3, a. Sanctuary of S. Michele Arcangelo on Mount Gargano, *Aligernus* (Carletti, *Iscrizioni murali*, n. 53, p. 70, Table VI).

Fig. 3, b. Sanctuary of S. Michele Arcangelo on Mount Gargano, *Aligernus* (?) (Carletti, *Iscrizioni murali*, n. 6, p. 37).

Fig. 4 Oria (Brindisi), from a tomb, *Amaliginusi* (ICI, XIII, 52).
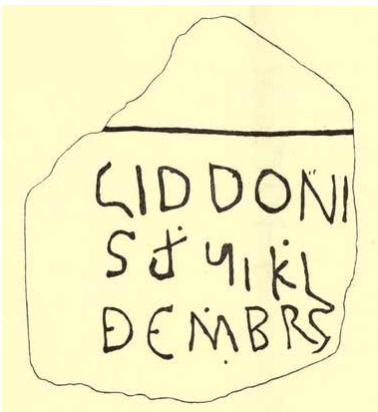
Fig. 5. Syracuse, catacombs of S. Giovanni, *Giddo* (Orsi, *Nuovi scavi nelle catacombe*, p. 351, Fig. 11).

Fig. 6. Galliano (Cantù), from the church of S. Vincenzo, *Manifrit* (photo by F. Frauzel; scale: 2,5 cm per each square).

Fig. 7. Milan, Museo d'Arte Antica del Castello Sforzesco, funerary inscription of a nobleman, *Aldo*, second half of the 7th Century, from S. Giovanni in Conca.

Fig. 8. Milan, Museo d'Arte Antica del Castello Sforzesco, funerary inscription of *Wideramn*, from Castelseprio.
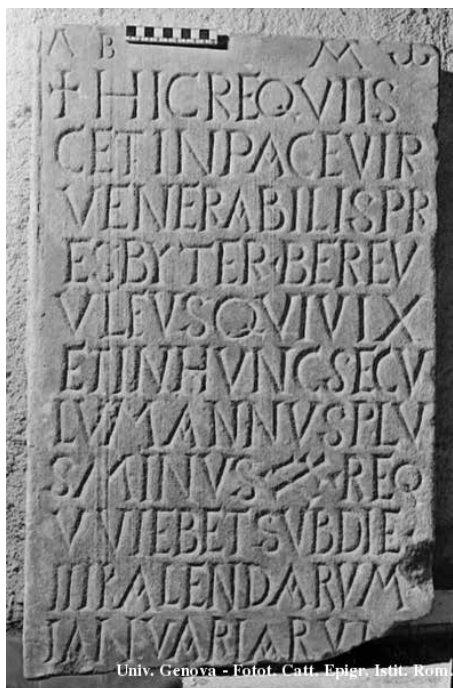
Fig. 9. Voghera, S. Ilario in Staffora, *Berevulfus* (ICI, VII, 136).

Fig. 10. Tortona, *Sendefara* (ICI, VII, 10).
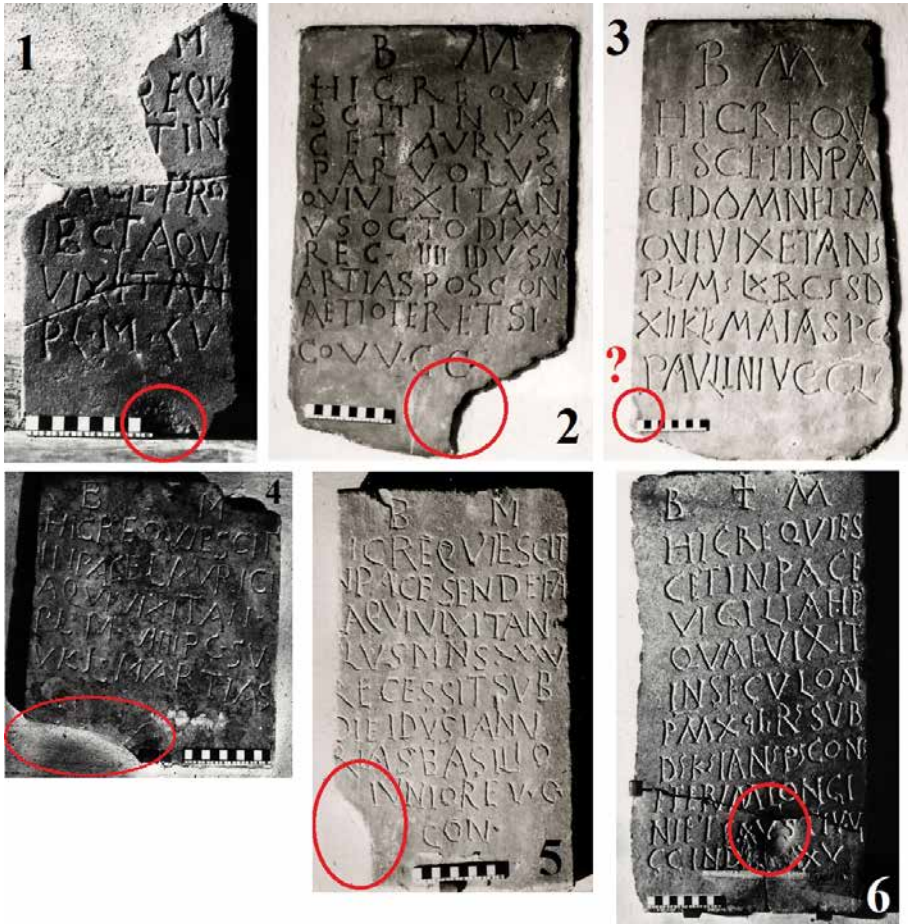
Fig. 11 Inscriptions from the area of Tortona, to be compared to the plaques of *Berevulfus* and *Sendefara* (Figs. 9-10) and to the inscription of *Wideramn* (Castelseprio, Fig. 8). From the left: ICI, VII, 54; 5; 17; 20; 10; 15.

Fig. 12. Pavia, Musei Civici, epitaph of queen *Ragintruda*, circa 740-750.
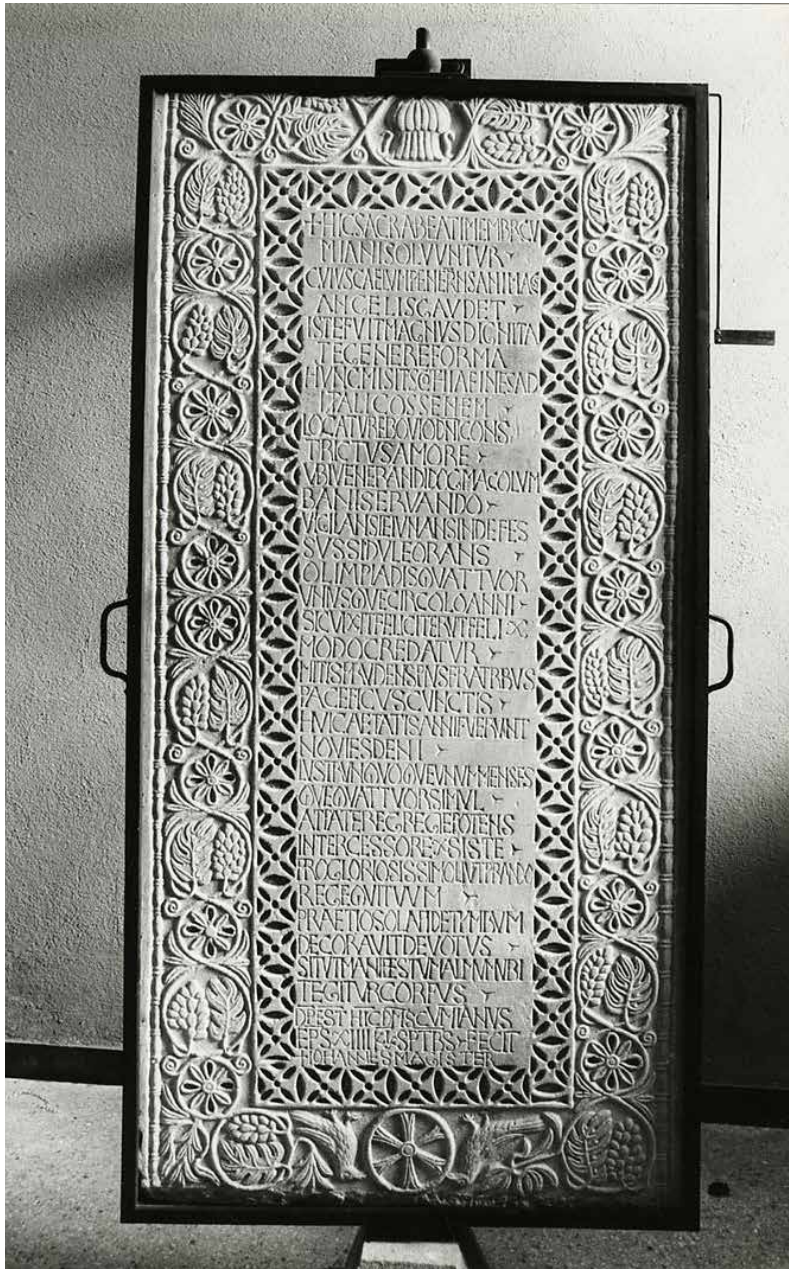
Fig. 13. Bobbio, Abbey of S. Colombano, epitaph of *Cumianus*, 8ᵗʰ century.

Fig. 14. Pavia, San Salvatore, epitaph of King Cunipert, year 700.

Fig. 15. Pavia, epitaph of the abbess Cuniperga, daughter of King Cunipert, first half of the 8th century.

Fig. 16, a. Posta di Mesa di Pontinia (Latina), plaque celebrating the reclamation of the marshes of the *Decennovium* (photo by P. Guerrini).
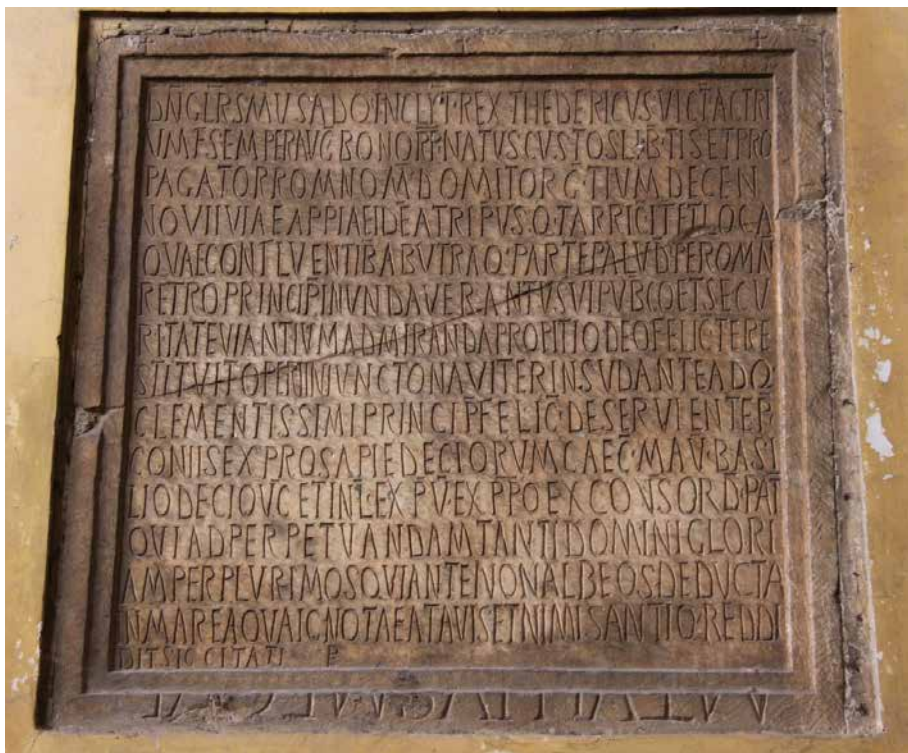
Fig. 16, b. Posta di Mesa di Pontinia (Latina), plaque celebrating the reclamation of the marshes of the Decennovium (photo by P. Guerrini).

Fig. 17. Modena, foundation epigraph of Civitas Nova by King Liutprand (courtesey of the Ministero della Cultura – Gallerie Estensi).
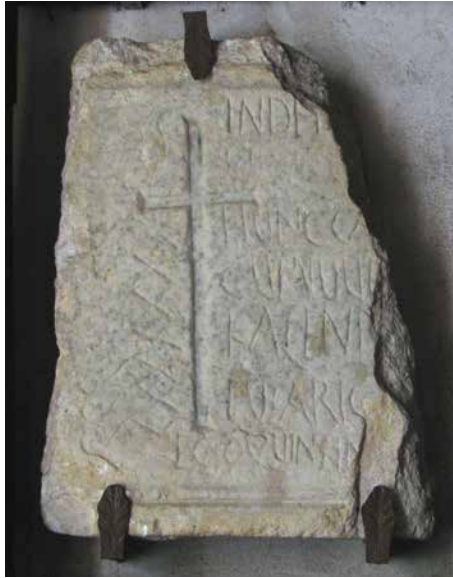
Fig. 18. Morbio Superiore (Canton Ticino), funerary inscription with the consular name *Eutharic/Cillica.*
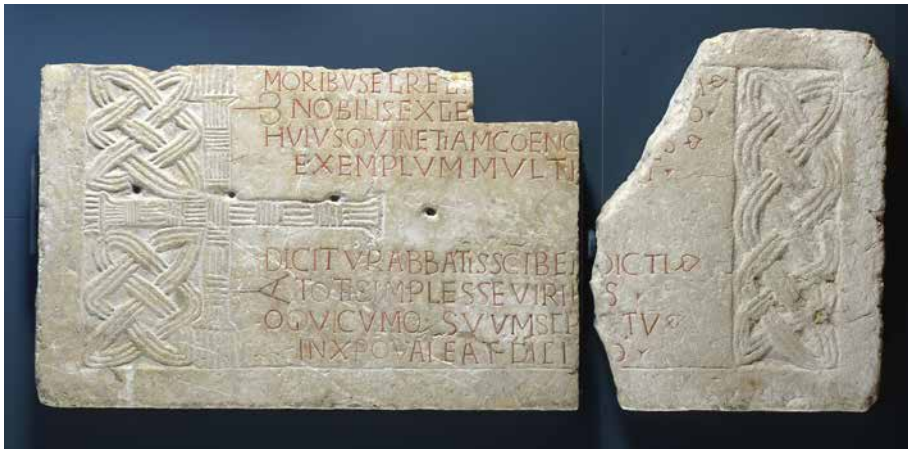
Fig. 19. Brescia, funerary inscription of an abbot of the monastery of Leno (©Archivio fotografico Civici Musei di Brescia-Fotostudio Rapuzzi).

Fig. 20, b. St. Gallen Stiftsbibliothek, Cod. Sang. 281, *Copy of the Collectanea ex Augustino in epistolas Pauli*, produced in the Monastery of St. Gall between 872-883.

Fig. 20, a. Leno, epitaph of *Anselmus.*

Fig. 21. Caraglio, funerary inscription of *Evols* (Gazzera, *Delle iscrizioni cristiane*, Table II, 5).

Fig. 22. Farfa Abbey, fragment of a medieval fresco of an abbot, with painted inscription (Ferraiuolo, *Epigrafi dal cenobio*, p. 95, fig. 51).

Fig. 23, a. Paris, Bibliothèque nationale de France, MSS Latin 2195, Cassiodorus, *Expositio Psalmorum*, f. 9v, produced in the Abbey of Saint-Denis around 800-810.

Fig. 23, b. St. Gallen Stiftsbibliothek, Cod. Sang. 348, Gelasian Remedius-Sacramentary, c. 32, produced in the Monastery of St. Gall around 800.

Fig. 23, c. München, Bayerische Staatsbibliothek, Clm 14379, Gregorius I papa, *Homiliae (I-XX) in Evangelium*, f. 3r, produced in Murbach (N-E France), around 800.

Fig. 24. MSS Latin 2, Bible, f. 1v, produced in the Abbey of Saint-Amand in the years 871-877 and kept in Paris, Bibliothèque nationale de France.

Fig. 25. Vatican City, Saint Peter, Epitaph of pope Hadrian I (elaboration of Silvagni, *Monumenta Epigraphica*, Table II, 6, by F. Frauzel).

Fig. 26. Rome, Basilica of S. Maria in Cosmedin, inscription of *Gregorius notarius*, dated between 772-795 (De Rubeis, *Epigrafi a Roma dall'età classica*, p. 111).

Fig. 27. Rome, basilica of S. Prassede, epigraph of the years of pope Paschal I (817-824). Particular (photo by F. Frauzel).

Fig. 28. Leopoli-Cencelle (VT), foundation epigraph by pope Leo IV, year 854 (elaboration of Silvagni, *Monumenta Epigraphica*, Table XV, 5, by P. Guerrini).

Fig. 29, a. Epigraph of the *Civitas Leoniana* (Bianchi, *La civitas Leoniana*, p. 148).

Fig. 29, b. Epigraph of the *Civitas Leoniana* (Bianchi, *La civitas Leoniana*, p. 149).

Fig. 29, c. Epigraph of the *Civitas Leoniana* (Bianchi, *La civitas Leoniana*, p. 149).

Fig. 30. Epigraph of the *Civitas Leoniana* (Bianchi, *La civitas Leoniana*, p. 152).

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Flavia Frauzel
CAMNES (Center for Ancient Mediterranean and Near Eastern Studies)
flavia.frauzel86@gmail.com

The Centres of Public Power Between the Cities and the Countryside in the Light of the Recent Archaeology (Italian Peninsula, Late 5ᵗʰ-9ᵗʰ Century)

by Federico Cantini

The paper aims to illustrate, especially through the results of recent archaeological studies, the articulation and forms of the centres of public power between the Gothic and the Carolingian periods, in the dialectic between the city, as a seat of the institutions and their protagonists, and the countryside, which contains the production centres and the natural resources. We will consider the Italian territory, with a focus on Tuscany, and propose some comparisons with the rest of Europe. An architectural, artistic and topographical resilience emerges. It is probably the consequence of the continuity of a series of elements: the public ownership of particular urban and suburban areas and palaces, as well as of rural strategic sites; the use of languages and models of the Late Roman aristocracy, and the economic impoverishment of the early medieval rulers.

Early Middle Ages; 5ᵗʰ-9ᵗʰ Century; Italy; Tuscany; Public Power Centres.

Federico Cantini, University of Pisa, Italy, federico.cantini@unipi.it, 0000-0003-0586-7968

1. *Introduction*

In this paper, I propose to look at the seats of public power across the Gothic and the Carolingian age, with a focus on the following points: 1) the layout of the architecture, in terms of its intended purposes (political/administrative, residential, cultural, religious) and in terms of the resilience of models. I am looking more specifically at the *palatia*, *praetoria*, *curiae*, and royal and queen's courts, leaving aside the bishops' palaces and the monasteries, whose relevance I fully recognise but plan to address in a future paper; 2) the locations: urban, suburban and rural; 3) the resources invested in buildings, in renovating or reusing them, in connection with the way the institutions accumulate them; 4) the dialectic between the contemporary urban and rural architectures within the remit of the *Publicum*, mostly in early medieval times.

I shall then continue according to a chronological plan, with a short introduction about the Imperial age, and shifting geographically from the North to the South of Italy. Many of the public structures are mainly known from the written sources or non-stratigraphic excavations. This is partly why my Department funded a project involving new archaeological surveys of the seats of power in Pisa, Lucca and Volterra, which I shall describe just before the conclusions.

2. *Late Antiquity*

Dealing with seats of power means speaking first and foremost of palaces[1]. In the early medieval period, the word *palatium* is a legacy of the Roman world, which originally meant the central area of the Palatine Hill, the emperor's residence. The urban planning of that area began during the Flavian age, with Domitian's works creating a wide architectural complex for residential and official purposes (audiences, the *salutationes* for which the royal hall was intended, privy councils, most likely held in the adjoining apsidal hall [*basilica*], and banquets in the *cenatio Iovis*), as well as places of worship (the tem-

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[1] Uytterhoeven, *Housing in Late Antiquity*, pp. 33-38.

ple of Heliogabalus-the Sun God is a third-century addition[2]; S. Anastasia, on the western slopes of the hill, dates to the fourth century)[3].

From the Tetrarchic age, the *palatia* multiplied, following the distinction between the capital and the emperor's residence, so that an itinerant form of power came into being (Nicomedia-Diocletian, Milan/Maximian, 284-286; Trier/Constantius Chlorus, 293; Thessaloniki/Galerius, 299; Ravenna/Honorius, 402): a phenomenon which foreshadowed what happened in the early Medieval period. The *palatium* is wherever the incumbent emperor resides for some time: it's no coincidence that such a term was never used for the Spalato palace, which Diocletian chose as his place of retirement in 305. The new buildings, often located on the edges of the city centre, typically stand on several floors (Ravenna), have many rooms, even apsed or polylobed, sometimes opening around a circular hall, and often asymmetrically connected to each other by interior routes and looking out onto semi-circular peristyles. On the other hand, the relations between the *palatium* and the circus, the exclusive place where the emperor met his people, remained the same as in Domitian's age, as also shown by the emperor's palace in Constantinople[4].

As well as in imperial palaces, public power was exerted in other places too: in the *praetoria*[5] and in the city's *curiae*.

Sources about the former speak of places where multiple purposes were still in place, though in smaller areas than in the imperial palaces: residential (for governors, their families, concubines, servants and other attendants), official (public ceremonies, known as *salutationes*, were held there until the fourth century, as were banquets where new relationships were built), political (the emperor's letters were read there), administrative (taxes were collected and public works were managed there), judicial and "religious" (they housed exclusive places of the imperial cult). So many different purposes account for the architectural forms taken by such complexes, often overlooking the fora (as in Constantinople, Athens, Gortyna, Antioch, Carthage and maybe Tarragona), sometimes arranged around an inner peristyle (Cologne, Sitifis, Caesarea Maritima: Fig. 1), with a large surface (Gortyna, 29X35 m; Dura-Europos 31X32 and 23X25 m; palace of the Giants in Athens, 29.40X37.80 and 19.60X2,40 m: Fig. 2), with private sections with triclinia and baths, occasionally decorated with mosaics, and public sections with rooms for the courts (Caesarea, Gortyna, Ptolemais) and the *secretarium*, small temples in the courtyards, stables, prisons and torture chambers, as well as rooms for the many *officiles*, usually overlooking an open space in the street (Caesarea Maritima). Between the third and fourth centuries, when many taxes were also paid in kind, such complexes must have had storage areas for food, fodder and other goods. This is what their large vaulted halls, which could be up

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[2] Cantino Wataghin, *Le sedi*, pp. 106-114.
[3] Noyé, *L'espressione architettonica*, p. 400.
[4] Cantino Wataghin, *Le sedi*, pp. 120-122.
[5] Uytterhoeven, *Housing in Late Antiquity*, pp. 38-39.

to 30 metres long and often placed underneath and underpinning the reception hall, are believed to have been (Caesarea Maritima)[6].

Two Italian examples of fifth-century *villae-praetoria*, management structures which could take on public functions, show us architecturally more compact and taller solutions, with apsidal rooms on the first floor, towers, often holding staircases, baths, stables and possibly places of worship, as in S. Giovanni di Ruoti in Basilicata (Fig. 3) and Quote S. Francesco in Calabria, two complexes that were still inhabited until the seventh century[7].

As to the *curiae*, the growing tax burden imposed on the cities, first documented in the late second century and especially in the age of Constantine[8], and the responsibility for tax collection, placed in the hands of the local elites, gradually led to the abandonment of such buildings, usually rectangular in shape, with or without steps on two or three sides, with outdoor porticoes, sometimes erected next to a basilica[9]. A much longer occupation must have been enjoyed by the Roman *Curia*, which, already rebuilt under Diocletian and Maximian after the fire in AD 283, was most likely restored under Praetextatus (367-384) and again in 412, after the Sack of Rome[10].While public buildings were sometimes preserved, their actual functions had, to all intents and purposes, shifted to the private residences of rich senators, such as that of consul Anicius Acilius Glabrio Faustus, where the Codex Theodosianus was presented to the senate (438)[11].

3. *The Gothic era (late 5ᵗʰ to mid-6ᵗʰ century)*

In the Gothic period, the royal cities of Verona, Pavia and Monza, where Theoderic built new palaces, were added to the imperial capitals Rome, Milan and Ravenna[12].

By then, public power seemed unable to maintain the large imperial palatial complexes in their original form. In Rome, the restorations of the Palatine in the Gothic era[13], as well as the restoration of the fora and the *curia* (502-527)[14], were part of an urban landscape that, between the fifth and sixth cen-

[6] Lavan, *The praetoria*; for the palace of the Giants in Athens now see Baldini, *Il Palazzo*; for Gortyna see Lamanna, *Note preliminari*.
[7] Noyé, *L'espressione architettonica*, pp. 406-409; Sfameni, *Le villae-praetoria*. On the difficulty of identifying a structure as a *praetorium* only on the basis of architectural and planimetric elements, without an epigraphic testimony, see: Baldini Lippolis, *Palatia, praetoria ed episcopia*; Spanu – Zucca, *Il cursus publicus*; Brogiolo – Chavarría Arnau, Villae*,* praetoria *e* aedes, pp. 227-228.
[8] Lo Cascio, *Il potere*; Biundo, *Le vicende*.
[9] Lavan, *Public Space*, pp. 750-751.
[10] *Ibidem*, pp. 751 and 755.
[11] Machado, *The Aristocratic*, p. 37; Santangeli Valenzani, *Spazi privati*, p. 199.
[12] Brogiolo, *Capitali e residenze*, p. 234.
[13] Augenti, *Il Palatino*, pp. 17-45; Royo, *Le Palatin*.
[14] Lavan, *Public Space*, p. 755.

turies, typically hosted ruins, vast landfills, occasional burials and necropolises, like the one found in the "Barberini Vineyard", which maybe already associated with a Gothic church (S. Maria in Pallara?)[15]. The same happened in Milan: between the mid-fifth and sixth centuries, the northern part of the *palatium* was plundered, black soil settled in it, and burials, huts, wells and silos were put up. Only the southern portion of the complex remained standing, perhaps as a home for government officials, at least until the VII century[16].

In Ravenna, renovations were carried out on the palace that likely belonged to Honorius (395-423) and Valentinian III (425-455)[17], a complex occupying about 10 hectares, plus the circus and the imperial mint (*moneta*): a second apsidal hall and a trefoil-shaped building acting as a *triclinium*[18] were built, and in the early sixth century Theoderic added a place of worship, S. Martino in Ciel d'Oro[19] (Fig. 4). Moreover, in the countryside around Ravenna, Theoderic himself had the so-called "palazzetto" of S. Maria in Palazzolo built, a palace opening onto a quadrangular courtyard, with corner towers and an outdoor baths[20].

We have no archaeological records about Pavia or Verona, but the events resemble very much those we observed in other cities. In Pavia, capital of the Kingdom in the 520s, the king's renovation probably aimed at reusing an earlier public estate north-east of the city centre, adding a hall or at least embellishing the official hall with a mosaic of the king on horseback, mentioned by Agnellus in the ninth century[21].

All that remains of the Verona palace is just an eighteenth-century illustration from an original of the third quarter of the tenth century (Raterian Iconography) which shows it as having two towers and being located near the theatre[22].

4. *The period of the Lombard Kingdom (mid-6th to mid-8th centuries)*

In the age of the Lombard Kingdom, kings kept moving between the palaces of Milan, Pavia, Verona and Ravenna[23]. The tendency to reuse earlier building complexes, provided with churches, did not abate. Unfortunately, it is

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[15] Augenti, *Il potere*, pp. 199-200; Noyé, *L'espressione architettonica*, pp. 400 and 402.
[16] Cerasa Mori *et al.*, *Milano*.
[17] Cirelli, *Ravenna*, p. 80.
[18] Noyé, *L'espressione architettonica*, p. 399; Cirelli, *Palazzi e luoghi*, pp. 283, 286-288.
[19] Noyé, *L'espressione architettonica*, pp. 400-402; Cirelli, *Palazzi e luoghi*, p. 291.
[20] Cirelli, *Palazzi e luoghi*, pp. 297-298; Brogiolo – Chavarría Arnau, Villae*, praetoria e* aedes, pp. 234-235.
[21] Ward-Perkins, *From classical Antiquity*, pp. 159-160; Hudson, *Pavia*, p. 261; Bougard, *Les palais*, p. 187; Brogiolo, *Capitali e residenze*, p. 233; Majocchi, *Pavia città regia*, pp. 27-28; Lomartire, *Un irrevocabile*, p. 460.
[22] La Rocca, *Verona*, pp. 260-261 and 268; on the *palatium* see also Lusuardi Siena, *L'origine dell'archetipo*.
[23] Bougard, *Les palais*, pp. 181-182; Brogiolo, *Capitali e residenze*, p. 235.

mainly the written sources that give us a glimpse into these palatial complexes, while the archaeological sources are pretty non-existent, except for Ravenna, and the seats of public power of Brescia, Cividale, Monza and Salerno.

In Milan, Agilulf, who advocated a programme of "Romanisation and Christianisation of royal Lombard power", wanted to be crowned in the city's circus in 591, acclaimed by the *exercitales*[24].

Nevertheless, the northern part of the late Antique palace, originally covering about 11 hectares, was abandoned and the area was occupied by huts and black soil (seventh century). The southern part, on the other hand, was likely to have been kept in use, while two churches were added to the complex between the middle and the third quarter of the eighth century (S. Giorgio and S. Sisto)[25].

In Ravenna, some minor work in the palace of Theoderic was first attributed to the Byzantines, then to the Lombards. Between the middle and the end of the sixth century, the former made new mosaic floors and built a corridor, then added a room in the courtyard in front of the royal hall, and in the mid-eighth century the latter built a fountain in the midst of the courtyard with adjoining halls and a few small rooms right behind the outer wall[26]. The circus too was allegedly used until the mid-seventh century[27].

The Lombards are also likely to have made use of the Verona palace. Occupied during the first stages of the conquest, Verona was the favourite city of Alboin, who wanted to be buried in the palace, while Authari turned it into a royal residence again, after the interregnum (574-584) and until 590[28].

The same must have happened in Pavia, which became a capital under Arioald in 626, and where the palace of Theoderic was provided with a chapel dedicated to Christ the Saviour under the reign of Liutprand (712-744)[29]. Workshops, where precious fabrics and valuable metals were worked, as mentioned in the ninth and tenth centuries, may have been there as early as the Lombard period, while a palatine *schola* had probably been opened in Cunincpert's reign[30]. In those years, the big necropolis of *ad Perticas*, where King Hildebrand was elected in 740, stood out as an important place of power (Paulus Diaconus, *Historia Langobardorum*, VI, 55)[31].

In Brescia, which had become the royal residence in the last 20 years of the rule of Desiderius, a palace (*curia ducis*) was built over a public building

[24] Augenti, *Luoghi e non luoghi*, p. 20.
[25] Lusuardi Siena, *Milano*, p. 222; Lusuardi Siena, *Topografia*, p. 147; David, «…Palatinaequae arces…», p. 18; Augenti, *Luoghi e non luoghi*, p. 28; Cerasa Mori *et al.*, *Milano*.
[26] Cirelli, *Ravenna*, p. 143; Noyé, *L'espressione architettonica*, p. 404; Cirelli, *Palazzi e luoghi*, pp. 84-85 and 289.
[27] Cirelli, *Palazzi e luoghi*, p. 291.
[28] Brogiolo, *Capitali e residenze*, pp. 235-236.
[29] Paul the Deacon, *Historia Langobardorum*, VI, 58; see Ward-Perkins, *From classical Antiquity*, p. 168.
[30] Gasparri, *Pavia longobarda*, p. 53; Lomartire, *Un irrevocabile,* p. 467.
[31] Brogiolo, *Capitali e residenze*, pp. 235-240.

(perhaps a *horreum*, also public), most probably during the Gothic era, inside a contemporary extension of the walls: it was a large building, with two wings looking onto the courtyard, which at the time of the Lombard Kingdom was provided with an arcade and a projecting body, acting as a monumental gate (Fig. 5)[32].

In Cividale, a late Antique palace was chosen as the residence of the duke of Friuli, the remains of which have been unearthed in piazza Paolo Diacono. The building had an apsidal hall, stucco work and *opus sectile* floors, built no earlier than the second half of the fifth century, maybe when the city was chosen as the capital of the region. Between the sixth and the seventh centuries, after some time when some rooms were repurposed, the complex was presumably refurbished and provided with new rooms, until, in the mid-seventh century, it became the burial place of a Lombard nobleman, now the so-called tomb of Duke Gisulf[33].

Queen Theodelinda had a palace built as her summer residence in Monza too, on top of one of Theoderic's complexes. Some areas, with semi-circular rooms most likely dating back to Late Antiquity and then reused, belonged to that palace, frescoed with scenes from the history of the Lombards, and placed next to a basilica dedicated to saint John the Baptist[34]. Unfortunately, the stratigraphy, destroyed in 1992, has become lost, so that the dates of the structures cannot be established with certainty; a tower built of spolia survives next to the church, presumably a part of the complex[35].

In Corteolona, near Pavia, Liutprand founded, on family land, where the king had at first planned to build thermal baths, a suburban palace (*domicilium*) and the church and monastery of S. Anastasio[36], richly decorated with pillars, mosaics and precious marble imported from Rome[37]. The archaeological records reveal a little more about Salerno, where the duke and *princeps* Arechis II (758-787) installed a *curtis* in the middle of the city, over the remains of a bath of the first-second century AD, probably located near the port. The duke's palace was built with spolia, and included a palatine chapel, built over the remains of the old *frigidarium*. The marble which composed the pieces of the *opus sectile* was also Roman, even on the walls (with a chequerboard pattern of porphyry and gilded glass pieces) decorating the interiors of the chapel, also embellished with frescoes and an epigraph with gilded bronze letters on Oriental marble slabs, spread out across the four sides of the room. The floor of the chapel was made of marble and white Palombino limestone, with hexagonal tiles resembling those of the Tempietto di Cividale, S. Maria *foris portas*[38], the

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[32] Brogiolo, *Brescia altomedievale*, pp. 55-65; Brogiolo, *Die Paläste*, pp. 134-135.
[33] Barzocchini – Colussa, *Indagini archeologiche*; Vitri – Villa – Barzocchini, *Trasformazioni urbane*, p. 108.
[34] Paul the Deacon, *Historia Langobardorum*, IV, 21-22.
[35] Brogiolo, *Capitali e residenze*, pp. 237-238.
[36] Paul the Deacon, *Historia Langobardorum*, VI, 58.
[37] Bougard, *Les palais*, pp. 182-190; Brogiolo, *Capitali e residenze*, pp. 242-243.
[38] Pizzo – Miazzo, S. Maria foris portas.

baptistery of S. Giovanni in Castelseprio and S. Sofia in Benevento, though in the Salerno palace such hexagons were inlaid with red and green porphyry. The complex stood on two floors, with the second floor surrounded by a loggia on three sides, inspired by Late Antique and Gothic palaces; on the fourth side, the palatine chapel stood with its single- and double-lancet windows (Fig. 6). According to a tenth-century chronicler, the palace also had a grand staircase and a golden throne, where the prince had received Charlemagne's ambassador[39]. In addition, the complex, equipped with a bath[40], was surrounded by fencing that enclosed the appurtenances and the *abitacula servorum*[41].

Unfortunately, we have no archaeological records of the palace in Benevento[42].

The examples I have briefly described confirm a tendency to reuse Roman and Gothic places of power, even in the Lombard period. Such a phenomenon may be explained in multiple ways, the first being the need to legitimise recently acquired power through relating it to "Antiquity". Even popes followed this, as shown by John VII who had an episcopal residence built right on the Palatine, probably inside the *Domus Tiberiana*; the same pope, in the early eighth century, had an ambo built in S. Maria Antiqua and had its walls frescoed[43].

But another factor that must have affected these choices was most probably the reduced financial resources of the new kings, certainly compounded by the disappearance of the Roman tax collection system by the mid-seventh century, replaced with gains from pillages, tributes and, above all, the rent from the land managed through the royal courts (ruled by dukes and gastalds), first and foremost the court of Pavia, with its *palatium*. Such a system of collection of resources was not easy to keep under control, as the many abuses perpetrated by *actores* and gastalds, against which Liutprand drafted a legislation, seem to hint at[44].

Archaeology helps us identify some royal officials living in crucial areas, such as the *illustres et magnifici viri* Ansvald, Rodchis and Arichis, in whose graves, unearthed south of Bergamo, we found the signet rings, most likely used to mark the border-crossing permits. Significantly, the ring of the royal official Arichis was found in the large Late Antique villa of Palazzo Pignano, within the octagonal peristyle[45].

Just as in the cases of urban and suburban palaces, the reuse of buildings that had some importance in the Late Antique period, located in strategic places, often at crossroads, seems also to prevail in the centres that were in charge of controlling the exploitation of the land.

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[39] Peduto, *Quanto rimane*, pp. 258-266; Peduto, *Consuetudine ed evoluzione*.
[40] Fiorillo, *Salerno medievale*, pp. 63-65.
[41] Noyé, *L'espressione architettonica*, p. 434.
[42] *Ibidem*, pp. 423-425.
[43] Augenti, *Il Palatino*, pp. 56-58; Augenti, *Il potere*, p. 202.
[44] Gasparri, *Le basi economiche*, pp. 80-81.
[45] Lusuardi Siena – Casirani, *Trezzo e le terre*, p. 133.

A case in point might be Capiate, near Lake Como in northern Italy, where the *casa tributaria* mentioned in 745 and owned by the *vir magnificus* Rottopert of Agrate was possibly located in a tower-shaped building, which can be dated between the third/fourth and tenth centuries, converted from an arcaded building, probably from the Late Antique period[46]. In Castelseprio too, the monumental significance of the *castrum* must have helped to maintain it constantly inhabited, from the mid-fifth century all through the Gothic, Lombard and Carolingian eras, when it was mentioned as the seat of a gastald and a margrave[47].

In the Duchy of Benevento, and especially in the Gaio Fecline, which must have been one of Arechis II's fiscal estates, the villa of Faragola was used again, probably as a management centre (Fig. 7): the *cenatio* was still used, new rooms were built, some with *opus signinum* floors, while others were fitted out as kitchens and warehouses. In the second half of the century, iron, glass, copper, and clay began to be worked to make pottery and bricks, and bone began to be carved, with sheep and goats bred for meat and wool. The vitality of the centre never abated, not even after a fire in the eighth century: cereal grain crops were extended, goats were bred for wool, and a new building with rooms laid out around a courtyard was erected north-east of the main sector of the villa, maybe by reusing the barns of the Late Antique complex[48].

5. *The Carolingian era (mid-8th-9th century)*

During the Carolingian period we still find clear references to the architectures of imperial power, both in the Italian palatial complexes (Milan, Pavia, Verona, Ravenna, Rome and Mantua) and across the Alps.

Apsidal (Ingelheim[49]) or multi-apsidal official halls (Aachen [780-804][50]: Fig. 8; Lateran, Pope Leo III, circa 800-802[51]) were still used, while rectangular ones were less common (Paderborn, 775-776[52]: Fig. 9). The raised halls (Aachen) did not look like an early medieval innovation either, since they already featured in some fifth-century *villae-praetoria*. The same could be said of the towers, often intended merely to accommodate the stairs that led to the upper floors (Aachen[53], Lateran [741-752][54], Milan [?]), with two towers documented in the eighth and twelfth centuries[55]).

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[46] *La* Curtis *di Capiate*; Carminati – Mariani, *L'Isola Comacina*.
[47] *Castelseprio e Torba*; De Marchi, *L'alto medioevo*, pp. 223-224.
[48] Turchiano – Volpe, *Faragola e le proprietà*.
[49] Lobbedey, *Carolingian Royal*, pp. 141-143.
[50] *Ibidem*, pp. 130-134.
[51] Augenti, *Le sedi del potere*, pp. 12-13; Augenti, *Tutti a casa*, p. 128.
[52] Lobbedey, *Carolingian Royal*, pp. 143-147.
[53] *Ibidem*, p. 131.
[54] Augenti, *Le sedi del potere*, p. 10.
[55] Lusuardi Siena, *Milano*, pp. 217-218; Bougard, *Les palais*, p. 188.

Similar assumptions could be made about the porticoes and corridors, some on two floors (Aachen), which connected the halls to the palatine churches (Aachen, Frankfurt [first half of the ninth century]) or to the living quarters (Aachen). If anything, we notice that the layout had been simplified, often into straight lines (Aachen, Frankfurt)[56], though such an assumption is undermined by the doubt that the excavation may have dug out just part of such complexes.

Some particularly monumental designs of the porticoes, such as the semi-circular one in Ingelheim (Fig. 10), also seem to resemble the fifth-century palaces of the imperial governors of Constantinople[57] and even more closely that of Cercadilla (293-305: Fig. 11), in Cordoba, which looks just slightly larger (109 metres in diameter versus approximately 90 metres)[58], though the official areas are differently laid out, i.e. in a radial pattern along the sigma-shaped portico.

The association of court-church kept recurring, developing into more or less grand forms in the Carolingian age, as in Aachen and Paderborn[59], and so did the search for extremely valuable and ancient materials, usually spolia from Italian palaces. In Aachen «columnas et marmora» from Rome and Ravenna[60] were installed in the palatine chapel, and an equestrian bronze statue of Theoderic was carried from Ravenna in 801, then probably placed in front of the large portico west of the courtyard, between the large hall and the church[61].

Sadly, we know very little about the palatial complexes of our peninsula in the Carolingian age, only occasionally mentioned by the written sources. They had raised floors (*salaria*) and porticoes and arcades (*laubie*), even large ones which could accommodate as many as 50 people, as in the Carolingian palace built near saint Peter's by Charlemagne or Lothar[62], and/or connected to the gardens, populated by exotic animals, as in Pavia, where *pavonarii* have been documented since Hugh's time[63]. In Pavia a palatine school was probably still running, most likely within the palace[64]. The royal capital also reveals, even though the specimens date to slightly later times, the existence of the manufacture and trades of luxury goods associated with the palace (cloth-of-gold robes, 835-839)[65], which brought to the city, in the form of tributes, large amounts of goods, especially foodstuffs, which account for the presence

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[56] Lobbedey, *Carolingian Royal*.
[57] Baldini Lippolis, *L'architettura residenziale*, pp. 30-32; Daffara, *L'edificio di Güalane*.
[58] Hidalgo Prieto, *Aspetti dell'interpretazione*; Hidalgo Prieto, *Cercadilla*.
[59] Lobbedey, *Carolingian Royal*.
[60] *Vita Karoli*, 26.
[61] Falkenstein, *Charlemagne*, pp. 247-248; Noyé, *L'espressione architettonica*, p. 426.
[62] Bougard, *Les palais royaux*, p. 186; Augenti, *Le sedi del potere*, pp. 9-10.
[63] Hudson, *Archeologia urbana*, p. 24; Settia, *Pavia carolingia*, pp. 104-105 and 107; Bougard, *Les palais*, p. 187.
[64] Settia, *Pavia carolingia*, pp. 113-114.
[65] *Ibidem*, pp. 114-115.

of mills, documented since the tenth century and often run by the royal monasteries[66]. The *palatium* had also attracted a city market, patronised by Venetian merchants as early as the ninth century to sell Eastern goods[67], while the Chamber received the gold, obtained on behalf of the royal *fiscus* from the rivers of northern Italy, and the Saxon silver used by the coiners in the mint[68].

Under Lothar, the rural royal courts become increasingly important as stopovers along the imperial routes as well, sometimes mentioned as palaces (Auriola, Marengo, Corteolona, Sospiro et Gardina). A *caminata* used by Berengar (late ninth century) to hold a *placitum* was mentioned in Corteolona, where a palace had been built by Liutprand[69].

6. *Central-Northern Tuscia: Lucca, Pisa, Volterra and San Genesio*

As mentioned, since 2019 our team has been working at an archaeological survey in the areas and centres of public power of Central-Northern Tuscany, with new excavations in Pisa and San Genesio (PI), and a review of old researches in Lucca and Volterra (PI).

In Lucca, a royal court (since 754) and a queen's court have been documented (from 840) in the city centre, along with the ducal court of the marquis (from 847), adjacent to but out of the walls (Fig. 12), along the western side. The royal district stood out for its *palatium quod est sala imperatoris* (1055)[70], that seventeenth and eighteenth century scholars reported as being in piazza XX Settembre[71], and two churches: S. Pietro *in Cortina* (814?, 856) and S. Maria *in Palatio*, with a distinctive porticoed design[72], mentioned in 1137 as «S. Maria q.d. Palathese»[73], and destroyed in 1807[74]. Just north of it and near the church of S. Giusto (1040)[75] stood the mint (*moneta*)[76]. In addition, the royal palace had a garden in a suburban area near the church of S. Pietro *Sumualdi* (763), donated by King Aistulf (749-756) to Auripertus, a painter. The few archaeological records available of the area tell us about an apsidal construction underneath the Cassa di Risparmio (formerly Palazzo Gigli), which might point to the existence of an official hall[77], maybe associated with the early medieval court or to some rich Late Antique building,

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[66] *Ibidem*, p. 117.
[67] *Ibidem*, p. 119.
[68] *Ibidem*, p. 118.
[69] Bougard, *Les palais*, p. 190.
[70] Belli Barsali, *La topografia*, p. 507; Schneider, *L'ordinamento*, p. 224, note 25.
[71] Belli Barsali, *La topografia*, pp. 507-508.
[72] For this type of church in Pisa see Redi, *Pisa com'era*, pp. 372-379.
[73] Belli Barsali, *La topografia*, pp. 507-509 and 540, Addendum n. 70; Schneider, *L'ordinamento*, p. 224.
[74] Belli Barsali, *La topografia*, pp. 508-509, note 172, and 540, Addendum n. 70.
[75] *Ibidem*, Appendice I, n. 63, p. 540.
[76] Matraia, *Lucca*, p. 28, nn. 97-98; Schneider, *L'ordinamento*, p. 225; Vanni, *Lucca,* p. 798.
[77] Belli Barsali, *La topografia*, p. 508, note 171.

when the area between piazza S. Giusto and piazza S. Giovanni might have played a public role, as suggested by the finding of two fourth-century imperial dedications in piazza S. Giovanni and in piazza XX Settembre, as well as a third-fourth century mosaic floor in the area of Palazzo Gigli. A rereading of the excavation carried out in piazza S. Giusto in 2009 made us aware that some Late Antique buildings had been in constant use, as suggested by the fact that they had been repurposed, at least since the mid-eleventh century, into the premises of the mint, as proven by the finding of lots of cupellation crucibles and other ironworking and copperworking manufactures[78]. Then, some luxury crafts could be related to the area of the royal court, as in Pavia, such as silk weaving, revolving around the female monastic community of S. Pietro *in Cortina* (or *Bellerifonsi*) which, until the mid-ninth century, was a coordination centre for the tax assets granted to the papacy by Aripert II and Liutprand[79]. Then, the economic role played by the court seems to be suggested by the markets mentioned since 1060 at the Church of S. Maria *in Palatio* and S. Pietro, near which a weapons manufacturer lived too[80].

In the meantime, in the Arno Valley, along the way that connected Pisa to Florence, and on the San Genesio site (PI), where a *mansio* must have probably stood in Roman times, a stone tower was built in the seventh century, surrounded by specialist ironworks and bronze metalworks, as well as earth and wood houses: the centre, which still received coins from Rome and Ravenna, might have been connected with Lucca's having control over the area and the roads[81].

In Lucca, in the Carolingian period, the role of a centre of power was taken over by the *ducalis* court of *dux* Adalbert (mentioned as a *mansio* in 915 and as a *palatium* from 964)[82], a building with a *sala illa terrestile* (853), a *caminata* (873), a *solario* (941) and a *laubia longanea* that accommodated the chapel of S. Stefano[83]; the church of S. Benedetto was also first mentioned in 941, in the area where the church of Crocifisso dei Bianchi now stands. West of the palace was the *pratum Marchionis* (1087), with the church of S. Donato (760)[84] and the church of S. Maria *Ursimanni*, founded in 722. The wealth and luxury of Adalbert's court, patronised by many *milites elegantes*[85], was even mentioned by Emperor Louis III, who said: «Hic rex potius quam marchio poterat appellari; nullo quippe mihi inferior, nisi nomine solummodo est»[86]. A

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[78] Cantini *et al., Nuovi dati sull'area.*
[79] Tomei, *Il sale e la seta*, p. 23; Tomei, *Il potere del dono*, p. 214; Bianchi – Tomei, *Risorse e contesti*, p. 157.
[80] Tomei, *Il sale e la seta*, pp. 29-30.
[81] Cantini, *Forme, dimensioni*, pp. 511-512; Cantini, *Powers in Transition*, p. 74.
[82] Belli Barsali, *La topografia,* pp. 509-511; Schneider, *L'ordinamento*, pp. 228-229, note 45.
[83] Belli Barsali, *La topografia,* pp. 509-510 and 539; Tomei, *Il potere del dono*, p. 210.
[84] Belli Barsali, *La topografia,* pp. 534.
[85] On the aristocracies in and around Lucca between the ninth and the tenth centuries, see Tomei, Milites elegantes.
[86] Liutprand, *Antapodosis*, II, 38-39; Tomei, *Il potere del dono*, p. 212.

test excavation carried out between via S. Paolino and piazzale Verdi in 2005 unearthed some pebble walls, sometimes rough-hewn, bonded with mortar in regular rows, assumed to have been part of a sixth-century public complex, probably built after the Byzantine reconquest of the city, and then used by the Carolingian marquis as his palace[87].

Contemporary with the ducal court of Lucca was that of San Genesio in *vico Wallari*, also part of Adalbert II's possessions, where the excavations unearthed the remains of a site where a pottery kiln, some oil presses, mill-stones, winepresses and mills, probably originally located on the nearby river Elsa, were all gathered together next to the parish church. Significantly, the centre stands along the roads that connect the royal courts in and around Lucca with those of the Arno Valley[88] (Fig. 13).

As to Pisa, a first, indirect mention of the royal court during the Lombard age is an early eighth-century one to a royal official (*Maurezo canavarius domini Regis*)[89]. Later, just one *sala olim Aganoni comiti* (858) is documented in the Carolingian age as hosting a *placitum*, probably the place that had once (*olim*) acted as the court of law of Hagano, count of Lucca[90], and arguably located in the royal court. The latter is mentioned in 941, when a *placitum* was held by Marquis Hugh, in the presence of King Hugh and King Lothar, in «civitate Pisa, ad curte domnorum regum (...) subtus vites que topia voc[atur], infra eadem curte»[91]; another placitum must have been held in that court in 967 («Pisis in sala domni imperatoris, in porticho ipsius sale»)[92]. The mention of the city, unless it is merely a political-institutional connection, might point to its being located within the walls, arguably where the church of S. Pietro[93], which in 1027 was known as in Corte vecchia, used to stand [94]. Such an assumption is also supported by the fact that the church of S. Sisto (in Cortevecchia), founded in 1087, regained a sort of public *status* and became a genuine *Staatskirche*[95].

It is precisely in the area of Corte vecchia that we started an extensive excavation in 2020 (Fig. 14). So far, we have reached the Roman strata in some places only, but the information we collected, even from the waste, showed us an interesting sequence of settlements, affected by some of the phenomena that I have previously described in relation to the other public complexes. A building with an *opus scutulatum* floor, frescoed walls and probably black

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[87] Ciampoltrini, *La città di San Frediano*, pp. 54-55.
[88] Cantini, *La gestione della produzione*.
[89] Volpe, *Pisa e i longobardi*, pp. 387 and 392-393; Conti, *Il presunto ducato*, p. 170, note 55; Renzi Rizzo, *Pisa, Lucca*, pp. 41-42.
[90] Rossetti, *Società e istituzioni*, pp. 229-231, with note 50.
[91] Tolaini, Forma Pisarum, p. 53; Garzella, *Pisa com'era*, p. 86, note 145.
[92] Tolaini, Forma Pisarum, p. 53.
[93] Redi, *Due corti*, pp. 221-225.
[94] Garzella, *Pisa com'era*, p. 59 and note 3; Garzella, *Il tempio di S. Sisto*, pp. 189-191.
[95] Ronzani, *La 'chiesa del Comune'*, p. 507; Garzella, *Pisa com'era*, pp. 189 and 193-194; Cotza, *Storia, memoria*.

and white mosaics was erected in the Roman settlement in the late Republican age. So far, the remains of such a complex have only been dug out of a small area inside a medieval chest tomb and a core drill, so we expect the next excavation campaign will help us understand the layout, extent and timeline of the site more thoroughly. However, the finds that have been unearthed so far suggest that the area and the complex must have been inhabited all through Late Antiquity until the sixth century, a time that seems to mark a break, and the collapse of the covering of the building. In the seventh century, the latter began to be refurbished and was then constantly inhabited until the tenth century, as proven by the ceramic finds (soapstone, Samian ware, amphorae – Keay 25.1, Spatheion type 1, Keay 62Q, LRA1, 2 and a likely Bag Shaped A-, Forum ware and Red painted ware).

In addition, the building is flanked by the church of S. Pietro, maybe even as early as some time between the eighth and ninth centuries, which is the period to which the fragment of a frame decorated with pillared arches, which might have been part of the pergula of the church, as shown by a few parallels with the Lateran basilica, has been dated. What is left of the church of S. Pietro is part of the façade of the southern wall, which is made of large, square calcarenite ashlars, the size of which is sometimes compatible with the Roman foot, and which might have been, therefore, reused. Some glass paste mosaic tesserae with gold leaf, found in layers dating back to later times, might be Late Antique or connected with the early medieval complex, as well as a crucible with specks of gold: while awaiting the results of thermoluminescence dating, we can only argue that, if the crucible was a medieval piece, it might prove that luxury goods used to be produced in the area, while, if it dated to the eighth century, it might be associated with the mint, probably located in the royal court, that coined gold tremisses for Pisa in between Liutprand and Charlemagne[96].

In the case of Volterra, a re-reading of Cristofani's excavations of the acropolis showed that the area of the Hellenistic temples must have been constantly inhabited from Antiquity to the tenth century, as proven by a wealth of ceramic finds[97]. This suggests that, between the Byzantine and the Carolingian periods, when two gastalds are mentioned, i.e. Alchis in the late seventh century[98] and Ramingo in a document of 782[99], the acropolis may have been the city's nerve centre, located right behind the *cardo maximus*, acting as a sort of backbone, and over the area that had presumably been planned for the episcopal church as early as the fifth century[100], and that of the Roman forum (where the church of S. Michele was built)[101].

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[96] For an overview of the surveys and a description of the results of the 2020 excavation campaign see *S. Sisto Project 2020*.
[97] This paper is in press: for a preview see Cantini – Belcari – Fatighenti, *Un progetto di archeologia*.
[98] Augenti, *L'iscrizione di Alchis*, pp. 742-743 and note 12.
[99] Rossetti, *Società e istituzioni*, p. 241.
[100] About the bishops of Volterra see Ceccarelli Lemut, *Cronotassi dei vescovi*.
[101] Schneider, *Regestum Volaterranum*, p. 26, n. 73.

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We would then be dealing with a situation that has, after all, a parallel in Populonia. In relation to that city, Gelichi recently suggested an early medieval reoccupation of the acropolis that, in the second half of the ninth century, must have been associated with the takeover of the city by Hildebrand II, the ancestor of the Aldobrandeschi family, who had just taken over the comital title (857?)[102].

7. *Conclusions*

Gothic and Carolingian seats of power were grafted onto imperial public buildings (or more generally on publicly-owned spaces), mainly urban ones, with additions and restorations, and adopted architectural models deeply influenced by Late Antique palaces and *praetoria*.

Then, two phenomena happened, which led to the break-up of this sort of resilience between the sixth and seventh centuries. The first one was a hiatus: the abandonment of the *curiae*, which did not survive the Gothic era, as shown by the Roman *curia* itself, converted into the church of S. Adriano in the seventh century (630)[103], or, to a lesser extent, that of Florence, of which we only know through some allegedly Late Antique restoration[104]. The second phenomenon is a simplification: the transition, in the first half of the seventh century, from a tax collection system to one based on the collecting of rent from the land depleted the financial resources of the seats of power, most of which still revolved around monumental complexes from the imperial age, renovated in the Gothic period, shrinking their surface and layout, though using the same language as that of the Roman age. Most of them were still urban *palatia*, often standing on two floors, with loggias, *opus sectile* decorations, frescoes (Monza), mosaics (Theoderic's *palatium* in Ravenna), monumental epigraphy in gilded bronze (palace of Arechis II, 758-787, in Salerno), apsidal halls with arcades in front (defined as *laubie* since the ninth century), sometimes reduced to pergolas and often used to hold placita, chapels, towers, especially after the tenth century (Verona), grand staircases and thrones (Salerno). Subsequently, the geography of the rural seats of power was also affected by the importance gained through military control over the roads and menagement of the land and its resources. Whenever feasible, people invested in palaces again (Corteolona), in Late Antique-style villas (Faragola) or in centres that had been home to *mansiones*, erecting new stone buildings (mainly tower-shaped ones) (San Genesio) when no earlier walls were left standing.

Sometimes, the choice of the place on which to build a public complex was also affected by the ruler's personal preferences, to judge by what Einhard

[102] Gelichi, *Prima del monastero*, pp. 362-367.
[103] Meneghini – Santangeli Valenzani, *I Fori Imperiali*, p. 121.
[104] Cantini, *Forme e strutture*, p. 329.

said when he reported that one of the reasons Charlemagne chose Aachen was its hot springs, into which he loved to plunge and to invite «non solum filios (...), verum optimates et amicos, aliquando etiam satellitum et custodum corporis turbam (...)»[105].

What looks like a new development, however, perhaps as early as the Lombard period, certainly in Carolingian times, is the concentration of first-class manufacturing centres and markets near the seats of power, thriving remarkably well around the *palatia*, which became the only places where specialist craftsmen could still find customers, merchants could meet wealthy buyers, and rulers came across trades on which they could levy profitable levies.

[105] *Vita Karoli*, 22.
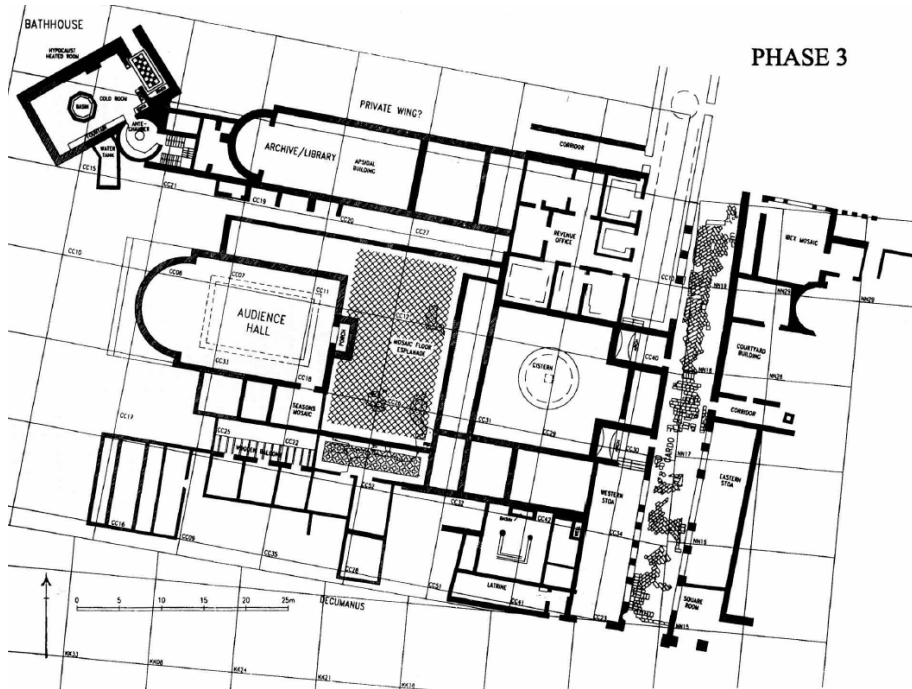
Fig. 1. *Praetorium* of *Cesarea Maritima* (from Lavan, *The praetoria*, fig. 4, p. 44).
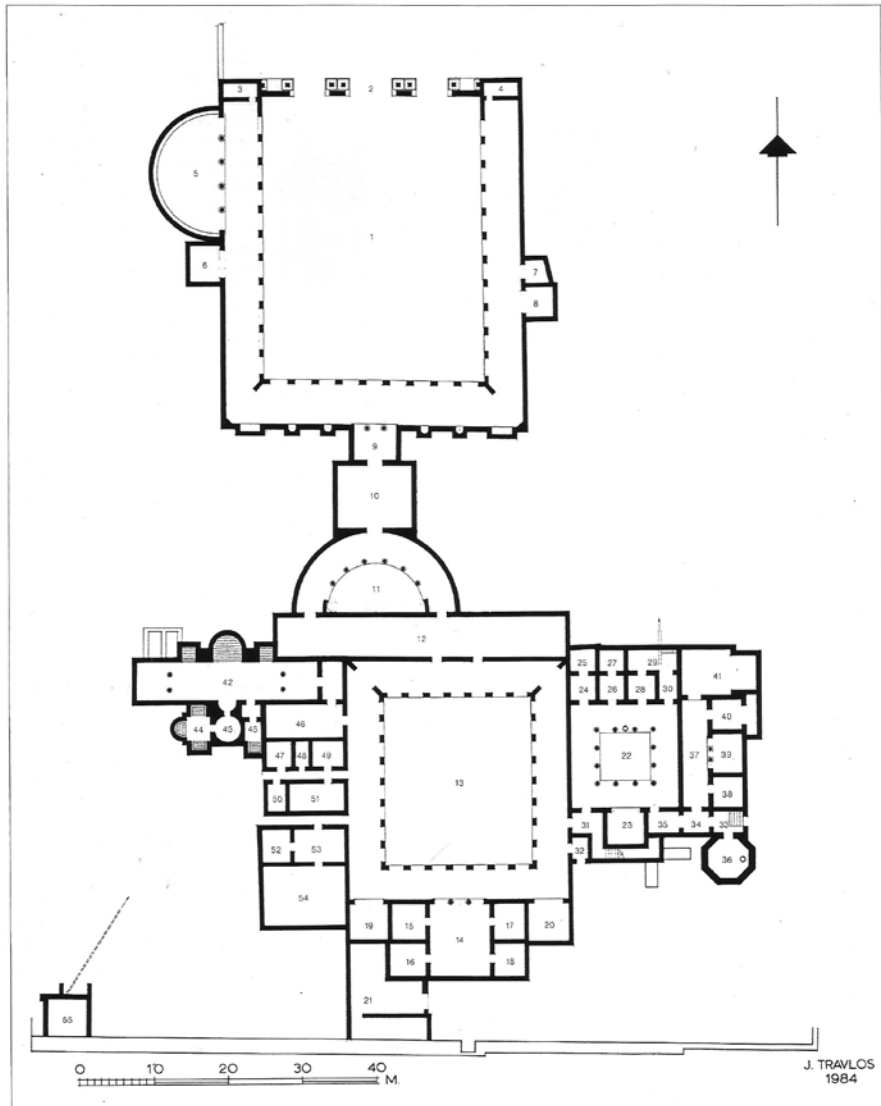
2. - Atene, Agorà, Palazzo dei Giganti, planimetria (da Thompson 1988).

Fig. 2. Athens, palace of the Giants (from Baldini, *Il Palazzo dei Giganti*, fig. 2, p. 95).
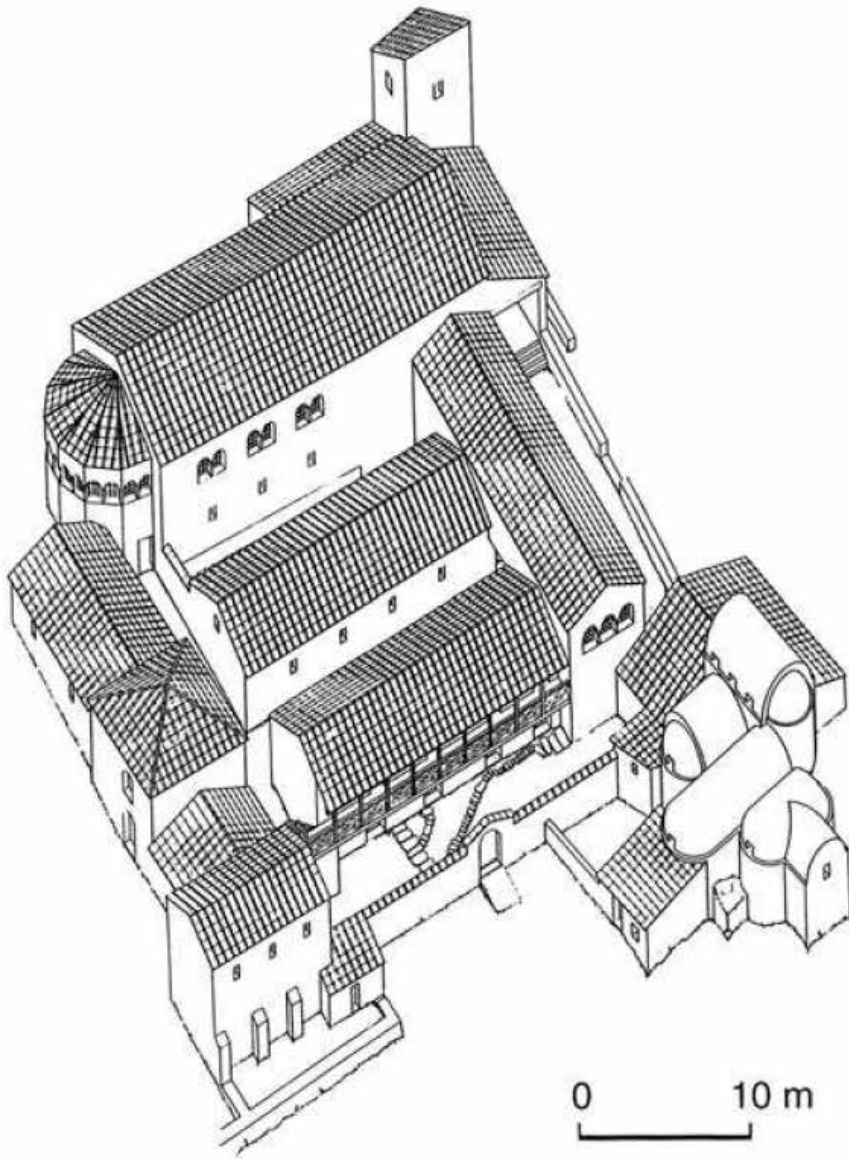
Fig. 3. S. Giovanni of Ruoti (from Sfameni, *Le* villae-praetoria, p. 610, fig. 2).
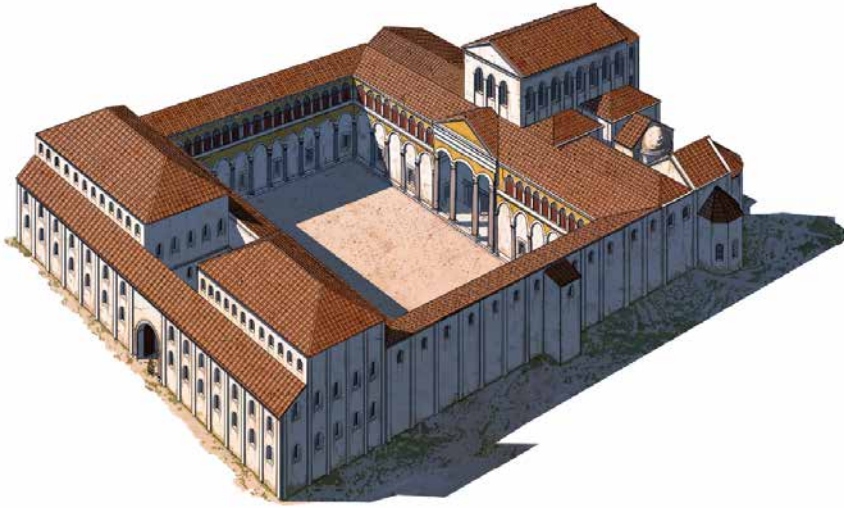
Fig. 4. Reconstruction of the imperial palace of Ravenna (from Cirelli, *Palazzi e luoghi del potere*, fig. 3, p. 284. Reconstruction by G. Albertini).
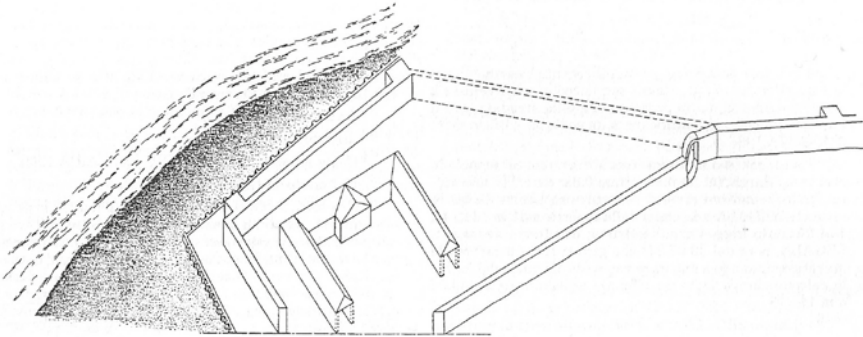
Fig. 5. Reconstruction of the palace of the *curia ducis* of Brescia (from Brogiolo, *Brescia altomedievale*, p. 61, fig. 44).
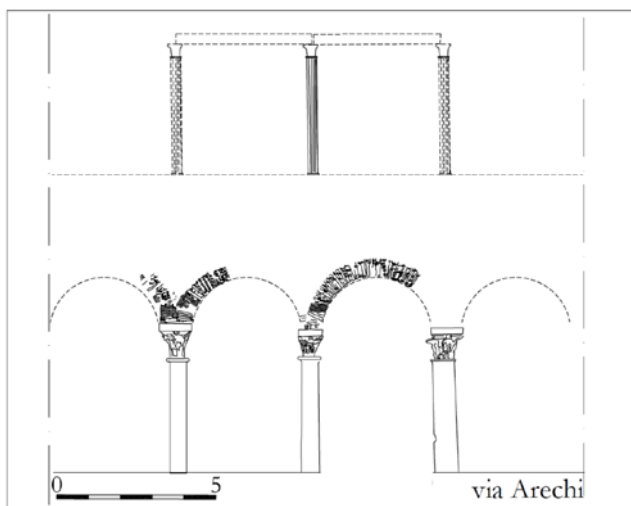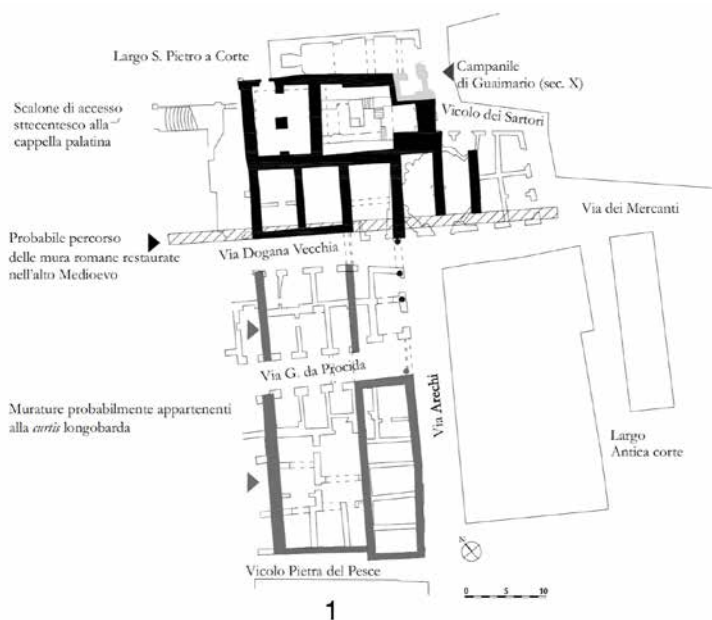
Fig. 6. 1. Plan with structures (in black and grey) of the Arechis II's *curtis*; 2. reconstructive elevation of the Arechis palace (from Peduto, *Consuetudine ed evoluzione*, tav. 2).
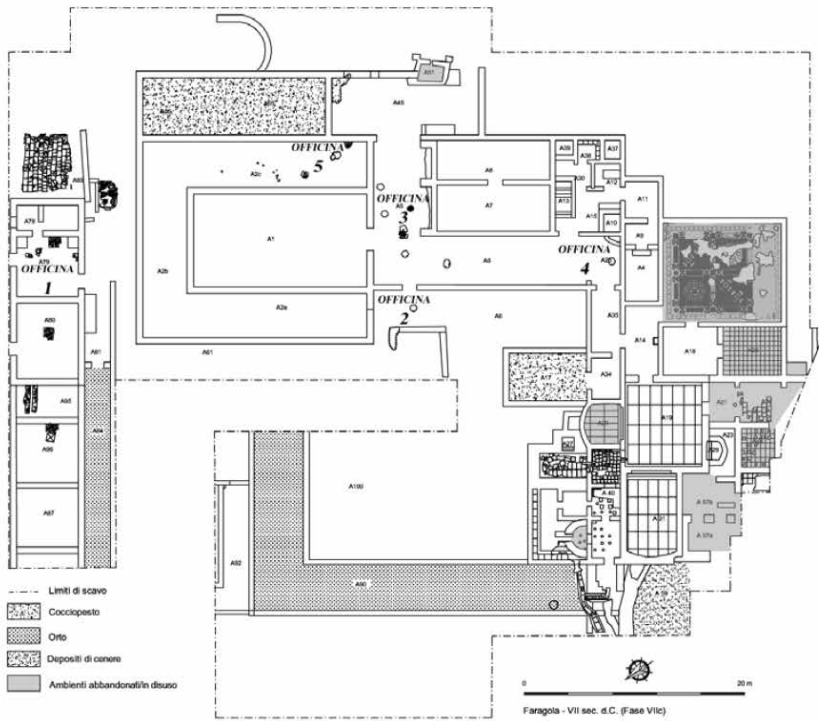
Fig. 7. Faragola in the 7ᵗʰ century (from Turchiano, Volpe, *Faragola e le proprietà*, p. 272, fig. 5).

Fig. 8. Reconstruction of the palace of Aachen, c. 830 (from Wamers, *Carolingian Pfalzen*, p. 151, fig. 2).
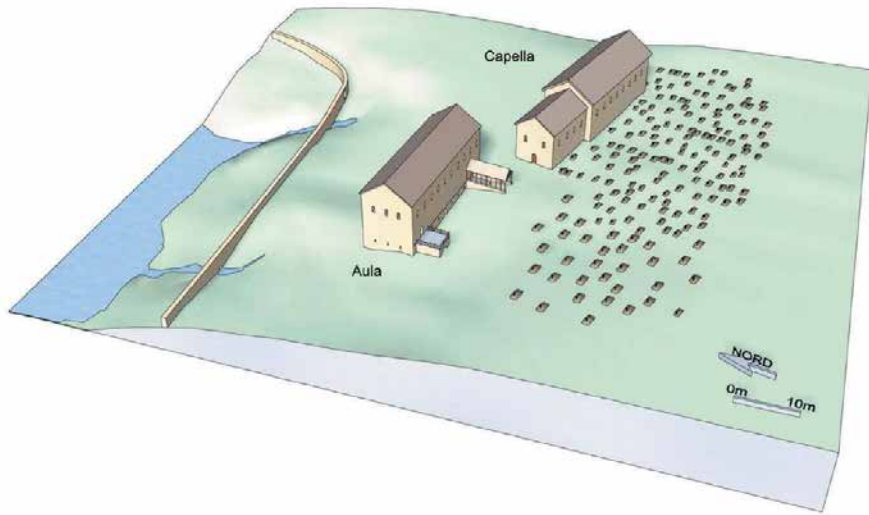
Fig. 9. Reconstruction of the palace of Paderborn, 775-776 (from Wamers, *Carolingian Pfalzen*, p. 157, fig. 10).

Fig. 10. Reconstruction of the palace of Ingelheim, c. 800 (from Wamers, *Carolingian Pfalzen*, p. 157, fig. 9).

Fig. 11. Reconstruction of the palace of Cercadilla (from Hildago Prieto, *Cercadilla*, p. 510, fig. 4).
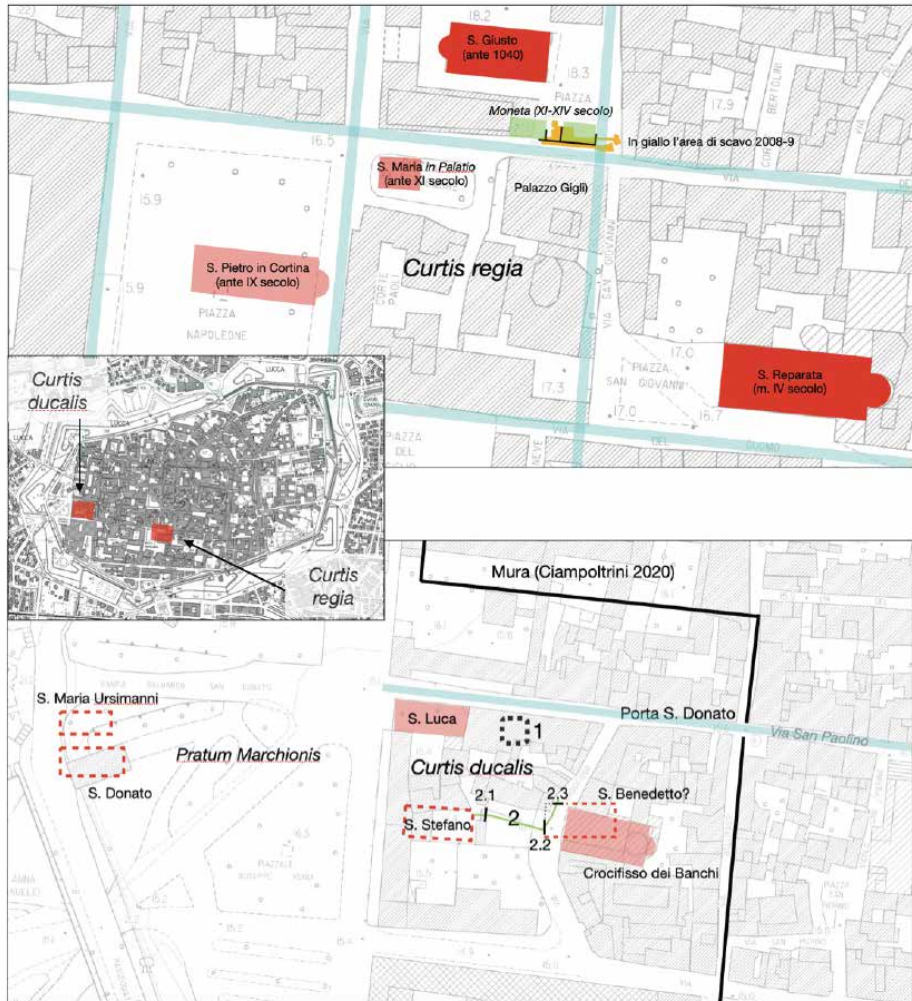
Fig. 12. The areas of the *curtis regia* and *curtis ducalis* of Lucca (from Cantini *et alii, Nuovi dati sull'area*, p. 407, fig. 1).
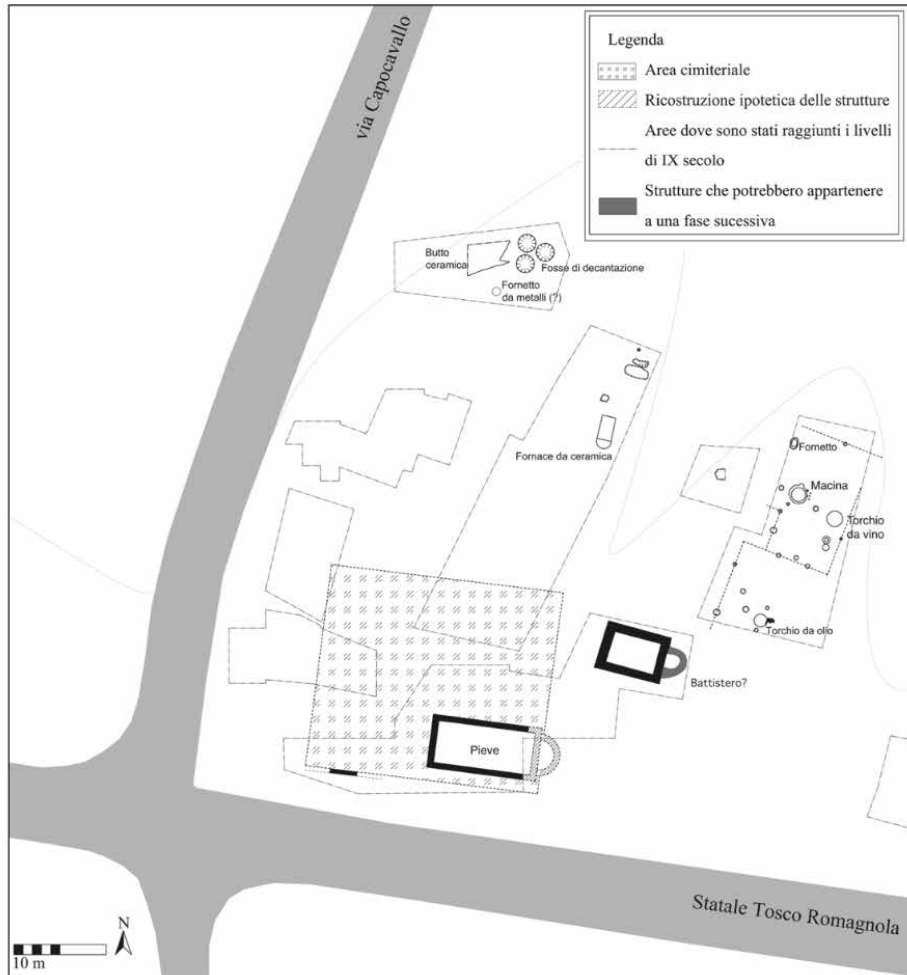
Fig. 13. The *curtis* of S. Genesio (from Cantini, *La gestione della produzione*, p. 277, fig. 2).
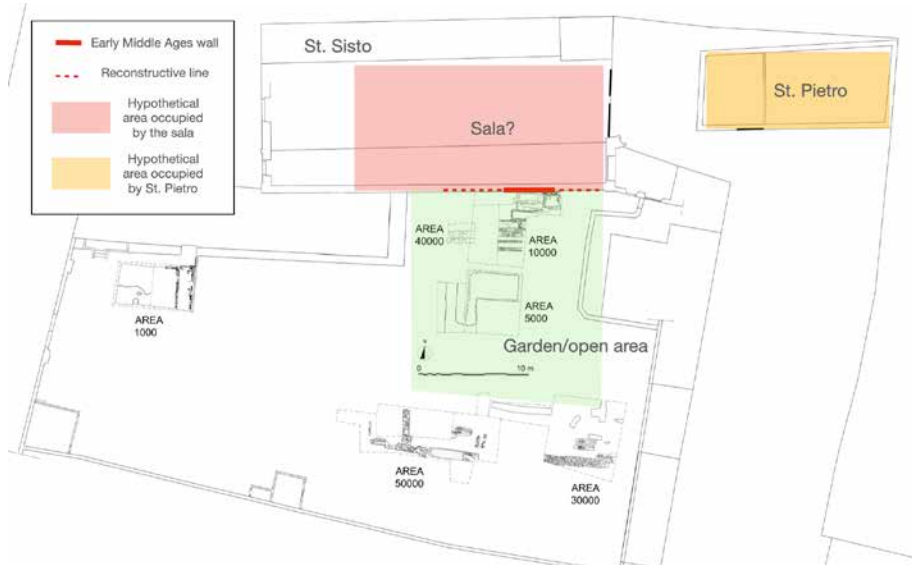
Fig. 14. Hypothetical reconstruction of the *curtis regia* of Pisa, based on the results of the archaeological excavation 2020-21.

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Federico Cantini
Università di Pisa
federico.cantini@unipi.it

Conclusions

by Stefano Gasparri

The research on the influence of the memory of the Goths and Theoderic on Carolingian rule, particularly in Italy, is just beginning. The first promising results, presented in the volume, on the knowledge of the *Variae* and Theoderic's Edict in the Carolingian and post-Carolingian period are highlighted, as well as the possible developments of comparative research on the *origines gentium* or on the various histories that circulated in the writings of the authors of the Carolingian period. Finally, bearing in mind the role of cultural mediator played by Paul the Deacon, the importance of the Lombard phase in the transmission of the memory of Ostrogothic rule to the Carolingians emerged, through a parallel between the actions of Aistulf and Charlemagne.

Early Middle Ages; Carolingian Italy; Cassiodorus' *Variae*; Late Roman Laws; Ostrogothic Memory; Lombard Heritage.

Stefano Gasparri, University of Venice Ca' Foscari, Italy, gasparri@unive.it, 0000-0002-1374-504X

Abbreviations:
MGH, Epp. 4 = *Epistolae Karolini aevi* (II), ed. E. Duemmler, Berlin 1895 (Epistolae [in Quart], 4).
MGH, Poetae 2 = *Poetae Latini aevi Carolini* (II), ed. E. Duemmler, Berlin 1884 (MGH, *Poetae Latini medii aevi*, 2).
MGH, SS rer. Germ. 49 = Paul the Deacon, *Historia Romana*, ed. H. Droysen, Berlin 1879 (MGH, Scriptores rerum Germanicarum in usum scholarum separatism editi, 49).
MGH, SS rer. Lang. 1 = *Scriptores rerum Langobardicarum et Italicarum saec. VI-IX*, ed. G. Waitz, Hannover 1878 (Scriptores rerum Langobardicarum et Italicarum, 1).
MGH, SS rer. Merov. 2 = *Fredegarii et aliorum Chronica. Vitae sanctorum*, ed. B. Krusch, Hannover 1888 (Scriptores rerum Merovingicarum, 2).

The idea behind this book is to try to understand whether and to what extent the Ostrogothic experience could have been taken up in the Carolingian period as an exemplary moment on which to compare the present; furthermore, another attempt has been made to grasp elements of continuity and significant survivals between the sixth and ninth centuries (the contributions dedicated to material culture by Flavia Frauzel and Federico Cantini belong to this perspective). In these brief conclusions, I will only be able to focus on a few of the many problems related to the use of the Ostrogothic past in the Carolingian age[1].

Actually, establishing a link between the model of sovereignty offered by the Ostrogothic age – the model of Theoderic – and the Carolingian model, with particular reference to the age of Lothar, is in fact not an easy operation. Did the experience of the Ostrogothic kingdom in the sixth century really exert an influence on the ways in which the Carolingians – and Lothar in particular, king of the *regnum Italiae* – governed Italy three centuries later[2]? Or, more generally, was the Carolingians' conception of kingship tributary to models traceable to the Ostrogothic experience?

Recently, in an extensive essay on the memory of the Ostrogoths in Carolingian historiography, Mathias Tischler stated that «the Carolingian memory of Ostrogothic culture (...) was an important driving force for the establishment of a new Romanized empire, based on arts, historiography, biography, and philosophy»[3]. Perhaps Tischler has gone too far in his conclusions, influenced also, probably, by an old but authoritative essay by Heinz Löwe, to which I will return later[4]. It is true, in fact, that the figure of Theoderic is well known in Carolingian culture, as Tischler's extensive analysis of the historiography (and manuscripts) of that period demonstrates, but it still remains largely to be demonstrated that all this represented, as he writes, a driving force in Carolingian imperial construction: which is, after all, precisely the primary objective of the research behind this book.

Actually, evidence of such an awareness is scarce and, indeed, the sources seem to go rather in another direction. As Tischler himself recalls, for ex-

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[1] The apparatus of notes is very limited and references to sources and bibliography already cited by the authors of the essays are not normally be made.
[2] On Lothar's government in *regnum Italiae*, see Jarnut, *Ludwig der Fromme*.
[3] Tischler, *Remembering the Ostrogoths*, p. 100.
[4] Löwe, *Von Teoderich dem Großen zum Karl dem Großen*.

ample, the great success of the memory of Boethius with the writers of the Carolingian age – whether or not they had read the entire text of the *Consolatio Philosophiae* – is one of the elements that led to a negative reading on their part of the figure of the Ostrogothic king, tyrant, heretic and persecutor, a reading that dragged with it the equally negative judgement on the entire Ostrogothic age. Thus, what Fiorella Simoni has called the ecclesiastical *damnatio memoriae* of Theoderic and the Ostrogoths, conveyed since the end of the sixth century by sources of Italian origin, such as the *Liber pontificalis* and the *Dialogi* of Gregory the Great, as well as, in Gaul, by Gregory of Tours in the *Liber in Gloria martyrum*, became increasingly prevalent[5]. It is the shadow of Boethius that obscures the entire Ostrogothic monarchy, distorting its historical image. In such a picture, there was no place for what Fabrizio Oppedisano in his introduction has called the «Cassiodorean perspective», i.e. the positive image of the Ostrogothic experience that can be derived from a reading of the *Variae*, that of a peaceful and civilised monarchy, the prosecutor and guardian of Roman society.

Even beyond the Alps, therefore, the image of Theoderic – who absorbed the entire memory of the Ostrogothic monarchy – was viewed by intellectuals predominantly in a negative light. Walahfrid Strabo's poem *De imagine Tetrici* from 829 is the most obvious example of this, with its comparison between Theoderic, a dark and vicious Arian tyrant, and Louis the Pious, a philosopher and Catholic ruler[6]. However, unlike Italy, there were also interesting attempts in the Frankish world, such as that made by Frechulf of Lisieux, to build a link between the origins of the Goths and the Franks, both of whom were considered heirs of the Trojans as opposed to the Romans. In fact, a ground for comparison may be that, addressed by Robert Kasperski in his essay, represented by the texts of identity, in which the intellectuals of the post-Roman kingdoms put in writing the histories through which they tried to construct the ethnic identities of the various *gentes*: in this case Goths, Lombards and Franks. Before Frechulf, in the mid-seventh century, a Frankish author such as the so-called Fredegar had spoken of Theoderic's long rule in Italy, which had passed *cum summa felicitate*: the treasury was rich, the cities and palaces in Ravenna, Verona and Pavia had been restored: «tantae prosperitatis post regnum tenuit, pacem cum gentibus vicinas habens, ut mirum fuisset»[7].

Despite these examples, the interpretative framework of the Carolingian writers remained fundamentally negative (Fredegar himself recalls the fabulous end of Theoderic swallowed by Etna). For understanding whether it exhausted the full spectrum of the Carolingians' cultural reception of the Os-

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[5] Simoni, *La memoria del regno ostrogoto*, and Tischler, *Remembering the Ostrogoths*, p. 74.
[6] Walahfrid Strabo, *De imagine Tetrici*.
[7] *Chronica Fredegarii*, II, 57 (quot. p. 82: « at peace with his neighbours, it was admirable how he then held the kingdom with such great prosperity»).

trogothic age, it is essential to investigate whether there were different channels through which the interpretation, conveyed by the text of the *Variae*, which presented Theoderic as a civil ruler, protector of the literati, restorer of ancient buildings and builder of new ones, impartial arbiter of religious conflicts, could have reached that world. In concrete terms, the question is whether the *Variae* were known at that time, and used especially in legal and administrative texts, well before what is currently known, i.e. from the end of the eleventh century onwards. Some results have already been achieved: Dario Internullo has tried to establish the earliest manuscript tradition of the *Variae*, finding traces of them older than what was known in the notarial documents of Rome and the Latium at the turn of the year 1000; for his part, Marco Cristini has presented the first results of an investigation aimed at finding traces of the *Variae* in different literary texts: Charlemagne's letters to Byzantium, the works of Paschasius Radbertus, the Donation of Constantin. The results achieved are perhaps still minimal, but encouraging, also in light of the fact that we know that a manuscript of the *Variae* in the Carolingian age existed in the monastery of Lorsch: unfortunately, it has been lost, but it confirms the idea of a knowledge of the *Variae* in that period.

Given the administrative and legal nature of Cassiodorus' work, it would seem possible also to find some passages that can be traced back to the *Variae* in the capitularies or in the arenga of the king's diplomas, sources which one cannot disregard if one wants to analyse, at the same time, the theory and practice of Carolingian power[8]. Moreover, it is well known that in the capitularies the influence of late Roman legislation is very strong[9]. Thus, a text as clearly Roman in nature as the *Variae* could well have found a place, albeit limited, in the capitularies or in the diplomas of the Carolingians, especially in reference to the *regnum Italiae* of the age of Lothar.

Stefan Esders' essay indirectly supports the hypothesis of a Carolingian use of administrative texts from the Ostrogothic age, and at the same time opens up other scenarios. Esders demonstrates that two abbreviated versions of Roman law circulated in the Carolingian age and in particular in the Italian kingdom in the age of Lothar: the *Epitome Aegidii*, a compilation based on the Breviary of the Visigothic King Alaric II (i.e. the *Lex romana Visigothorum*), and the *Epitome Iuliani*, an abbreviated version of Justinian's *Novellae*. In this context of the persistence of late Roman legal texts, it is striking to note, as reported by Esders, that a famous miscellaneous codex from Verona from the ninth century, now in Leipzig, contains *excerpta* of the *Edictum Theoderici*. Verona was one of the main Carolingian cultural centres in Italy, where the memory of the Ostrogothic king was most vivid, as is also proven by the copy, made in this city at the beginning of the ninth century, of a text such as

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[8] For status quaestionis on the capitularies: Kaschke – Mischke, *Capitularies in the Carolingian Period*; on the diplomas: Screen, *Lothar I. in Italy*.
[9] Nelson, *Translated Images of Authority*, pp. 89-98.

the *Anonymus Valesianus*, a late Roman historical compilation which also presents (except in its concluding part) a largely positive image of Theoderic's legitimate rule in Italy[10]. Other chapters of the Edict are also found in some Italian manuscripts from the ninth century. These citations of Theoderic's Edict partially fill a void, that of the transmission of a text that is now attributed with relative certainty to the Ostrogothic king, and whose absence in the early medieval tradition had even cast doubt on its authenticity, since as it is known, no ancient manuscript of the whole text of the Edict exists.

According to Sean Lafferty, one of the authors who has most recently dealt with the issue, the Edict would reveal to us the real world of Ostrogothic Italy, which can barely be glimpsed behind the «smokescreen» of Roman *civilitas* offered by Cassiodorus[11]. This judgement, even if not fully shared, nevertheless speaks to us of an important text, and its presence in some ninth-century manuscripts in northern Italy allows us to guess that a copy of Theoderic's Edict circulated in the heart of Carolingian Italy and, in particular, in Verona. The Edict could represent another of the strands linking the Ostrogothic and Carolingian monarchy; however, as Esders writes, the possibility must be considered that it was seen as a mere compendium of late Roman laws. In this case, there would have been no full awareness on the part of its users of the nature and origin of this text.

Administrative and legal practice represents one of the fields that can escape ecclesiastical *damnatio memoriae* and provide us with evidence of a persistence of the Ostrogothic legacy in the Carolingian practice of government. Another field that can escape this conditioning is that of symbols of power. Carlo Ferrari's essay is enlightening: the two equestrian statues he deals with, both attributed to Theoderic and both from Ravenna, even though they certainly did not originally represent the Ostrogothic ruler, do in fact represent powerful symbols of sovereign authority. Ferrari focuses above all on the famous statue known as the *Regisole*, from Pavia, destroyed in the Napoleonic age, putting forward the convincing hypothesis that it was transported from Ravenna to Pavia by Aistulf, as part of an imperial-type programme implemented by that Lombard king in the aftermath of the capture of Ravenna in 751[12]. From the perspective of this book, an interesting parallel is thus created between Aistulf's action and that of Charles himself, who brought to Aachen, again from Ravenna, another statue of Theoderic, which he placed in his palace. Indeed, Charles' recognition of Theoderic's

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[10] In my opinion, Tischler, *Remembering the Ostrogoths*, pp. 81-82, exaggerates the value, albeit undoubted, of the text of the *Anonymus Valesianus* as a tool in the creation of a new political ideology and in the legitimation of the new Carolingian government in Italy in the age of Charlemagne and Pippin. On the *Anonymus Valesianus*, Goltz, *Barbar – Konig – Tyrann*, pp. 476-526.

[11] Lafferty, *Law and Society in the Age of Theoderic the Great*.

[12] Gasparri, *Il potere del re*, pp. 122-123, and Harrison, *Political Rethoric and Political Ideology*.

value as the legitimate ruler of a large part of the Roman West, and therefore as a precedent of his own government, is reinforced by the parallel between Aachen and the capital of the Lombard kingdom, which he conquered in 774. In both places, the image of Theoderic stood as the image of sovereignty: heir of Rome but also, and this is important, heir of the Lombard monarchy, which had its capital in Pavia. In this way, Tischler's idea that Charlemagne's reception of the legacy of Theoderic and the Ostrogoths was functional to solving the problem of the integration of post-Lombard Italy within the empire also gains strength. It is no coincidence that the statue arrived in Aachen in April 801, on Charles' return from the expedition to Italy in which he received the imperial title and then reorganised the kingdom a quarter of a century after the military conquest[13].

Many years ago, in an essay Heinz Löwe wrote that Charles had several equestrian statues at his disposal, and therefore the fact that he chose one depicting – so it was believed – Theoderic, would show how important the figure of the Ostrogothic king was for the imperial idea of the Carolingians[14]. It is true, however, as Andreas Goltz has written more realistically than Löwe, that the Carolingian sources – again due to the oft-quoted ecclesiastical mediation – do not allow us to fully understand what influence the figure of Theoderic had on the construction of Charlemagne's imperial ideology[15]. But the Ostrogothic king certainly constituted an important model for the new emperor, to the point of pushing him to challenge even the hostility of part of the court, linked to the negative tradition of the heretical king: a hostility that only came out into the open after Charlemagne's death with the poem by Walahfrid Strabo, a man linked to Louis the Pious' court circles, who thus also gave voice to an opposition to the old court group linked to the figure of Charlemagne.

We do not know what the fate of the statue was, after this stance, once the hostility of men like Walahfrid came to dominate the court, an attitude which, we can assume, was shared at the highest imperial level. It should be stressed that this same group of courtiers and intellectuals had previously reacted by spreading a veil of silence over the entire operation, which is only known to us thanks to the account of Agnellus of Ravenna. This is a proof of the heavy ecclesiastical conditioning of the written sources at our disposal, which forces us to make the most – with all the risks involved – of every shred of information available. An indirect indication of the interest aroused by the figure of Theoderic might be given by the fact that, immediately after the coronation of Charles and his passage through Ravenna, from where he took away the statue of the Ostrogothic king, a prominent figure of the imperial circle such as Alcuin wrote to Angilbert, abbot of Saint-Riquier, to have a copy of Jordanes

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[13] Tischler, *Remembering the Ostrogoths*, pp. 65-66. For an overall assessment of Charlemagne's action in Italy in 801, Gasparri, *The Dawn of Carolingian Italy*.
[14] Cited above, note 4.
[15] Goltz, *Barbar – Konig – Tyrann*, pp. 600-604.

sent to him: clear evidence that the image of Theoderic had somehow been conjured up at the coronation, taking on, at the end, the material features of the king's statue[16].

The history of the two statues, reconstructed by Carlo Ferrari, highlights an important issue. If we want to investigate the possible link between the Ostrogothic and Carolingian monarchies, since we are in an Italic sphere, we cannot skip the intermediate link, represented by the Lombard monarchy. Aistulf, with his imperial programme, that of a sovereign over two peoples, the Lombards and the Romans, ruler of Rome, a city on which he imposed a tribute, may have been a precedent for Charles on a par with Theoderic, since both kings were linked to both Ravenna and Pavia.

In this context, an author like Paul the Deacon, who was close to Charlemagne for a long time, certainly played a decisive role. Paul had shown in the *Historia Langobardorum* how Ostrogothic and Lombard memories were closely intertwined in a place like Monza, where both the Ostrogothic king and the Lombard queen Theodelinda had built palaces, and he had also emphasised the fact that Alboin, once the long siege was over and he had finally entered Pavia, had settled «in the palace that King Theoderic had once built», where the people of the city flocked, in a sort of explicit recognition by the citizens of Pavia that this was the seat of legitimate sovereign power[17]. Finally, in the *Historia Romana* Paul had given ample space to both the builder king and the persecutor Arian king[18].

There are patterns of stories that are repeated without necessarily being linked together, as Danuta Shanzer shows us. She examines the story of Boethius and the obscure story of the usurpation of Silvanus narrated by Ammianus Marcellinus, and then – with a leap forward in time – another conspiracy, that of Bernard in 817-818, where, in the sources, a comparison emerges, explained by the growing popularity of Boethius, between the latter's fate and that of the Bishop Theodulf of Orléans, condemned to exile from the court for unclear reasons[19]. However, in the case of Paul the Deacon, who had proposed to his Carolingian readers – in the *Historia Romana* and the *Historia Langobardorum* respectively – the story of Amalasuintha and Athalaric (taking it from Jordanes) on the one hand and that of Theodelinda and

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[16] Tischler, *Remembering the Ostrogoths*, p. 82. In the same year 801, in a letter sent to Charlemagne shortly after the imperial election, Alcuin quoted Boethius' definition of the ideal state: «felicia esse regna, si philosophi, id est amatores sapientiae, regnarent, vel reges philosophiae studerent»: Alcuin, *Epistolae*, 229 (p. 373).

[17] Paul the Deacon, *Historia Langobardorum*, II, 27.

[18] Paul the Deacon, *Historia Romana*, XV, 11-XVI, 10.

[19] According to the traditional hypothesis, Theodulf was condemned because he was alleged to have conspired with Bernard, but Shanzer puts forward the interesting hypothesis that he was condemned for the opposite reason, namely for being among those who induced Louis to impose the severe punishment of blinding on his nephew, which led to his death and then drove the emperor himself to the great penance of Attigny in 822.

Adaloald on the other, things may have been somewhat different, a direct link may have existed. In both cases, they were in fact two mother-son couples, one Ostrogothic and the other Lombard, both of whom failed in their experiment in government and were destined to disperse their inheritance[20].

Paul the Deacon, when he made himself the medium of Ostrogothic history themes in the Carolingian milieu, clearly presented them within a fabric of narratives in which the Lombards were present. However, is difficult to sustain beyond a certain limit that the Lombard monarchy in turn wanted to insert itself into the Ostrogothic tradition. The only clue in this sense was the choice of Pavia as capital, whose nature as Theoderic's seat Paul himself underscores, as we have seen. However, that Liutprand saw in Theoderic a forerunner is an assertion by Barnish, taken up by Tischler, without any basis in the sources; and Desiderius's alleged claim of descent from Theoderic is only the worthless assertion contained in a twelfth century German chronicle[21]. The importance of the Lombard phase does not lie in these vague hypotheses, without corroboration in the sources, but in the fact that the Carolingians built their power in Italy – whose conquest constituted the indispensable platform for Charlemagne's imperial project – on the Lombard monarchy. The fact that this continuity is not explicitly claimed lies solely in the classic *damnatio memoriae* of the Lombard period practised by Carolingian (and papal) sources, which is in addition to the similar one suffered by the figure of Theoderic. From this point of view, the story of the two statues of Pavia and Aachen has served admirably to alert us to what existed beneath the surface of the dominant narrative, and how important the Lombard phase could be. At the same time, however, it was precisely the impossibility of explicitly linking to the Lombard inheritance that may have prompted Charlemagne (and his successors) to look for a legitimising element of their rule in Italy further back, to the Ostrogothic age. All this comforts us in our search for further elements of connection between the Ostrogothic legacy and the reality of Carolingian rule in Italy.

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[20] Paul the Deacon, *Historia Romana*, XVI, 11-12; *Historia Langobardorum*, IV, 41.
[21] Barnish, *Transformation and Survival in the Western Senatorial Aristocracy*, p. 152; Tischler, *Remembering the Ostrogoths*, p. 80.

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Stefano Gasparri
Università Ca' Foscari, Venezia
gasparri@unive.it

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BETWEEN OSTROGOTHIC AND CAROLINGIAN ITALY
Survivals, revivals, ruptures

The victory of Justinian, achieved after a lacerating war, put an end to the ambitious project conceived and implemented by Theoderic after his arrival in Italy: that of a new society in which peoples divided by centuries-old cultural barriers would live together in peace and justice, without renouncing their own traditions but respecting shared principles inspired by the values of *civilitas*. What did this great experiment leave to Europe and Italy in the centuries to come? What were the survivals and the ruptures, what were the revivals of that world in early medieval society? How did that past continue to be recounted and how did it interact with the present, especially in the decisive moment of the Frankish conquest of Italy? This book aims to confront these questions, and it does so by exploring different themes, concerning politics and ideology, culture and literary tradition, law, epigraphy and archaeology.

Fabrizio Oppedisano, is Professor of Roman History at the Scuola Normale Superiore. His work focuses on the history of the Western Roman Empire and Ostrogothic Italy. His research interests include politics, institutions and administration; the relationship between literature, ideology and power; the forms of political communication.